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21  
IMPERIAL STATUTES

AFFECTING

British North America

AND SOME OF THE

BRITISH POSSESSIONS.



OTTAWA:

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1869.

# IMPERIAL STATUTES

AFFECTING

## BRITISH NORTH AMERICA

AND SOME OF THE BRITISH POSSESSIONS.

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- 18Geo.III,  
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- 31Geo.III,  
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- 43Geo.III,  
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### ADMIRALTY.

An Act to provide for the Prosecution and Trial in Her Majesty's 12 & 13 Colonies of offences committed within the Jurisdiction of the Ad- Vic., Cap. miralty.—(1st August, 1849.) 96.

Whereas by an Act passed in the eleventh year of the reign of King William the Third, intituled: "An Act for the more effectual suppression of Piracy," it is enacted that all Piracies, Felonies, and Robberies committed on the sea, or in any haven, river, creek or place where the Admiral or Admirals have power, authority, or jurisdiction, may be examined, enquired of, tried, heard, and determined, and adjudged in any place at sea, or upon the land in any of His Majesty's islands, plantations, colonies, dominions, forts or factories, to be appointed for that purpose by the King's Commission, in the manner therein directed, and according to the civil law and the method and rules of the Admiralty; and whereas by an Act passed in the forty-sixth year of the reign of King George the Third, intituled: "An Act for the speedy Trial of Offences committed in distant parts upon the Sea," it is enacted, that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other offences of what nature or kind soever committed upon the sea, or in any haven, river, creek, or place where the Admiral or Admirals have power, authority, or jurisdiction, may be enquired of, tried, heard, determined, and adjudged, according to the common course of the Laws of this Realm, used for Offenses committed upon the Land within this Realm and not otherwise, in any of His Majesty's islands, plantations, colonies, dominions, forts and factories, under and by virtue of the King's Commission or Commissions, under the Great Seal of Great Britain, to be directed to Commissioners in the manner and with the powers and authorities therein provided.

And whereas it is expedient to make further and better provisions for the Apprehension, Custody, and Trial, in Her Majesty's islands, plantations, colonies, dominions, forts and factories, of persons charged with the commission of such offences on the sea, or in any

such haven, river, creek, or place as aforesaid—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, that if any person within any colony shall be charged with the commission of any treason, piracy, felony, robbery, murder, conspiracy, or other offence of what nature or kind soever committed upon the sea, or in any such haven, river, creek or place, where the Admiral or Admirals have power, authority, or jurisdiction; or if any person charged with the commission of any such offence upon the sea, or in any such haven, river, creek or place, shall be brought for trial to any colony, then, and in every such case, all Magistrates, Justices of the Peace, Public Prosecutors, Juries, Judges, Courts, Public Officers, and other persons in such colony, shall have and exercise the same jurisdiction and authorities for inquiring of, trying, hearing, determining, and adjudging such offences; and they are hereby respectively authorized, empowered, and required to institute and carry on all such proceedings for the bringing of such person so charged as aforesaid to trial, and for and auxiliary to and consequent upon the trial of any such person for such offence wherewith he may be charged as aforesaid, as by the law of such colony would and ought to have been had and exercised or instituted and carried on by them respectively, if such offence had been committed and such person had been charged with having committed the same upon any waters situate within the limits of any such colony, and within the limits of the local jurisdiction of the Courts of Criminal Justice of such Colony.

II.—Provided always, and be it enacted, that if any person shall be convicted before any such Court of any such offence, such person so convicted shall be subject and liable to and shall suffer all such and the same pains, penalties and forfeitures as by any law or laws now in force, persons convicted of the same respectively would be subject and liable to in case such offence had been committed, and were inquired of, tried, heard, determined, and adjudged in England any law, statute, or usage, to the contrary notwithstanding.

III.—And be it enacted that where any person shall die in any colony of any stroke, poisoning or hurt, such person having been feloniously stricken, poisoned, or hurt upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority, or jurisdiction, or at any place out of such colony, every offence committed in respect of any such case, whether the same shall amount to the offence of murder, or of manslaughter, or of being an accessory before the fact to murder, or after the fact, to murder or manslaughter, may be dealt with, enquired of, tried, determined, and punished, in such colony, in the same manner, in all respects, as if such offence had been wholly committed in that colony, and that if any person in any colony shall be charged with any such offence as aforesaid, in respect of the death of any person who having been feloniously stricken, poisoned, or otherwise hurt



shall have died of such stroke, poisoning or hurt upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority, or jurisdiction, such offence shall be held for the purposes of this act to have been wholly committed upon the sea.

IV.—Not to affect jurisdiction of Supreme Court of New South Wales or Van Diemen's Land, 9 Geo. 4 cap. 83.

V.—And be it enacted that for the purposes of this act the word "colony" shall mean any island, plantation, colony, dominion, fort, or factory of her Majesty, except any island within the United Kingdom, and the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the islands adjacent thereto respectively, and except also all such parts and places as are under the government of the East India Company, and the word "Governor" shall mean the officer for the time being administering the government of any colony.

VI.—And be it enacted, this Act may be amended or repealed by any act to be passed during this present session of Parliament.

An Act to extend provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India. 23 & 24 Vic., Cap. 88.

An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty.—(Passed 17th May, 1861.) 24 and 25 Vic., Cap. 10.

"If any person, being a British subject, charged with having committed any crime, or offence, on board any British ship on the high seas, or in any foreign port or harbour, or if any person, not being a British subject, charged with having committed any crime or offence on board any British ship on the High Seas, is found within the jurisdiction of any Court of Justice in Her Majesty's Dominions, which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such Court shall have jurisdiction to hear and try the case, as if such crime or offence had been committed within such limits; provided that nothing contained in this section shall be construed to alter or interfere with the act of the 13th year of her present Majesty, chapter ninety-six." 18 & 19 Vic., Cap. 91, Sect. 21, of Merchant Seamen' Shipping Act.

## AS TO ALIENS.

An Act for the Naturalization of Aliens.—(22nd July, 1847.) 10 & 11 Vic., Cap. 83:

Sec. 1.—All Acts, Statutes, &c., of Colonial Legislatures, imparting privileges of naturalization (to be enjoyed, &c., within the respective limits of such colonies or possessions respectively) valid.

Sec. 2.—All Laws, &c., heretofore made imparting Privileges of Naturalization valid—but subject to confirmation or disallowance by Her Majesty.

Sec. 3.—Act of 7 and 8 Vic., Cap. 66 not to extend to Colonies or possessions abroad.

(Memo.—7 and 8 Vic., Cap. 66.—“An Act to amend the law relating to aliens.”—6th August, 1844.

Sec. 3.—Every person born of a British mother may hold real or personal estate.

Sec. 4.—Alien Friend may hold every species of personal property except chattels real.

Sec. 5.—Subjects of Friendly State may hold lands, &c., for the purpose of residence, &c., for 21 years.

Sec. 6.—Aliens to become naturalized upon obtaining certificate, taking prescribed oath, &c.

Sec. 7.—Aliens desirous of becoming naturalized, to present a memorial.

Sec. 8.—Memorial, to be considered by the Secretary of State for the Home Department, who may issue a certificate.

Sec. 9.—Certificate to be enrolled in Chancery.

Sec. 13.—Naturalized Persons resident for five years to enjoy rights as British subjects.

Sec. 16.—Women married to natural born subjects deemed naturalized.)

#### ACT RELATING TO ATTORNEYS.

20 and 21 Vic., Cap. 39. “An Act to regulate the admission of Attorneys and Solicitors of Colonial Courts in her Majesty’s Superior Courts of Law and Equity in England in certain cases.”—(17th August, 1857.)

Sec. 1.—This Act may, for all purposes, be cited as “The Colonial Attorney’s Relief Act.”

Sec. 2.—Act not to come into operation until directed by Order in Council.

Sec. 3.—All persons who, being subjects of the British Crown, have been, or shall hereafter be duly admitted and enrolled as Attorneys and Solicitors in the Superior Courts of Law and Equity in those of Her Majesty's Colonies or Dependencies, where the system of jurisprudence is founded on, or assimilated to the Common Law and Principles of Equity, as administered in England, and where full service, under articles of clerkship to an Attorney at Law, for the space of five years at the least, and an examination to test the qualification of candidates, are or may be required previous to such admission, save only in the case of persons previously admitted as Attorneys or Solicitors in the Superior Courts of Law or Equity in England, such Colonies or Dependencies to be from time to time specified in and by Order in Council, as hereinafter provided, shall, and may be admitted, and enrolled Attorneys in all or any of the Courts of Queen's Bench, Common Pleas and Exchequer, and other Courts in England, and Solicitors in the High Court of Chancery in England, subject as hereinafter provided.

Sec. 4.—No person shall be deemed qualified to be admitted as Attorney or Solicitor under provisions of this Act, unless he pass examination as to fitness as hereinafter provided, produce certificate from Presiding Judge of Superior Court of Common Law in Colony, &c., where he was admitted an Attorney, &c., stating amount of stamps paid on his articles of clerkship and admission, and shall further make affidavit in manner provided by order of judges, &c., that he is resident within jurisdiction of Superior Courts of Law and Equity in England, and that he has ceased to practise for twelvemonths at least in any Colonial Court of Law.

Sec. 5.—It shall be lawful for the Judges of Queen's Bench, Common Pleas, and Exchequer, or any three of them, when any person shall seek admission as Attorney only, under provisions of this Act, and the Master of the Rolls to enquire into the qualification of such person, and appoint such persons as examiners, as they may think proper, &c., and if found duly qualified, cause him to be admitted.

Sec. 6.—As to stamp duties, on admissions—same as those required for admission in England, together with such further stamp, as shall, with the amount of stamps paid on articles of clerkship and admission in the colony be equal in amount to the sum payable on articles of clerkship in England.

Sec. 7.—Her Majesty may, from time to time, by Order in Council, direct this Act to come into operation as to any one or more of Her Majesty's Colonies or Dependencies, and thereupon, but not otherwise, the provisions of this act shall apply to persons duly admitted as Attorneys and Solicitors in the Superior Courts of Law and Equity in such Colonies or Dependencies, but no such Order in Council shall be made in respect of any colony, except upon application made by the Governor or person exercising the functions of

Governor of such Colony or Dependency, and until it shall be shewn to the satisfaction of Her Majesty's Principal Secretary of State for the Colonies that the system of jurisprudence, as administered in such Colony or Dependency, and the qualification for admission as an Attorney or Solicitor in the Superior Courts of Law and Equity in such Colony or Dependency, answer to, and fulfil the conditions specified in Section 3, hereinbefore contained, and also that the Attornies or Solicitors of the Superior Courts of Law or Equity in England are admitted as Attorneys and Solicitors in the Superior Courts of Law and Equity of such Colony or Dependency, on production of their certificates of admission in the English Courts, without service or examination in the colony or dependency.

### BRITISH COLUMBIA.

21 and 22 " An Act to provide for the government of British Columbia.—  
Vic., Cap. 99. (Passed, 2nd August, 1858.)

### BRITISH NORTH AMERICA ACT 1867.

30 and 31 Title: " An Act for the Union of Canada, Nova Scotia, and New  
Vic., Cap. 3. Brunswick and the government thereof: and for purposes con-  
nected therewith.—(Passed 29th March, 1867.)

### BRITISH SHIPPING AND NAVIGATION.

12 and 13 An Act to amend the Laws in force for the encouragement of  
Vic., Cap. 29. British Shipping and Navigation.—(Passed 26th June 1849).

### COIN—OFFENCES AGAINST.

16 and 17 " An Act for the punishment of offences in the colonies in relation  
Vic., Cap. 48. to the coin."—(4th August 1853.)

Sec. 1.—2 and 3 Wm. IV.—As amended by 1 Vic. cap. 90, extended to the colonies.

Sec. 2.—Punishment for importing counterfeit coin into the colonies, liable to be transported for life, or for any term not exceeding seven years, or be imprisoned for any term not exceeding four years.

Sec. 3.—Not to apply in any Colony to any offence for punishment whereof local provision is already made.

Sec. 4.—Power to Local Legislature to vary provisions of this Act (may alter or repeal—all, or any)

## COLONIAL LAWS—DOUBTS AS TO VALIDITY OF.

“An act to remove doubts as to the validity of Colonial Laws.”— 28 and 29  
(29th June, 1865.) Vic., Cap.  
63.

## Sec. 1.—Definitions.

“Colony”—shall include all Her Majesty’s possessions wherein there shall exist a Legislature, &c.

“Legislature” and “Colonial Legislature” shall severally signify the authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for any colony.

“Representative Legislature” shall signify any Colonial Legislature, which shall comprise a Legislative body, of which one-half are elected by inhabitants of the country.

“Colonial Law” shall include laws made for any Colony, either by the Legislature or by Her Majesty in Council.

Act of Parliament to extend to Colony, when made applicable to such Colony by express words, or necessary intendment of any Act of Parliament.

“Governor”—Officer lawfully administrating the government—  
“Letters Patent”—shall mean Letters Patent under Great Seal of United Kingdom of Great Britain and Ireland.

Sec. 2.—Colonial Law void for repugnancy, when, in any respect repugnant to the provisions of an Act of Parliament extending to the colony to which law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force or effect of such Act, shall be read, subject to such act, order or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

Sec. 3.—Colonial Law not void for repugnancy to the Law of England, unless repugnant to the provisions of some such Act of Parliament, order or regulation, as aforesaid.

Sec. 4.—Colonial Law, not void for inconsistency with instructions, with reference to such law, or the subject thereof, which may

have been given to such Governor, by or on behalf of Her Majesty, &c.

Sec. 5.—Colonial Legislature may establish Courts of Law, and representative legislature may alter constitution—provided such laws, respecting constitution, passed in manner and form as required by any Act of Parliament—Letters Patent—Order in Council for the time being in force in the said Colony.

Sec. 6.—The certificate of the clerk, or other proper officer, of a Legislative Body in any Colony, to the effect that the document to which it is attached, is a true copy of any Colonial Law assented to by the Governor of such colony, or of any bill reserved for the signification of Her Majesty's pleasure, by the said Governor, shall be, *prima facie* evidence that the document so certified is a true copy of such law or bill, and as the case may be, that such law has been duly and properly passed and assented to, or that such bill has been duly and properly passed and presented to the Governor; and any proclamation purporting to be published by authority of the Governor in any newspaper in the Colony, to which such law or bill shall relate, and signifying Her Majesty's disallowance of any such Colonial Law, or Her Majesty's assent to any such reserved bill as aforesaid, shall be *prima facie* evidence of such disallowance or assent.

Sec. 7.—Certain enactments of Legislature of South Australia to be valid.

#### DEBTS IN COLONIES.

5 Geo. II, An Act for the more easy recovery of debts in His Majesty's  
Cap. 7. Plantations and Colonies in America.—(Passed in 1732.)

Whereas His Majesty's subjects trading to the British plantations in America lie under great difficulties for want of more easy methods of proving, recovering, and levying of debts due to them than are now used in some of the said plantations; and whereas it will tend very much to the retrieving of the credit formerly given by the trading subjects of Great Britain to the natives and inhabitants of the said plantations, and to the advancing of the trade of this kingdom thither, if such inconveniences were remedied; may it therefore please Your Majesty that it may be enacted, and be it enacted by the King'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, that from and after the twenty-ninth day of September, which shall be in the year of our Lord one thousand seven hundred and thirty-two, in any action or suit then depending, or thereafter to be brought in any Court of Law or Equity in any of the said plantations, for or relating to any debt or account wherein any person residing in Great Britain shall be a party, it shall and may be lawful to and for the plaintiff or defendant, and also to and for any

witness to be examined or made use of in such action or suit to verify or prove any matter or thing by affidavit or affidavits in writing upon oath, or in case the person making such affidavit be one of the people called Quakers, then upon his or her solemn affirmation made before any Mayor or other Chief Magistrate of the city, borough, or town corporate in Great Britain, where or near to which the person making such affidavit or affirmation shall reside, and certified, and transmitted under the Common Seal of such City, borough or town corporate, or the seal of the office of such Mayor or other Chief Magistrate, which oath and solemn affirmation every such Mayor and Chief Magistrate shall be, and is hereby authorized and empowered to administer—and every affidavit or affirmation so made, certified, and transmitted, shall, in all such actions and suits, be allowed to be of the same force and effect as if the person or persons making the same upon oath, or solemn affirmation, as aforesaid, had appeared, and sworn or affirmed the matters contained in such affidavit or affirmation, *viva voce*, in open Court, or upon a Commission issued for the examination of witnesses of any party in such action or suit respectively: provided that in every such affidavit and affirmation there shall be expressed the addition of the party making such affidavit or affirmation, and the particular place of his or her abode.

Sec. 2.—And be it further enacted by the authority aforesaid, that in all suits now depending, or hereafter, to be brought in any Court of Law or Equity, by or on behalf of His Majesty, his heirs and successors, in any of the said plantations, for or relating to any debt or account that His Majesty, his heirs, and successors, shall and may prove his and their debts, and accounts, and examine his or their witness or witnesses, by affidavit or affirmation, in like manner as any subject or subjects, is, or are empowered, or may do by this present Act.

Sec. 3.—Provided always, and it is hereby further enacted, that if any person making such affidavit upon oath, or solemn affirmation, as aforesaid, shall be guilty of falsely and wilfully swearing or affirming any matter or thing in such affidavit or affirmation, which, if the same had been sworn upon an examination in the usual form, would have amounted to wilful and corrupt perjury, every person so offending being thereof lawfully convicted, shall incur the same penalties and forfeitures, as by the Laws and Statutes of this realm, are provided against persons convicted of wilful and corrupt perjury

Sec. 4.—And be it further enacted by the authority aforesaid, that from and after the said twenty-ninth day of September, one thousand seven hundred and thirty-two, the houses, lands, negroes, and other hereditaments, and real estates, situate, or being within any of the said plantations belonging to any person indebted, shall be liable to, and chargeable with all just debts, duties, and demands of what nature or kind soever, owing by any such person to His Majesty, or any of his subjects, and shall and may be assets for the satisfaction thereof,

in like manner as real estates are by the law of England, liable to the satisfaction of debts due by bond or other specialty, and shall be subject to the like remedies, proceedings and process in any Court of Law and Equity, in any of the said plantations respectively, for seizing, extending, selling, or disposing of any such houses, lands, negroes, and other hereditaments and real estates, towards the satisfaction of such debts, duties, and demands, and in like manner, as personal estates in any of the said plantations respectively, are seized, extended, sold, or disposed of for the satisfaction of debts.

14Geo.III,  
Cap. 79. An Act for explaining an Act made in the twelfth year of the reign of Queen Anne, intituled : An Act to reduce the rate of interest, without any prejudice to Parliamentary Securities.—Relates to Ireland and West Indies only.

Memo.—Above Act explained by 1 and 2 Geo, IV, Cap. 51.—  
1 and 2 Geo. IV, Cap. 51, repealed by 3 Geo. IV, Cap. 47.

37Geo.III,  
Cap. 119. An Act to repeal so much of an Act made in the fifth year of the Reign of His late Majesty King George the Second, intituled : An Act for the more easy recovery of debts in His Majesty's Plantations and Colonies in America, as makes Negroes chattels for the payment of debts.—(19th July, 1797.)

5 and 6  
Wm. IV,  
Cap. 62. 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 various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.—  
(9th September, 1835.)

Sec. 15.—Be it enacted, that from and after the commencement of this Act, in any action or suit then depending, or thereafter to be brought, or intended to be brought in any Court of Law or Equity, within any of the territories, plantations, colonies, or dependencies abroad, being within and part of His Majesty's dominions, for or relating to any debt or account, &c. Declaration may be substituted for oaths and affidavits required by 5 Geo. II, Cap. 7, (see page 12) and 54 Geo. 3, Cap. 15.

(Memo.—54 Geo. III. Cap. 15, Sec. 1.—Provides that in any suit brought in any Court of Law or Equity in New South Wales, where one of the parties is in England, the plaintiff or defendant, or any witness to be examined and made use of in such action or suit, to verify or prove by affidavit, or if a Quaker, by solemn affirmation, such matter or thing before the Chief Magistrate or Mayor, of city, &c., in Great Britain, and certified and transmitted under the Common Seal of the city, or Official Seal of Chief Magistrate, any such affidavit or affirmation shall have the same force and effect as if the parties were examined *viva voce* in open Court; affidavit to give addition and place of abode of party making it.)



## EVIDENCE—UNSWORN TESTIMONY IN CERTAIN CASES.

An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass laws for the admission, in certain cases, of unsworn Testimony in Civil and Criminal Proceedings.—(31st May, 1843.) 6 and 7  
Vic., Cap.  
22.

Whereas there are resident within the limits of or in countries adjacent to divers of the British Colonies and plantations abroad, various tribes of barbarous and uncivilized people, who, being destitute of the knowledge of God, and of any religious belief, are incapable of giving evidence on oath in any Court of Justice within such colonies or plantations; and whereas doubts have arisen whether any laws which have been, or which might be made by the Legislatures of such Colonies respectively, to provide for the admissibility in such Courts of the evidence of such persons are not, or would not be repugnant to the Law of England, and therefore null and void; and it is expedient that such doubts should be removed; 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, that no law or ordinance made, or to be made, by the Legislature of any British Colony, for the admission of the evidence of any such persons as aforesaid, in any Court, or before any Magistrate within any such colony, shall be, or be deemed to have been, null and void, or invalid by reason of any repugnancy, or supposed repugnancy, of any such enactment to the Law of England; but that every Law or Ordinance made, or to be made, by any such Legislature as aforesaid, for the admission before any such Court or Magistrate, of the evidence of any such persons as aforesaid, on any conditions thereby imposed, shall have such and the same effect, and shall be subject to the confirmation or disallowance of Her Majesty, in such and the same manner, as any other law or ordinance enacted for any other purpose by any such Colonial Legislature.

Sec. 2.—And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

*Vide* "Addenda."

## FISHERIES CONVENTION AND RECIPROCITY TREATY WITH UNITED STATES.

"An Act to carry into effect a treaty between Her Majesty and the United States of America."—(19th Feb., 1855.) 18 and 19  
Vic., Cap.  
3.

## HABEAS CORPUS.

"Act respecting the issue of writs of Habeas Corpus out of England into Her Majesty's possessions abroad."—(16th May, 1862.) 25 and 26  
Vic., Cap.  
20.

Sec. 1.—Writ not to issue out of England into any Colony or

Foreign Dominion of the Crown, &c., having a court with authority to grant such writ.

Sec. 2.—Not to affect Right of Appeal to Her Majesty in Council now by law existing.

#### INTERCOLONIAL RAILWAY.

30 and 31  
Vic., Cap. 16. An Act for authorizing a guarantee of interest on a loan to be raised by Canada towards the construction of a railway connecting Quebec and Halifax.—(Passed 12th April, 1867.)

#### VALIDITY OF MARRIAGES.

28 and 29  
Vic., Cap. 64. An Act to remove doubts respecting the validity of certain marriages contracted in Her Majesty's possessions abroad.—(29th June, 1865.)

Sec. 1.—Colonial Laws establishing validity of marriages to have effect throughout Her Majesty's Dominions.

Sec. 2.—Not to give effect to marriages unless parties are competent to contract marriage.

#### MERCHANT SHIPPING AND MERCHANT SEAMEN.

7 and 8  
Vic., Cap. 112. An Act to amend and consolidate the Acts relating to Merchant Seamen; and for keeping a Register of Seamen.—(Passed 5th Sept. 1844.)

17 and 18  
Vic., Cap. 104. "An Act to amend and consolidate the Acts relating to Merchant Shipping."—(10th August, 1854.)

17 and 18  
Vic., Cap. 120. An Act to repeal certain Acts and parts of Acts relating to Merchant Shipping, and to continue certain Provisoes in the said Acts.—(11th August, 1854.)

18 and 19  
Vic., Cap. 91. (Colonial Lighthouses.)—An Act to facilitate the erection and maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.—(14th August, 1855.)

Whereas it is expedient to make provision for facilitating the erection and maintenance of Lighthouses in the British Possessions abroad and otherwise to amend the Merchant Shipping Act, 1854, be it therefore enacted, &c.

Sec. 1.—This Act may be cited as the Merchant Shipping Amendment Act, 1855, and shall be taken to be part of the Merchant Shipping Act, 1854, and shall be construed accordingly.

Sec. 2.—In any case in which any Lighthouse, buoy or beacon, has been, or is hereafter erected or placed on or near the coasts of any British possession, by or with the consent of the Legislative authority of such possession, Her Majesty may, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom—as Her

Majesty may deem reasonable, and may, in like manner, from time to time, increase, diminish, or repeal such dues, and from the time specified in such order for the commencement of the dues thereby fixed, increased, or diminished, the same shall be leviable throughout Her Majesty's Dominions in manner hereinafter mentioned.

Sec. 3.—No such dues as aforesaid shall be levied in any colony, unless and until the legislative authority in such colony, has either, by address to the Crown, or by an Act or ordinance duly passed—signified its opinion that the same ought to be levied in such colony.

Sec. 4.—Dues to be collected in British Possessions abroad by such person as the Governor may appoint for the purpose, and in manner as far as circumstances will permit as directed in Merchant Shipping Act, 1854, or as legislative authority in such possession may direct.

Sec. 5.—Dues to be paid over to Her Majesty's Paymaster General

Sec. 6.—Dues to be applied to expenses of Lighthouse, &c., for which they are levied.

Sec. 7.—Power to Board of Trade to borrow money on security of dues.

Sec. 8.—Accounts for each lighthouse, &c., in British Possessions abroad to be kept and laid before Imperial Parliament, and to be audited.

From section nine to fifteen inclusive, refer to "Registry of Ships."

From sixteen to eighteen, inclusive. "Masters and Seamen."

From nineteen to twenty, inclusive "Casualty and Salvage."

Sec. 21.—If any person being a British subject charged with having committed any crime or offence on board any British ship on the High Seas, or in any foreign port or harbour, or if any person not being a British subject charged with having committed any crime or offence on board any British ship on the High Seas, is found within the jurisdiction of any Court of Justice in Her Majesty's Dominions, which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such Court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits: provided that nothing contained in this section shall be construed to alter or interfere with the act of the thirteenth year of Her present Majesty, chapter ninety-six.

Legal procedure, jurisdiction, in case of offences on board ship &c.

Sections 22 and 23. "As to Lascars, and Contracts made with Natives in India."

Sec. 24.—Nothing herein contained shall be deemed to repeal or

affect any Provisions contained in the 25th, 26th, 27th, 28th, 29th, 30th, 31st and 34th sections of the Act of the fourth year of King George the Fourth, chapter eighty, or in the sixteenth section of the act of the eighteenth year of Her present Majesty, chapter one hundred and twenty.

Memo.—Acts above referred to.

4 *Geo. IV., Cap. 80.*—An Act to consolidate and amend the several Laws now in force with respect to trade from, and to, places within the limits of the Charter of the East India Company, and to make further provisions with respect to such trade, and to amend an Act of the present Session of Parliament for the registering of vessels, so far as it relates to vessels registered in India. (Passed 18 July, 1823.)

Refers wholly to India.

17 and 18 *Vic., Cap. 120.* Title. An Act to repeal certain acts, and parts of acts, relating to Merchant Shipping, and to continue certain provisions in the said Acts. (Passed 11th August, 1854.)

Sec. 16. If native of Asia, Africa, or of any of the Islands of the South Sea or Pacific Ocean, or of any other country, not having any Consul in the United Kingdom is brought to the United Kingdom in any ship, British or foreign, and is left there in distress, &c., master, owner or consignee to incur penalty, of not more than £30, unless it can be shewn he left without consent, &c.

25 and 26 *Vic., Cap. 63.* Title.—“An Act to amend the Merchant Shipping Act, 1854.”  
“The Merchant Shipping Act Amendment Act, 1855.” And the  
“Customs Consolidation Act, 1853.”—(Passed 29th July, 1862.)

### NAVAL DEFENCE OF THE COLONIES.

28 and 29 *Vic., Cap. 14.* “An Act to make better provision for the Naval defence of the Colonies.”—(7th April, 1865.)

Short Title.—The Colonial Naval Defence Act, 1865.

Sec. 3.—Empowers Legislatures of Colonies to provide vessels and raise men and commission officers, &c.

Sec. 4.—Volunteers to form part of Royal Naval Reserve.

Sec. 5. Power to Admiralty to issue special commissions.

Sec. 6.—Her Majesty may from time to time, as occasion requires, authorize Admiralty to accept any offer for the time being made by the Governor of a Colony, to place at Her Majesty's disposal, Colo-

nial vessels with men and officers, &c.—Vessels for time being, and men and officers, deemed of the Royal Navy.

Sec. 7. Authorized to accept services of volunteers and officers in Navy.

Sec. 10. Nothing in this Act to affect powers vested in Colonies.

### OFFENDERS ESCAPING FROM COLONIES.

An Act for the apprehension of certain offenders.—(28th July 1843.)

6 and 7  
Vic., Cap.  
34.

Whereas, it is expedient to make more effectual provision for the apprehension and trial of offenders against the laws, who may be in other parts of Her Majesty's dominions than those in which their offences were committed: Be it 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: That from and after the passing of this Act, if any person charged with having committed any offence such as is hereinafter mentioned, against the laws of any part of Her Majesty's Dominions not being part of the United Kingdom of Great Britain and Ireland, and against whom a warrant shall have been issued for such offence, by any person having lawful authority to issue the same within that part of Her Majesty's dominions where such offence shall have been committed, shall be in any place within the said United Kingdom, it shall be lawful, in Great Britain for one of Her Majesty's principal Secretaries of State, and in Ireland, for the Chief Secretary of the Lord Lieutenant of Ireland, to endorse his name on such warrant, which warrant so endorsed shall be a sufficient authority to the person or persons bringing such warrant, and to all persons to whom such warrant was originally directed, and also to all constables and other peace officers in that part of the United Kingdom where the said warrant shall be so endorsed, to execute the said warrant, by apprehending the person against whom such warrant is directed, and to convey the said person before a Justice of the Peace for the County or other Jurisdiction in which the supposed offender shall be apprehended, or in Scotland, either before such Justice of the Peace, or before the Sheriff's Deputy or Substitute.

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Sec. 2.—And to remedy the like failure of Justice, by the escape of persons charged with having committed offences into those parts of Her Majesty's Dominions which do not form part of the said United Kingdom, be it enacted, That from and after the passing of this Act, if any person charged with having committed any offence, such as is hereinafter mentioned, in any part of Her Majesty's Dominions whether or not within the said United Kingdom, and against whom a warrant shall be issued by any person or persons having lawful authority to issue the same, shall be in any other part of Her Majesty's Dominions not forming part of the said United Kingdom, it

For appre-  
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shall be lawful for the Chief Justice or any other Judge of Her Majesty's Superior Court of Law within that other part of Her Majesty's Dominions where such person shall be, to endorse his name on such warrant, which warrant so endorsed shall be a sufficient authority to the person or persons bringing such warrant, and also to all persons to whom such warrant was originally directed, and also to all peace officers of the place where the warrant shall be so endorsed, to execute the same within the jurisdiction of the person by whom it shall be so endorsed, by apprehending the person against whom such warrant is directed, and to convey him before a magistrate or other person having authority to examine and commit offenders for trial in that part of Her Majesty's Dominions.

Offender may be committed to gaol until he can be sent back to the place where the offence was committed. Information of Commitment to be given.

Sec. 3.—And be it enacted, That it shall be lawful for any person duly authorized to examine and commit offenders for trial, before whom any such supposed offender shall be brought as aforesaid, upon such evidence of criminality as would justify his committal if the offence had been committed in that part of Her Majesty's Dominions, to commit such supposed offender to prison, there to remain until he can be sent back, in manner hereinafter mentioned, to that part of Her Majesty's Dominions in which he is charged with having committed such offence: and immediately upon the committal of such person, information thereof in writing under the hand of the committing Magistrate accompanied by a copy of the said warrant, shall be given, in Great Britain, to one of Her Majesty's Principal Secretaries of State, and in Ireland, to the Chief Secretary of the Lord Lieutenant, and in any other part of Her Majesty's Dominions, to the Governor or Acting Governor.

Copies of depositions may be given as evidence.

Sec. 4.—Provided always, and be it enacted, that in every such case, copies of the depositions upon which the original warrant was granted certified under the hand of the person or persons issuing such warrant and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

Offenders apprehended to be sent to the place where the offence was committed.

Sec. 5.—And be it enacted that it shall be lawful, in Great Britain, for any one of Her Majesty's Principal Secretaries of State, and in Ireland for the Chief Secretary of the Lord Lieutenant, and in any other part of Her Majesty's Dominions for the Governor or Acting Governor, by warrant under his hand and seal, to order any person who shall have been so apprehended, and committed to gaol to be delivered into the custody of some person or persons, to be named in the said warrant, for the purpose of being conveyed into that part of Her Majesty's Dominions in which he is charged with having committed the offence, and being delivered into the custody of the proper authorities, there to be dealt with in due course of law, as if he had been there apprehended, and to order that the person so committed to gaol be so conveyed accordingly: and if the said person, after he shall have been so apprehended, shall escape out of any custody to which he shall have been committed as aforesaid, it

shall be lawful to retake such person in the same manner as any person accused of any crime against the laws of that part of Her Majesty's dominions may be retaken upon an escape.

Sec. 6.—And be it enacted, that where any person who shall have been committed to gaol under this act shall not be conveyed out of that part of Her Majesty's Dominions, in which he shall have been so committed to gaol within two calendar months after such committal, over and above the time actually required to convey the prisoner from the gaol to which he was committed by the readiest way out of that part of Her Majesty's Dominions, it shall be lawful for any of Her Majesty's Judges, in that part of Her Majesty's Dominions, in which such supposed offender shall be in custody upon application made to him or them, by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to one of Her Majesty's Principal Secretaries of State in Great Britain or in Ireland, to the Chief Secretary of the Lord Lieutenant of Ireland, or to the Governor, or Acting Governor, in any other part of Her Majesty's Dominions, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shewn to such judge or judges why such discharge ought not to be ordered.

If not sent within two months after committal may apply to be discharged.

Sec. 7.—And be it enacted, that in case any person apprehended under this Act shall not be indicted for the offence for which he shall have been so apprehended within the period of six calendar months after his arrival in that part of Her Majesty's Dominions, in which he is charged to have committed the offence, or, if upon his trial he shall be acquitted, it shall be lawful in Great Britain for one of Her Majesty's Principal Secretaries of State, and in Ireland, for the Chief Secretary of the Lord Lieutenant of Ireland, and for the Governor, or Acting Governor, in any other part of Her Majesty's Dominions, if he shall think fit, upon the request of the person so apprehended, to cause such person to be sent back, free of cost to such person, and with as little delay as possible, to that part of Her Majesty's Dominions, in which he shall have been so apprehended.

Persons apprehended if not indicted within six months or if not convicted may be sent back.

Sec. 8.—And be it enacted, that the Court before which any person apprehended under this Act shall be prosecuted or tried within the said United Kingdom may order, if it shall think fit, that the expenses of apprehending and removing the prisoner from any part of Her Majesty's Dominions, not within the said United Kingdom, shall be repaid to the person defraying the same by the Treasurer of the County, or other Jurisdiction in England or Ireland, or by the Sheriff's Deputy or substitute of the County in Scotland, in which the offence is charged to have been committed, the amount of such expenses being previously ascertained by an account thereof verified by production of proper vouchers before two Justices of the Peace of such County, or other Jurisdiction; which

Providing for expense of removal of offenders to the United Kingdom.

last mentioned Justices shall examine into the correctness of the said account, and shall allow the same or such part thereof as shall to them appear just and reasonable, under their hands and seals: and every Treasurer, or Sheriff, Deputy, or Substitute, who shall pay the amount so ascertained, shall be allowed such payment in his accounts respecting the business of such County or other Jurisdiction.

**Proof of the signature of the person issuing the original warrant.** Sec. 9.—Provided always, and be it enacted, that it shall not be lawful for any person to endorse his name on any such warrant for the purpose of authorizing the apprehension of any person under this Act, until it shall have been proved to him, upon oath or by affidavit, that the seal or signature upon the same is the seal or signature of the person having lawful authority to issue such warrant, whose seal or signature the same purports to be.

**Warrant not to be endorsed except in cases of Treason, Felony, &c.** Sec. 10.—Provided also, and be it enacted, that it shall not be lawful for any person to endorse his name upon any such warrant, for the purpose of authorizing the apprehension of any person under this Act, unless it shall appear upon the face of the said warrant that the offence which the person, for whose apprehension the said warrant has been issued, is charged to have committed, is such, that if committed within that part of Her Majesty's Dominions where the warrant is so endorsed, it would have amounted in law to a treason or some felony, such as the Justices of the Peace in General or Quarter Sessions assembled have not authority to try in England, under the Provisions of an Act passed in the sixth year of the reign of Her Majesty, intituled, an act to define the jurisdiction of Justices in General and Quarter Sessions of the Peace, or unless the depositions appear sufficient to warrant the committal of such person for trial.

**Act may be amended.** Sec. 11.—And be it enacted, that this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

**9 and 10 Vic: Cap 26.** “An Act for abolishing the office of Superintendent of Convicts under sentence of transportation.”—(3rd July 1846.)

**Superintendent of convicts abolished.** Recites act of 5 Geo. IV., Cap. 34, entitled “An Act for the transportation of offenders from Great Britain,” and enacts:

1. That so much of recited act as gives the custody, &c., of male offenders out of England, to the Superintendent in England, &c., repealed, and powers to be exercised by the Governor in each colony.

2. Upon the next vacancy in the office of Superintendent of Convicts, &c., the same shall be abolished.

3. Act to be construed with and as part of 5 Geo. iv. cap. 84.



Amendment of 6 and 7 Vic., cap. 34—"An Act to amend an Act of the seventh year of Her Majesty for the better apprehension of certain offenders."—(20th August, 1853). 16 and 17  
Vic., Cap.  
118.

Recited Act (6 & 7 Vic. cap. 34)—extended to all felonies.

### PASSENGERS' ACTS.

15 and 16 Vic., Cap. 44,—16 and 17 Vic., Cap. 84,—18 and 19  
[Vic., Cap. 119,—26 and 27 Vic., Cap. 76.

Title.—An Act to amend the Law relating to the Carriage of Passengers by Sea.—(Passed, 14th August, 1855.) 18 and 19  
Vic., Cap.  
119.

Title.—An Act to amend the Passengers' Act, 1855. 26 and 27  
Vic., Cap.  
51.

### LETTERS PATENT.

An Act to determine the time at which Letters Patent shall take effect in the Colonies.—(28th July, 1863.) 26 and 27  
Vic., Cap.  
76.

Whereas Her Majesty hath, from time to time, caused to be made under the Great Seal of the United Kingdom of Great Britain and Ireland, divers Letters Patent intended to take effect within Her Majesty's Colonies and Possessions beyond the seas ;

And whereas doubts are entertained respecting the period at which such Letters Patent have taken, or may hereafter take effect within such Colonies and Possessions, and it is expedient that such doubts should be removed ; Be it therefore enacted, &c.

1. No such Letters Patent heretofore made, shall (unless otherwise provided therein or by other lawful authority) be deemed to have taken, or shall take effect in any such Colony or Possession as aforesaid, until the same were, or shall be publicly made known, or acted upon therein ; provided, that any Act or thing heretofore done, or purporting to have been done, in pursuance or under authority of such Letters Patent, shall be as valid and effectual as if the same Letters Patent had taken effect at the date of the making thereof.

2. No such Letters Patent hereafter to be made shall (unless otherwise provided therein, or by other lawful authority,) take effect in any such Colony or Possession, until the making of the same shall have been signified therein, by Proclamation, or other public notice.

3. Any such Letters Patent by which any person may be hereafter appointed to any office or employment within any of such Colonies or Possessions, shall (unless otherwise provided therein, or by other lawful authority,) become null and void in respect of such Colony, unless the same be so signified as aforesaid, within the fol-

lowing period, that is to say, within nine calendar months, in case such Colony or Possession shall be to the eastward of Bengal, in the East Indies, or to the west of Cape Horn, in South America, or in any other case within six months after the making thereof.

4. The Act, chapter ninety-one, of the ninth and tenth years of Her Majesty, intituled : An Act to continue certain Patent Commissions, until the exhibition of the Commission revoking them, is hereby repealed.

5. This Act shall take effect in each of Her Majesty's Colonies, so soon as the same shall be proclaimed therein by the officer administrating the Government thereof.

#### ROYAL NAVAL RESERVE.

22 and 23 Vic., Cap. 40. An Act for the Establishment of a Volunteer Force of Seamen, and for the government of the same.—(Passed, 13th August, 1859.)

#### SLAVERY ABOLISHED.

3 and 4 Wm. IV, Cap. 73. An Act for the Abolition of Slavery throughout the British Colonies ; for promoting the industry of the manumitted Slaves, and for compensating the persons hitherto entitled to the services of such slaves.—(28th August, 1833.)

#### TRANSPORTATION ABOLISHED.

16 and 17 Vic., Cap. 99 ; 20 and 21 Vic., Cap. 3 ; and 27 and 28 Vic., Cap. 47.

16 and 17 Vic., Cap. 99. An Act to substitute in certain cases other punishment in lieu of Transportation.—(20th August, 1853.)

Sec. 1.—No person to be transported except for life, or for fourteen years or upwards.

Sec. 2.—Any person who might have been sentenced to Transportation for a term of less than fourteen years, shall be liable at the discretion of the Court, to be kept in penal servitude for such term, as under this Act may be awarded, instead of Transportation.

Sec. 3.—Terms of penal servitude which are to be awarded : instead of Transportation for seven years, or for term not exceeding seven years, penal servitude for four years ; exceeding seven, and under ten, penal servitude for not less than four, or more than six years, &c.

20 and 21 Vic., Cap. 3. An Act to amend the Act of the sixteenth and seventeenth years of Her Majesty, to substitute in certain cases, other punishment in lieu of Transportation.—(26th June, 1857.)

(*Transportation abolished.*)

An Act to amend the Penal Servitude Acts.—(25th July, 1864.) 27 and 28  
 As to length of sentence of Penal Servitude. Vic., Cap. 47.

CUSTOMS—WITNESSES—COLLECTORS TO EXAMINE ON OATH—AFFIDAVITS, ETC. Customs' Consolidation Act.

An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation, and the British Possessions.—(20th August, 1853.) 16 and 17 Vic., Cap. 107.

Sec. 37.—Inquiries may be conducted by Commissioners, Surveyors General, and other officers of Customs. Oaths may be administered; power to summon witnesses, &c., and if reasonable expenses tendered for such attendance, and he neglect or refuse, or refuse to give evidence, shall forfeit sum of £20.

Sections from 159 to 194, inclusive, apply to British Possessions abroad.

Section 159.—Gunpowder, ammunition, arms, or utensils of war, except from the United Kingdom or any British possession, and base or counterfeit coin, are absolutely prohibited to be imported or brought, either by sea or inland carriage or navigation, into the British Possessions in America and the Mauritius. Absolute Prohibitions.

Sec. 160.—Any books wherein the Copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country shall be and are hereby absolutely prohibited to be imported into the British Possessions abroad; provided always, that no such books shall be prohibited to be imported as aforesaid unless the proprietor of such Copyright, or his agent, shall have given notice in writing to the Commissioners of Customs, that such Copyright subsists, and in such notice shall have stated when the Copyright will expire, and the said Commissioners shall cause to be made and to be publicly exposed at the several parts of the British Possessions abroad from time to time, printed lists of books respecting which such notice shall have been duly given, and all books imported contrary there to shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty from exercising the powers vested in Her by the *Tenth and Eleventh Victoria, Chapter Ninety-five*, intituled, *An Act to amend the law relating to the protection in the Colonies of Works entitled to Copyright in the United Kingdom*, to suspend in certain cases such prohibition. Copyright.

Sec. 174.—The treaty concluded between Her Majesty and the Ashburton Treaty.

United States of America, dated the ninth day of August, in the year one thousand eight hundred and forty-two, stipulates that all the produce of the Forest in logs, lumber, timber, timber boards, staves or shingles, or of Agriculture, not being manufactured or grown on any of those parts of the State of *Maine* watered by the River *Saint John* or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said River and its said tributaries, having their source within the State of *Maine*, to and from the Seaport at the mouth of the River *Saint John* and to and around the Falls of the said River, either by boats, rafts or other conveyance, and that when within the Province of *New Brunswick*, the said Produce shall be dealt with as if it were the Produce of the said Province; and it being the intention of the high contracting parties to the said Treaty that the aforesaid Produce should be dealt with as if it were the Produce of the Province of *New Brunswick*, the Produce of the said recited Treaty and hereinbefore described shall, so far as regards all laws relating to Duties, Navigations and Customs in force in the United Kingdom or in any of Her Majesty's Dominions, be deemed and taken to be and be dealt with as the Produce of the Province of *New Brunswick*; provided, that in all cases in which declarations and certificates of production and origin and certificates of clearance would be required in respect to such produce if it were the produce of *New Brunswick*, similar declarations and certificates shall be required in respect of such produce and shall state the same to be the produce of those parts of the Strte of *Maine* which are watered by the Riyer Sanit *John* or by its tributaries.

Sec. 175.—As to Newfoundland Fishing certificates in lieu of clearance during fishing season.

Colonial laws repugnant to Act of Parliament void.

Sec. 190.—All laws, by-laws, usages, or customs at this time or in which hereafter shall be in practice, or endeavored or pretended to be in force or practice, in any of the British Possessions in America, which are in any wise repugnant to this Act, or to any Act relating to the customs or to trade and navigation, so far as the same shall relate to the said Possessions, are and shall be null and void to all intents and purposes whatsoever.

18 and 19 Vic., Cap. 96.

An Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the office of the receipt of Her Majesty's Exchequer at Westminster.—(14th August, 1855.)

Sec. 16.—The powers and authorities now vested in the Commissioners of Customs, with regard to any act or thing relating to the Customs, or to Trade or Navigation, in any of the British Possessions abroad, shall, from and after the passing of this Act, be vested in the Governor, Lieutenant-Governor, or other person administering the Government in any such possession, and every act required by any law to be done by or with any particular officer, or at any particular place, if done by or with any such officer, or at any place

appointed or nominated by such Governor, Lieutenant-Governor, or other person so administering such Government, shall be deemed to have been done by or with such particular officer, or at such particular place, as the case may be; and all Commissions, Deputations, and Appointments, granted to any Officers of Customs in force at the commencement of this Act, shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such Governor, Lieutenant-Governor, or person administering the Government of any such Possession; and all bonds or other securities which shall have been given, by or for any such officers, and their respective securities, for good conduct or otherwise, shall remain in force, and shall and may be enforced and put in suit at the instance of or by direction of any such Governor, Lieutenant-Governor, or person administering the Government of any such Possession.

An Act for the alteration and amendment of the Laws and Duties of Customs.—(25th August, 1857.)

20 and 21  
Vic., Cap.  
62.

Sec. 15.—Whereas doubts have arisen whether the several sections of “The Customs’ Consolidation Act 1853,” other than those containing particular provisions relating thereto, as also “The Supplemental Customs’ Consolidation Act 1855,” are applicable to the British Possessions abroad: Be it enacted, that the said recited Acts, and the several clauses therein, and in this Act contained, shall, and the same are hereby declared to extend to, and be of full force and effect in the several British Possessions abroad, *except where* otherwise expressly provided for by the said Acts, *or limited by* express reference to the United Kingdom or the Channel Islands, and *except also as to any such Possession* as shall by Local Act or Ordinance have provided, or may hereafter, with the sanction and approbation of Her Majesty and her successors, make entire provision for the management and regulation of the Customs’ Trade and Navigation of any such Possession, or make in like manner express provisions in lieu or violation of any of the clauses of the said Act for the purposes of such Possession.

Sec. 17.—So much of “Customs’ Consolidation Act 1853,” as repeals sections 9, 10, 11 & 12, of 8 & 9 Vic. c. 90, repealed and such sections deemed not repealed.

Sec. 18.—Section 19 of “The Supplemental Customs’ Consolidation Act 1855,” is hereby repealed.

Sec. 20.—When term “British built Ships” mentioned in three hundred and fifty-seventh section of “The Customs’ Consolidation Act 1853,” deemed to mean and include any ship built in Her Majesty’s Dominions,

22 and 23  
Vic., Cap.  
12. An Act to repeal as regards the Colony of Victoria, and to enable other Colonial Legislatures to repeal certain provisions of the Imperial Acts, of the fifty-fourth year of Geo. III, Chapter 15, and of the fifth and sixth years of William Fourth, Chapter sixty-two.— (8th August, 1859.)

Recites above Acts.—Colonial Legislatures may alter, repeal, &c. Provisions of recited Acts applicable to such possession. Repeals 4th Sec. of 54 Geo. III, cap. 15, as regards Her Majesty's Possessions abroad.

*Memo.*—(54 Geo. III, Cap. 15, Sec. 1.)—Provides that in any suit brought in any Court of Law or Equity in New South Wales, where one of the parties is in England, the plaintiff or defendant, or any witness to be examined and made use of in such action or suit, to verify or prove by affidavit, or if Quaker, by solemn affirmation, such matter or thing before the Chief Magistrate or Mayor, of city, &c., in Great Britain, and certified and transmitted under the Common Seal of the city, or Official Seal of Chief Magistrate; and such affidavit or affirmation shall have the same force and effect as if the parties were examined *viva voce* in open Court. Proviso—affidavit to give addition and place of abode of party making it.

Sec. 2.—All debts due His Majesty in New South Wales or dependencies, to be proved in same manner.

Sec. 3.—False oath or affirmation, perjury.

Sec. 4.—As to lands, &c., in plantations liable to satisfy debts, relates only to New South Wales.

5 and 6  
Wm. IV.,  
c. 62. *Vide* "Debts in Colonies," page

#### COPY-RIGHT.

10 and 11  
Vic., c. 95. "An Act to amend the law relating to the protection in the Colonies of works entitled to Copyright in the United Kingdom."— (22nd July, 1847.)

Sec. 1. "Whereas by an Act passed in the Session of Parliament holden in the fifth and sixth years of Her present Majesty, intituled, *An Act to amend the law of Copyright*, it is amongst other things enacted, that it shall not be lawful for any person not being the proprietor of the Copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British Dominions, for sale or hire, any printed book, first composed or written or printed or published in any part of the United Kingdom wherein there shall be Copyright, and re-printed in any country or place whatsoever out of the British Dominions. And whereby an Act passed in the Session of Parliament holden in the

eighth and ninth years of the reign of Her present Majesty, intituled, *An Act to regulate the Trade of the British Possessions abroad.* <sup>8 and 9</sup>  
 Books wherein the Copyright is subsisting, first composed or written <sup>Vic., c. 93.</sup>  
 or printed in the United Kingdom, and printed or re-printed in any  
 other country, are absolutely prohibited to be imported into the  
 British Possessions abroad; And whereas by the said last recited  
 Act it is enacted that all laws, by-laws, usages or customs in practice,  
 or endeavoured or pretended to be in force or practice in any of the  
 British Possessions in America which are in any wise repugnant to  
 the said Act or to any Act of Parliament made or to be made in  
 the United Kingdom, so far as the said Act shall relate to and men-  
 tion the said Possessions are and shall be null and void to all intents  
 and purposes whatsoever." Now be it enacted by the Queen's most  
 Excellent Majesty, by and with the consent of the Lords, spiritual  
 and temporal, and Commons, in this present Parliament assembled,  
 and by the authority of the same, that in case the Legislature or  
 proper Legislative authorities in any British Possession shall be  
 disposed to make due provision for securing or protecting the rights  
 of the British authors in such Possession, and shall pass an Act or  
 make an Ordinance for that purpose, and shall transmit the same in  
 the proper manner to the Secretary of State, in order that it may be  
 submitted to Her Majesty, and in case Her Majesty shall be of  
 opinion that such Act or Ordinance is sufficient for the purpose of  
 securing to British authors reasonable protection within such Posses-  
 sion, it shall be lawful for Her Majesty, if she thinks fit so to do, to  
 express Her Royal approval of such Act or Ordinance, and thereupon  
 to issue an Order in Council declaring that so long as the provisions  
 of such Act or Ordinance continue in force within such Colony the  
 prohibitions contained in the aforesaid Acts, and hereinbefore recited  
 and any prohibitions contained in the said Acts or in any other Acts  
 against the importing, selling, letting out to hire, exposing for sale  
 or hire or possessing foreign reprints of books first composed, written  
 printed or published in the United Kingdom, and entitled to Copy-  
 right therein, shall be suspended so far as regards such Colony, and  
 therefore such Act or Ordinance shall come into operation except so  
 far as may be otherwise provided therein, or as may be otherwise  
 directed by such order in Council, anything in the last-recited Act,  
 or in any other Act to the contrary notwithstanding.

Sec. 2.—Orders in Council to be published in *Gazette*, and to be  
 laid before Parliament.

Sec. 3.—Act may be amended.

Sec. 160—Any books wherein the Copyright shall be subsisting, first <sup>16 and 17</sup>  
 composed or written or printed in the United Kingdom, and printed <sup>Vic., c.</sup>  
 or re-printed in any other country, shall be and are hereby absolutely <sup>107.</sup>  
 prohibited to be imported into the British Possessions abroad. <sup>Customs'</sup>  
 providing always, that no such books shall be prohibited to be <sup>Act.</sup>  
 imported as aforesaid, unless the proprietor of such Copyright, or his  
 agent, shall have given notice in writing to the Commissioners of

Customs that such Copyright subsists, and in such notice shall have stated when the Copyright will expire; and the said Commissioners shall cause to be made and so be publicly exposed at the several ports in the British Possessions abroad, from time to time, printed lists of books respecting which such notice shall have been duly given and all books imported contrary thereto shall be forfeited, but nothing herein contained shall be taken to prevent Her Majesty from exercising the powers vested in Her by the *Tenth and Eleventh Victoria, Chapter Ninety-five*, intituled, *An Act to amend the law relating to the protection in the Colonies of Works entitled to Copyright in the United Kingdom*, to suspend in certain cases such prohibition.

### HUDSON'S BAY.

2 Wm. and Mary. "An Act for confirming to the Governor and Company trading to Hudson's Bay their privileges and trade."—(Passed in 1689.)

Memo.—This is a private Act enrolled in Chancery, and not printed in the Imperial Statutes. (Passed in 1689.) For title of the Act *vide* Statutes of the Realm.

4 Wm. and Mary, c. 15. "An Act for continuing certain Acts therein mentioned, and for charging several Joint Stocks."—(Passed in 1692.)

Sec. 9.—And be it further enacted by the authority aforesaid that for every share in the Joint Stock of the Hudson's Bay Company, according as the number of shares are now reckoned and computed, there shall be answered and paid to their Majesties the sum of Five Pounds, the same to be paid by the Governor and Treasurer of the said Hudson's Bay Company by four equal quarterly payments, the first payment to be made up on the said Five and Twentieth day of March, 1693, and to be deducted according to the several shares and proportions of the members of the said Company in the Joint Stock thereof upon the next dividend, and in case the Governor and Treasurer of the said respective Companies shall make default in payment of the said several sums or any of them respectively charged on the stocks of the said Companies at the days and times aforesaid, according to the true intent of this Act, the charter of such Company respectively shall be and is hereby adjudged to be null and void.

6 Anne, c. 64. "An Act for the encouragement of trade to America."—(Passed in 1707.)

Sec. 23.—Provided always that nothing in this Act shall anyways extend or be construed to take away or prejudice any of the estate, rights or privileges of or belonging to the Governor and Company of Adventurers of England trading into Hudson's Bay.

18 Geo. II., c. 17. "An Act for giving a public reward to such person or persons, His Majesty's subject or subjects, as shall discover a North West



passage through Hudson's Straights, to the Western and Southern Ocean of America."—(Passed in 1745.)

Sec. 4—Provided always that nothing in this Act shall anyways extend or be construed to take away or prejudice any of the estate, rights or privileges of or belonging to the Governor and Company of Adventurers of England trading into Hudson's Bay.

"An Act for making more effectual provision for the Government of the Province of Quebec, in North America."—(Passed in 1774.) <sup>14 Geo.</sup> III, c. 83

As to boundaries of Canada—Refers to their line lying northward "to the southern boundary of the Territories granted to the Merchants Adventurers of England trading into Hudson's Bay."

"An Act to amend an Act passed in the Forty-third year of His present Majesty, for regulating the vessels carrying passengers to His Majesty's Plantations and settlements abroad."—(Passed 15th April, 1813.) <sup>53; Geo.</sup> III, c. 36.

Inter alia refers to carriage of passengers into Hudson Bay Territories.

"An Act for regulating the fur trade and establishing a criminal and civil Jurisdiction within certain parts of North America."—(Passed 2nd July, 1821.) <sup>1 and 2 Geo. IV.,</sup> c. 66.

Extends, 43 Geo. III. C. 138.—"*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,*—to Territories granted to Hudson's Bay Company, anything in any Act or Acts of Parliament, or in any grant or charter to the Company to the contrary notwithstanding.

British North America Act, 1867.

<sup>30 and 31</sup>  
Vic., c. .

Sec. 146—Power to admit Newfoundland, Prince Edward's Island, British Columbia, Rupert's Land and North West Territory into the Union.

"An Act for enabling Her Majesty to accept a surrender upon the terms of the lands, privileges and rights of the Governor and Company of Adventurers of England trading into Hudson's Bay, and for admitting the same into the Dominion of Canada."—(Passed 31st July, 1868.) <sup>31 and 22</sup> Vic., c. <sup>105.</sup>

Sec. 1.—Short Title: "Rupert's Land Act, 1868."

Sec. 2.—Term: "Rupert's Land" to include whole of lands and Territories held or claimed to be held by Hudson's Bay Company.

Sec. 3.—Power to Her Majesty to accept surrender of laws, &c., of the Company upon certain terms.

Sec. 4.—Extinguishment of all the rights of the Company upon acceptance of surrender.

Sec. 5.—Power to Her Majesty by order in Council to admit Rupert's Land into and form part of the Dominion of Canada, &c.

#### ASHBURTON TREATY (*Extradition*).

6 and 7 Vic., c. 76. “An Act for giving effect to a Treaty between Her Majesty and the United States of America, for the apprehension of certain offenders.”—(22nd August, 1843.)

#### COLONIAL DOCKS LOANS ACT.

28 and 29 Vic., c. 106. “An Act to authorize Loans in aid of the construction of Docks in British Possessions.”—(Passed 5th July, 1865.)

Sec. 1.—Short Title of Act.

Sec. 2.—Interpretation of terms.

Sec. 3.—Power to Treasury to issue out of Consolidated Fund any sum not exceeding £300,000, to account of Admiralty—for purposes of Loans under this Act.

Sec. 4.—Account of Admiralty to be opened at Bank of England.

Sec. 5.—Money issued to be carried to account of Admiralty.

Sec. 6.—Out of the money for the time being standing to the credit of the said account, the Admiralty may from time to time, if and as it seems fit, with the previous approval in each instance of the Commissioners of Her Majesty's Treasury, lend such sums of money as may be required to any person forming or enlarging any Dock in any Colony, and being willing to make the same of dimensions sufficient to meet the requirements of Her Majesty's Naval Service on such terms and conditions as may be agreed on between the Admiralty and the Borrower, subject nevertheless to the following provisions.

(1.) The money lent shall not exceed the sum of twenty thousand pounds, nor shall it exceed the estimated cost of increasing the dimensions of the Dock beyond those required for commercial or other private purposes.

(2.) The amount agreed to be lent shall be made payable by instalments as the works connected with the formation or enlargement of the Dock purposes:

(3.) The money lent shall bear interest at not less than four pounds *per centum per annum*.

(4.) All and every part of the money lent shall be made repayable by instalments within a period not exceeding twenty-one years from the respective dates of the payments on account of the Loan.

(5.) The Borrower shall give security to the satisfaction of the Admiralty and of the Commissioners Her Majesty's Treasury, by mortgage of the Dock, where practicable, or otherwise, for payment of interest and re-payment of principle.

Memo.—For remaining sections *vide* Act.

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## ADDENDA.

## EVIDENCE.

14 and 15 "An Act to amend the Law of Evidence."—(7th August, 1851.)  
Vic., c. 99:

Sec. 7.—All Proclamations, Treaties, and other Acts of State of any Foreign State, or of any British colony, and all Judgments, Decrees, Orders and other Judicial proceedings of any Court of Justice in any Foreign State, or in any British colony, and all Affidavits, Pleadings, and other legal documents filed or deposited in any such Court, may be proved in any Court of Justice, or before any person having by law, or by consent of parties, authority to hear, receive and examine evidence, either by examined copies, or by copies authenticated, as hereinafter mentioned; that is to say, if the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the Seal of the Foreign State or British colony to which the original document belongs; and if the document sought to be proved be a Judgment, Decree, Order, or other Judicial Proceeding of any Foreign or Colonial Court, or an Affidavit, Pleading or other legal document filed or deposited in any such Court, the authenticated copy to be admissible in evidence must purport either to be sealed with the Seal of the Foreign or Colonial Court to which the original document belongs, or, in the event of such Court having no Seal, to be signed by the Judge, or, if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall be respectively admitted in evidence in every case in which the original document could have been received in evidence without any proof of the Seal, where a Seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary, or of the Judicial character of the person appearing to have made such signature and statement.

Sec. 11.—Every document which by any law now in force, or hereafter to be in force, is, or shall be admissible in evidence of any Particular in any Court of Justice in England, or Wales, or Ireland, without proof of the Seal, or stamp, or signature authenticating the same, or of the Judicial or official character of the person appearing to have signed the same, shall be admitted in evidence to the same extent, and for the same purposes, in any Court of Justice of any of the British colonies, or before any person having, in any of such colonies, by law or by consent of parties, authority to hear, receive and examine evidence, without proof of the Seal, or stamp or signature authenticating the same, or of the Judicial or official character of the person appearing to have signed the same.