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ORDINANCES

PASSED BY THE

LEGISLATIVE COUNCIL

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM MARCH TO MAY,

1868.



NEW WESTMINSTER:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

ORDINANCES

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NEW WESTMINSTER:
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LIST OF ORDINANCES.

- No. 1. An Ordinance to establish a Standard of Weights and Measures.
- No. 2. An Ordinance for the more effectual Protection of Her Majesty's Naval and Victualling Stores.
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- No. 4. An Ordinance to assimilate the Law affecting the limitation of certain causes of Actions and Suits.
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BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

NO. 1.

An Ordinance to establish a Standard of Weights and Measures.

[22nd April, 1868.]

WHEREAS it is expedient to establish a Standard of Weights and Measures; Preamble.

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

I. "The Weights and Measures Ordinance, 1867," is hereby repealed. Repeals former Ordinance. Provided, however, that such repeal shall not affect any rights acquired, or liabilities incurred or existing before such repeal; but such rights, remedies, and punishments thereunder shall still, notwithstanding such repeal, be capable of enforcement and imposition as if this Ordinance had not been passed, but not further or otherwise.

II. From and after the passing hereof, the Imperial Standards of Weights and Measures of Great Britain shall be the Standards of Weights and Measures of the said Colony; and no Goods, Commodities, or other Article sold by Weight or Measure shall be so sold except by such Standard of Weights or Measures, or some multiple or fractional part thereof. The Imperial Standards of Weights and Measures in Great Britain to be the Standards in this Colony. Provided, always, that nothing herein contained shall prevent the sale of any Goods, Commodities, or other Articles in any vessel or bale, or by bulk when such vessel or bale or such bulk is not represented as containing any Standard Weight or Measure, or any multiple or fractional part thereof, or any Local or Foreign Measure, or any multiple or fractional part thereof.

III. All Articles sold by Weight shall be sold by Avoirdupois Weight, except Gold, Silver, Platina, Diamonds or other precious stones, which may be sold by Troy Weight; and Drugs which, when sold by Retail, shall be sold by Apothecaries Weight. Things sold by weight with certain exceptions to be sold by avoirdupois weight.

IV. An authorised and uninjured copy of each of the said Imperial Standards for Weights and Measures shall at all times hereafter be kept in the Colony, in the custody of the Colonial Secretary for the time being, for reference whenever required, and shall be and be deemed to be the authorised Standards from which all Weights and Measures used in the Colony shall be derived. An authorised copy of Imperial Standards to be kept in the custody of the Colonial Secretary.

V. It shall be lawful for the Colonial Secretary for the time being, by writing under his hand, to sanction the making of copies of the authorised Standards for Weights and Measures in British Columbia; provided, that before the same can be used the accuracy of every such copy shall be tested by the said Colonial Secretary, and stamped with a Stamp to be provided for that purpose, and to be Colonial Secretary to sanction the making of copies of standards, but before same are used they are to be tested & stamped.

Weights and Measures Ordinance.

be kept by the said Colonial Secretary for the time being with the authorised Standards for the Colony.

Governor to appoint Inspector of weights and measures.

VI. It shall be lawful for the Governor from time to time and at any time hereafter to appoint such persons as he may think fit to be Inspectors of Weights and Measures within the said Colony, for the whole or for any definite Districts or portions of the said Colony, and to revoke any such appointments and make new appointments in lieu thereof.

Duties of Inspector.

VII. It shall be the duty of every such Inspector, at such times and places and in such manner as the Governor shall from time to time in that behalf direct, to stamp all Weights and Measures brought to him for that purpose, and for every Weight and Measure so stamped such Inspector shall be entitled to receive the sum of Twenty Cents.

Power of Inspector.

VIII. Every such Inspector as aforesaid may, at all reasonable times, enter into any Shop, Store, Warehouse, or Place within the District in which he has authority to act, where any Goods, Commodities, or other Articles are bought, sold, or exchanged, or exposed, or kept for sale, or weighed for conveyance or carriage, and examine and try all Weights, Measures, Steelyards, Balances, or other Weighing Machines with the copies of the Standard Weights and Measures required to be provided under this Ordinance, and may also seize all Weights, Measures, Steelyards, Balances, and other Weighing Machines so then and there found to be false and untrue, as things forfeited to the use of Her Majesty.

Material of weights.

IX. No Weight made of Lead or Pewter, or of any mixture thereof shall be stamped or used. Provided, always, that nothing herein contained shall prevent the use of Lead or Pewter, or of any mixture thereof, in the composition of Weights, if they be wholly and substantially cased with Brass, Copper, or Iron, and legibly stamped or marked "cased," or shall prevent the insertion of such a plug of Lead or Pewter into Weights as shall be *bona fide* necessary for the purpose of adjusting them, and of affixing thereon the stamp for the same.

Penalties for having false Weights, &c., or refusing to produce Weights, &c., for Inspection.

X. Every Person having in his possession, or in his Shop, Store, Warehouse, or Place of Business for purposes of Weighing or Measuring, or for sale, any false Weights, Measures, Steelyards, Balances, or other Weighing Machines or Weights of a kind prohibited by this Ordinance, or neglecting or refusing to produce before any Inspector of Weights and Measures for the purpose of examination or proof in the way of his duty, any Weight, Measure, Steelyard, Balances, or other Weighing Machines, or obstructing or hindering any Inspector of Weights and Measures in the discharge of his duty, shall forfeit a sum not exceeding One Hundred Dollars.

Penalties for using false weights, &c.

XI. Every Person using any Weights or Measures, Steelyards, Balances, or other Weighing Machines which shall not have been examined, and proved, and stamped as such, and which shall be false, or any Weight of a kind prohibited by this Ordinance, for the purposes of buying or selling, weighing or measuring, or otherwise for purposes of Trade or Business shall forfeit a sum not exceeding One Hundred Dollars; and if any such Person shall so as aforesaid use any such Weights, Measures, Steelyards, Balances, or other Weighing Machines with intent to cheat or defraud, every such Person shall be guilty of a Misdemeanor, and on conviction may be punishable by fine not exceeding One Thousand Dollars, or imprisonment for any term not exceeding Six Calendar Months.

Forgery of stamps, &c.

XII. Every Person making, forging, or counterfeiting, or procuring to be made, forged, or counterfeited any stamp or mark legally used to stamp or mark Weights or Measures with intent to deceive, or knowingly selling, altering, disposing of, or exposing for sale any Weight or Measure with such forged or counterfeit stamp or mark thereon shall be guilty of Felony, and on conviction shall be imprisoned with or without hard labour for any term not exceeding Three Years.

XIII.

Weights and Measures Ordinance.

XIII. Whenever in this Ordinance any pecuniary penalty is imposed for any offence the same may, unless otherwise provided, be recovered by way of summary proceeding before any single Justice of the Peace having jurisdiction in the locality in which the offence was committed, and every such penalty may with the costs of conviction be levied by distress and sale of the Goods and Chattels of any offender; and in case such Goods and Chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such Person so offending for any term not exceeding Three Calendar Months; and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same. Penalties how recoverable. Warrant of commitment sustained by a good conviction.

XIV. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any Person or Party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several Persons and Parties as well as one Person or Party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction. Interpretation clause.

XV. This Ordinance may be cited for all purposes as "The Weights and Measures Ordinance, 1868." Short Title.

Passed the Legislative Council the 31st day of March, A. D. 1868.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, in Her Majesty's name, this 22nd day of April, 1868.

FREDERICK SEYMOUR,
Governor.

NEW WESTMINSTER:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 2.

An Ordinance for the more effectual Protection of Her Majesty's Naval and Victualling Stores.

[22nd April, 1868.]

WHEREAS it is expedient for the more effectual Protection of Her Majesty's Naval and Victualling Stores, to provide for the conviction of Persons having the same illegally in their possession;

Preamble.

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

I. In this Ordinance the term "The Admiralty" means The Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of the Lord High Admiral;

Interpretation of terms.

The term "Dealer in Marine Stores" means every Person dealing in, buying and selling Anchors, Cables, Sails, or Old Junk, Old Iron, or Marine Stores of any description, and every such person is hereby bound to conform to the regulations of "The Merchant Shipping Act, 1854," Sections 480, 481, and 482;

The term "Dealer in Old Metals" shall mean any Person dealing in, buying and selling Old Metal, scrap Metal, broken Metal, or partly manufactured Metal Goods, or defaced or Old Metal Goods, and whether such Person deals in such Articles only, or together with second hand Goods or Marine Stores; and the term "Old Metals" shall mean the said Articles;

The term "in Her Majesty's Service" when applied to Persons applies also to Persons in the employment of the Admiralty;

The term "Stores" includes any single Store or Article.

II. The marks described in the Schedule to this Ordinance may be applied in or on Her Majesty's Naval and Victualling Stores to denote Her Majesty's property in Stores so marked.

Marks in Schedule appropriated for Her Majesty's Naval and Victualling Stores.

It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen to apply the said marks or any of them to, in, or on any such Stores as are described in the said Schedule.

If any Person without lawful authority (proof of which authority shall lie on the party accused) applies any of the said marks in or on any such Stores, he shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding Two Years, with or without hard labour.

Imitation a Misdemeanor.

III. From and after the passing of this Ordinance, if any Person with intent to conceal Her Majesty's Property in any Naval or Victualling

Obliteration with intent to conceal Her Majesty's property, Felony.

Naval and Victualling Stores Ordinance.

Victualling Stores, takes out, destroys or obliterates wholly or in part any such mark as aforesaid, he shall be guilty of Felony, and shall be liable, in the discretion of the Court, to be kept in Penal Servitude for any term not exceeding Four Years, or to be imprisoned for any term not exceeding Two Years, with or without hard labour.

Knowingly receiving &c., marked Stores a Misdemeanor.

IV. If any Person without lawful authority (proof of which authority shall lie on the party accused) receives, possesses, keeps, sells, or delivers any Naval or Victualling Stores bearing any such mark as aforesaid, knowing them to bear such mark, he shall be guilty of a Misdemeanor, and shall be liable to be imprisoned for any term not exceeding One Year, with or without hard labour.

Knowledge of Stores being marked, presumed against Dealers, &c.

V. Where the Person charged with such a Misdemeanor as last aforesaid, was at the time at which the offence is charged to have been committed a Dealer in Marine Stores, or a Dealer in Old Metals, or in Her Majesty's Service, knowledge on his part that the Stores to which the charge relates bore such mark as aforesaid shall be presumed until the contrary is shewn.

Offenders may be summarily convicted in certain cases.

VI. Any Person charged with such a Misdemeanor as last aforesaid, in relation to Stores, the value of which does not exceed One Hundred Dollars, shall be liable on summary conviction before a Justice of the Peace, to a Penalty not exceeding Two Hundred Dollars, or in the discretion of the Justice to be imprisoned for any term not exceeding Six Calendar Months, with or without hard labour.

Dealer convicted under this Ordinance liable to future inspection of Police.

VII. After any Dealer in Marine Stores, or a Dealer in Old Metals shall be convicted of any Offence, Felony, or Misdemeanor under this Ordinance, it shall be lawful for the Justice or Court so convicting to make and enforce such order and direction for the registration and keeping such offender under the supervision and inspection of the Police for such period, and for the keeping and maintenance by him of such fairly written and kept Books of Account of such offender, at such place or places, and in such Forms with such and so many Returns of transactions, at such times and under such regulations, and when and so often as to the Justice or Court so convicting shall seem meet.

Penalty on offences by Dealer under supervision of Police.

VIII. For any act or default contrary to any order, direction, or regulation made under the VII. Section of this Ordinance done or made by any Dealer in Old Metals, or any Dealer in Marine Stores, during the period in which any such order or regulation of the Justice or Court so convicting as aforesaid shall be in force, he shall incur a penalty of not less than Five Dollars, and not exceeding Fifty Dollars; and for every subsequent offence a penalty of not less than Fifty Dollars, and not exceeding One Hundred Dollars.

Persons not Dealers in Marine Stores, &c. found in possession of Naval or Victualling Stores, and not satisfactorily accounting for the same liable to penalty.

IX. In order to prevent a failure of justice in some cases, by reason of the difficulty of proving knowledge of the fact that Stores bore such a mark as aforesaid, if any Naval or Victualling Stores bearing any such mark are found in the possession of any Person not being a Dealer in Marine Stores, or a Dealer in Old Metals, and not being in Her Majesty's Service, and such Person when taken or summoned before a Justice of the Peace does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable on conviction by the Justice to a penalty not exceeding One Hundred Dollars; and if any Person satisfies the Justice that he came by the Stores so found lawfully, the Justice, at his discretion, as the evidence given and the circumstances of the case require, may summon before him every Person through whose hands such Stores appear to have passed; and if any such Person as last aforesaid, who has had possession thereof, does not satisfy the Justice that he came by the same lawfully, he shall be liable on conviction by the Justice to a penalty not exceeding One Hundred Dollars.

Criminal possession explained.

X. For the purposes of this Ordinance, Stores shall be deemed to be in the possession or keeping of any Person if he knowingly has

Naval and Victualling Stores Ordinance.

has them in the actual possession or keeping of any other Person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit, or for the use or benefit of another.

XI. It shall not be lawful for any Person, without permission in writing from the Admiralty, or the Senior Officer for the time being in Command of any fixed or temporary Naval Station or Place, or any Vessel, in this Colony, belonging to or in the service of Her Majesty, or from some Person authorized by the Admiralty in that behalf, to creep, sweep, dredge, or otherwise search for Stores in the Sea or any Tidal Water, within one hundred yards from any Vessel belonging to Her Majesty or in Her Majesty's Service, or from any Mooring Place or Anchoring Place appropriated to such Vessels, or from any Moorings belonging to Her Majesty, or from any of Her Majesty's Wharves, or Dock, Victualling, or Steam Factory Yards, or Hospitals.

No unauthorized persons to creep, sweep, &c., for Stores within 100 yards of Dockyards, &c.

If any person acts in contravention of this provision he shall be liable, on summary conviction before a Justice of the Peace, to a penalty not exceeding One Hundred Dollars, or to be imprisoned for any term not exceeding Three Calendar Months, with or without hard labour.

XII. The following Sections of the Imperial Act of the Session of the 24th and 25th years of Her Majesty Queen Victoria, Chapter 96, "To Consolidate and Amend the Statute Law of England and Ireland relating to Larceny and other similar offences," shall, save so far as hereinbefore altered, be incorporated with this Ordinance, and shall for the purposes of this Ordinance (save as so altered and so far as they are not from local circumstances inapplicable to this Colony) be read as if they were here re-enacted, namely:—

Certain Sections of 24th and 25th Vic., cap. 96, incorporated with this Ordinance.

Sections 98, 99, 100, 103, 104, 105, 107, 108, 109, 115 to 118 inclusive, and 120; and for this purpose the expression "this Act" when used in the said incorporated Sections shall be taken to include the present Ordinance.

XIII. No summary conviction under this Ordinance shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

No summary conviction to be quashed for want of form, &c.

XIV. It shall not be competent for any Person other than the Admiralty, or the Admiral, or other the Senior Officer for the time being in British Columbia, of Her Majesty's Naval Station, which includes within its limits the Waters of the said Colony, and they are hereby respectively authorized, to institute or carry on under this Ordinance any prosecution or proceeding for any offence.

None but the Admiralty to prosecute.

XV. Notwithstanding anything in any Act or Ordinance, Imperial or otherwise, any pecuniary penalty or other money recovered under this Ordinance shall be paid or applied to the use of Her Majesty, Her Heirs and Successors.

Penalties to be applied to the use of Her Majesty.

XVI. Nothing in this Ordinance shall prevent any Person from being indicted under this Ordinance, or otherwise, for any indictable offence made punishable on summary conviction by this Ordinance, or prevent any Person from being liable under any other Ordinance or Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Ordinance, so that no Person be punished twice for the same offence.

Not to prevent persons being indicted under this Ordinance.

XVII. Whenever in this Ordinance in describing or referring to any Person or Party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several Persons and Parties as well as one Person or Party, and females as well as males, and several matters and things as well as one matter or thing

Interpretation Clause.

Naval and Victualling Stores Ordinance.

thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

Short Title.

XVIII. This Ordinance may be cited for all purposes as the "Naval and Victualling Stores Ordinance, 1868."

Passed the Legislative Council the 31st day of March, A. D. 1868.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, in Her Majesty's name, this 22nd day of April, 1868.

FREDERICK SEYMOUR,
Governor.

SCHEDULE.

MARKS APPROPRIATED FOR HER MAJESTY'S USE IN OR ON NAVAL AND VICTUALLING STORES.

STORES.	MARKS.
Hempen Cordage and Wire Rope ...	White, Black, or Colored Worsted Threads laid up with the Yarns and the Wire respectively.
Canvas Fearnought Hammocks and Seaman's Bags	A Blue Line in a Serpentine Form.
Buntin.....	A double Tape in the Warp.
Candles	Blue or Red Cotton Threads in each Wick, or Wicks of Red Cotton.
Timber, Metal, and other Stores not before enumerated	The Broad Arrow.

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BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 3.

An Ordinance respecting the Supreme Courts of Justice of British Columbia.

[1st May, 1868.]

WHEREAS, before and at the time of the passing of "The British Columbia Act, 1866," there were within the limits of the present Colony of British Columbia two Supreme Courts of Justice, having jurisdiction respectively the one over the then Colony of Vancouver Island, and the other over the then Colony of British Columbia; Preamble.

And whereas certain doubts have arisen as to the respective powers and jurisdiction of the said two Courts, and of the Judges thereof, since the passing of the said Act and the Union of the said two Colonies thereunder;

And whereas it is desirable that such doubts should be removed, and further, that the Law relating to the Sheriff of British Columbia should be regulated as hereinafter is mentioned;

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

I. All the jurisdiction, powers, and authorities which, before the passing of "The British Columbia Act, 1866," were by law vested in, and had, and exercisable by, the Supreme Court of Civil Justice of the Colony of Vancouver Island, and in and by the Chief Justice thereof, both in Civil and Criminal matters and proceedings, shall be deemed and taken to have continued so vested in, and to have been had and exercisable by, the said Court and the said Chief Justice thereof, as if the said Act had not been passed. Powers and jurisdiction of the Supreme Court of Vancouver Island.

II. All the jurisdiction, powers, and authorities which before the passing of the "British Columbia Act, 1866," were by Law vested in and had and exercisable by the Sheriff of Vancouver Island for the time being, in all matters, process, and proceedings, Civil as well as Criminal, and before all Courts in the said Island, under or by virtue of the Order in Council of the 4th day of April, A. D. 1856, shall be deemed and taken to have been and to continue during the pleasure of the Governor vested in the High Sheriff for the time being of British Columbia, as and from the 19th day of November, A. D. 1866. Powers of Sheriff.

III. The provisions of the "Sheriffs' Ordinance, 1867," shall be deemed and taken to extend and apply, and to have extended and applied, to that part of British Columbia heretofore known as the Colony of Vancouver Island and its Dependencies, as and from the passing of such Ordinance. Applies "Sheriffs' Ordinance, 1867."

IV. Whenever

Courts Declaratory Ordinance.

Interpretation
Clause.

IV. Whenever in any of the Ordinances made and passed in the last Session of the Legislature of this Colony, the words "The Supreme Court," "The Supreme Court of Civil Justice," "The Supreme Court of Civil Justice of British Columbia," or other superior "Courts" shall occur, the same shall henceforward, and unless repugnant to the plain sense of the context be and be deemed to have been, from the date of the passing of such Ordinances respectively, for the Mainland "The Supreme Court of Civil Justice of British Columbia;" for Vancouver Island and its Dependencies "The Supreme Court of Civil Justice of the Colony of Vancouver Island."

Short Title.

V. This Ordinance may be cited for all purposes as "The Courts Declaratory Ordinance, 1868."

Passed the Legislative Council the 29th day of April, A. D. 1868.

CHARLES GOOD,

Clerk of the Council.

WILLIAM A. G. YOUNG,

Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,

Governor.

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BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 4.

An Ordinance to assimilate the Law affecting the limitation of certain causes of Actions and Suits.

[1st May, 1868.]

WHEREAS it is expedient to assimilate the Law affecting the limitation of causes of certain Suits arising abroad, in certain cases;

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

I. "The Limitation of Foreign Actions Act, 1860," and "The Extension of Limitation of Foreign Actions Act, 1861," of the formerly separate Colony of Vancouver Island are hereby repealed. Provided that the repeal hereinbefore mentioned shall not affect or prejudice any rights or privileges acquired under the Acts hereby repealed, or either of them, but the same shall be respectively held and construed as if such repeal had not taken place.

Repeal of V. I. Foreign Actions Acts 1860 and 1861.

II. In case any Suit or Action shall be instituted in this Colony against any person here resident, in respect of a cause of Action or Suit which has arisen between such person and some other person in a Foreign Country, wherein the person so sued shall have been resident at the time when such cause of Action or Suit shall have first arisen, such Suit or Action shall not be maintained in any Court of Civil Jurisdiction in this Colony, if the remedy thereon in such Foreign Country is barred by any Statute or Enactment for the limitation of Actions existing in such Foreign Country.

Foreign Statutes of Limitation to be a sufficient defence in certain cases.

III. Any defendant may obtain the benefit of the foregoing Enactment by a plea in the form following:

Form of plea.

"And for a (1st, 2nd,) plea to the whole, or any particular count of the declaration or suit, the defendant....., says that the cause of Action, or Suit, is barred by the law of (name of the Country,) in which Country the said cause of Action or Suit first arose.

Provided he shall give evidence of the expiration of the period of limitation prescribed by the Foreign Law pleaded.

IV. Any printed copy, purporting to be an authorized copy of any such statute or Enactment, shall be prima facie evidence of the Statute or Enactment of which it purports to be an authorized copy.

Printed copy to be prima facie evidence.

V. This Ordinance may be cited for all purposes as "The Limitation of Actions Ordinance, 1868."

Short Title.

Passed the Legislative Council the 17th day of April, A. D. 1868.

CHARLES GOOD,

WILLIAM A. G. YOUNG,

Clerk of the Council.

Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR, Governor.

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BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 5.

An Ordinance to confirm certain Titles to Real Property in Vancouver Island.

[1st May, 1868.]

WHEREAS doubts have been entertained whether the Preamble.
 Conveyances of Real Estate in that portion of the United
 Colony formerly known as the Colony of Vancouver
 Island and its Dependencies, executed on or before the 19th
 day of December, A. D. 1860, on behalf of "The Governor and
 Company of Adventurers of England trading into Hudson's
 Bay," under and by virtue of Letters or Powers of Attorney
 under the Seal of the said Governor and Company, have in
 fact conveyed the legal Estate to the Grantees thereunder, and
 it is expedient to remove such doubts;

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

I. That all Conveyances, Grants, and other assurances made Confirms Titles granted prior to 19th December, 1860.
 on or before the 19th day of December, A. D. 1860, on behalf
 of "The Governor and Company of Adventurers of England,
 trading into Hudson's Bay," by James Douglas and John
 Work, and by Alexander Grant Dallas and John Work, and
 Dugald Mac Tavish, and William Fraser Tolmie and Roderick
 Finlayson, or by either or one of them, and relating to
 hereditaments situated within that portion of the United
 Colony formerly known as the Colony of Vancouver Island
 and its Dependencies, shall be deemed and taken to have
 conveyed to the Grantee or Grantees therein named, the legal
 Estate of the hereditaments thereby purported to have been
 conveyed, and no objection shall be taken or allowed to any
 Conveyance, Grant, or Assurance, purporting to be made as
 aforesaid, under any letters or powers of attorney duly executed
 under the Seal of the said Company.

II. This Ordinance may be cited as "The Hudson Bay Short Title.
 Titles Confirmatory Ordinance, 1868."

Passed the Legislative Council the 29th day of April, A. D. 1868.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 6.

An Ordinance respecting the investigation of accidents by Fire.

[1st May, 1868.]

WHEREAS several Fires have lately occurred in the Colony of British Columbia, the origins of which remain undiscovered;

And whereas it is expedient to appoint Officers to investigate the causes of accidents by Fire, occurring in the said Colony of British Columbia;

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

I. From and after the date of the passing hereof, the Stipendiary Magistrate, whether acting as Coroner or not, or in his absence any Justice of the Peace within whose jurisdiction any Fire has occurred, whereby any house or other building in such jurisdiction has been wholly or in part consumed, shall institute an inquiry into the cause or origin of such Fire, and whether it was kindled by design, or was the result of negligence, or accident, and act according to the result of such enquiry. Empowers Magistrates to enquire into Fires.

II. For the purpose aforesaid, such Stipendiary Magistrate or Justice of the Peace shall summon and bring before him all Persons whom he deems capable of giving information or evidence touching or concerning such Fire, and shall examine such Persons on Oath, and shall reduce their examinations to writing, and return the same to the Colonial Secretary for the time being of the said Colony. Power to summon witnesses.

III. It shall not be the duty of such Stipendiary Magistrate or Justice of the Peace to institute an enquiry into the cause or origin of any Fire or Fires by which any house or other building has been wholly or partially consumed; nor shall such enquiry be had, until such Stipendiary Magistrate or Justice of the Peace shall have a reasonable suspicion that such Fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property, require an investigation. No formal inquest to be held save on reasonable suspicion.

IV. The said Stipendiary Magistrate or Justice of the Peace may, in his discretion, or in conformity with the written requisition of any Agent of an Insurance Company, or of any three householders in the vicinity of any such Fire, impanel a Jury of not less than three nor more than twelve persons chosen from among the householders resident in the vicinity of the Fire, to hear the evidence that may be adduced touching or concerning the same, and to render a verdict, under Oath thereupon, in accordance with the facts. On requisition jury to be empannelled.

V. If any Person having been duly summoned as a Juror or Witness to give evidence upon any such enquiry, does not after being openly called three times, appear and serve as such Juror, or appear and give evidence at such enquiry, the said Magistrate or Justice of the Peace shall be empowered to impose upon the Person so making default, such Fine as he thinks fit, not exceeding Ten Dollars; and such Magistrate or Justice of the Peace shall make out and sign a Certificate containing the Penalty for not serving on juries, how levied.

Fire Enquiry Ordinance.

the name, residence, trade or calling of such Person, together with the amount of the Fine imposed, and the cause of such Fine, and shall cause a copy of such Certificate to be served on the Person so fined, personally or by leaving it at his residence, within Seven days after holding such enquiry; and if the same is not paid within the space of Seven days after such Certificate has been served as aforesaid, a Warrant of distress shall be issued by the said Magistrate or Justice of the Peace, directed to the Sheriff, to be levied on the Goods and Chattels of such offender, and in default of such distress or if such distress shall prove insufficient, such Magistrate or Justice of the Peace may commit the offender to prison, for any term not exceeding Twenty-one Days.

These provisions not to limit Coroner's powers.

VI. Nothing herein contained shall affect any power by Law vested in any Coroner or Person acting as such, for compelling any Person to attend and act as a Juror, or to appear and give evidence before him on any inquest or other proceeding, or for punishing any Person for contempt of Court in not so attending and acting, or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of enquiries under this Ordinance.

Interpretation.

VII. Whenever in this Ordinance in describing or referring to any Person or Party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several Persons and Parties as well as one Person or Party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Fines, &c., declared Public Revenue.

VIII. All fines and penalties imposed under the provisions of this Ordinance, shall be payable to Her Majesty the Queen, Her heirs and successors, for the public uses of the said Colony.

Short Title.

IX. This Ordinance may be cited for all purposes as the "Fire Inquiry Ordinance, 1868."

Passed the Legislative Council the 23th day of April, A. D. 1868.

CHARLES GOOD,

WILLIAM A. G. YOUNG,

Clerk of the Council.

Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,
Governor.

NEW WESTMINSTER:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 7.

An Ordinance respecting Barristers and Attorneys-at-Law.

[1st May, 1868.]

WHEREAS it is expedient that Barristers may practise as Attorneys and Solicitors, and Attorneys and Solicitors as Barristers, in the Courts of British Columbia;

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

I. That from and after the passing of this Ordinance, "The Legal Practitioners' Ordinance, 1867," shall extend and apply, and the same is hereby extended and applied to the former Colony of Vancouver Island and its Dependencies, and to all the Courts of Civil and Criminal Jurisdiction thereof.

II. This Ordinance may be cited for all purposes as "The Legal Professions Ordinance, 1868."

Passed the Legislative Council the 29th day of April, A. D. 1868.

CHARLES GOOD, Clerk of the Council.

WILLIAM A. G. YOUNG, Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR, Governor.

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BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 8.

An Ordinance authorizing the Sale of the Real Estate of Intestates, and for other purposes.

[1st May, 1868.]

WHEREAS it is expedient to assimilate the Law authorizing the Sale of the Real Estate of Intestates in all parts of the Colony of British Columbia where the Heir is absent or unknown; Preamble.

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

I. "The Intestate Estate Sale Ordinance, 1867," is hereby repealed, save as to all rights acquired and acts lawfully done thereunder. Repeals existing Ordinance, with proviso.

II. From and after the date of the passing hereof, it shall be lawful for any Judge of the Supreme Court upon cause first shown before him in a summary way, on motion or by petition, that a Sale or some other disposition would be proper or advantageous to the Real Estate in this Colony of any Person dying intestate (and such application may be made by any person or persons claiming either as heir, or next of kin, or personal representative, or creditor of the said deceased intestate) by any order or writing under the hand of such Judge, to authorize 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 the Real Estate in this Colony, belonging to the Heirs of any such deceased intestate. Power vested in Judge of Supreme Court to order disposition of Intestate Estates.

III. Such Registrar or Representative shall hold and account for such Real Estate and the produce thereof, or the net proceeds of the Sale or disposition thereof, or 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, or where a Sale has taken place, shall pay the proceeds of such Sale, after such deduction into Court, under the "Trustees' Relief Ordinance, 1868," in trust for and to transfer the same under the orders of the said Court to the Heirs of such intestate, when and so soon as such Heirs shall have been ascertained to the satisfaction of the said Court. Proceeds of Real Estate how disposed of.

IV. All moneys paid into Court under this Ordinance, and under the "Trustees' Relief Ordinance, 1868," shall be paid in as a deposit to the Treasury of the Colony as the said Court shall from time to time appoint, in the name or to the account of the person acting as Accountant General for the time being of the said Court, to a separate account, to be intituled "The Account of (naming the person) deceased, intestate," or as the case may be. Provides for paying moneys into Court.

V. On

Intestate Estates Ordinance.

Technically defective evidence may be received in cases under \$500.

V. On any application under this Ordinance, or for administration generally, in cases under the estimated value of Five hundred dollars it shall be lawful for the Court to receive and make order on such evidence of any fact alleged, as shall be in the opinion of the Judge the best procurable without a disproportionate expense or delay, although the same may be technically defective in nature or degree when judged by the strict standard required by the known rules of law or equity.

Moneys paid in liable to order of Court.

VI. All moneys so paid in as aforesaid shall be subject to the order of the said Court, which shall be sufficient authority for the Treasurer, who is hereby required thereon to pay out the same or otherwise act in accordance with such order; and on payment of any such money the Treasurer may require the receipt of the Registrar or Deputy Registrar of the said Court under the seal thereof.

Interpretation.

VII. In the construction of this Ordinance the expression "The Supreme Court" shall on the Mainland and Queen Charlotte's Island mean the Supreme Court of Civil Justice of British Columbia; and on Vancouver Island the Supreme Court of Civil Justice of Vancouver Island.

Short Title.

VIII. This Ordinance may be cited as "The Intestate Estate Ordinance, 1868."

Passed the Legislative Council the 28th day of April, A. D. 1868.

CHARLES GOOD,

WILLIAM A. G. YOUNG,

Clerk of the Council.

Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,

Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 9.

An Ordinance in Aid of the Trustees' Relief Act.

[1st May, 1868.]

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

And whereas it is expedient more fully to enact and apply the same
in all parts of the Colony of British Columbia;

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

I. "The Trustees' Relief Ordinance 1866," is hereby repealed, save as Repeal of "Trustees' Relief Ordinance, 1866."
to all rights acquired and acts lawfully done thereunder.

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 Trustees' Relief Act to have force from 19th November, 1858.
Law, and shall be deemed to have been so in force within the former
Colony of British Columbia since the 19th day of November, A. D. 1858,
and in the whole Colony of British Columbia since the coming into
operation of "The English Law Ordinance, 1867."

III. The Judge or Judges of the Supreme Court of Civil Justice of Confirms the jurisdic- tion of the Supreme Court under the Statute.
British Columbia on the mainland, shall as and from the 19th day of
November, 1858, and the Judge or Judges of the Supreme Court of Civil
Justice in Vancouver Island, shall as and from the coming into operation
of the said "English Law Ordinance, 1867," be deemed to have had, and
to have been competent to exercise within their respective jurisdictions,
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.

IV. All payments and transfers heretofore made by order of any such Confirms past pay- ments and transfers.
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 any local Law or Proclamation of either
the formerly separate Colony of British Columbia before Union, or of
the United Colony of British Columbia since the coming into operation
of "The English Law Ordinance, 1867," in relation to such Act, shall
be deemed to have been lawfully made within the said "Trustees'
Relief Act."

V. All payments and transfers which by the said "Trustees' Relief Provides for future payments and trans- fers.
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 any or either of such Supreme Court or Courts
of the United Colony of British Columbia be made or deposited in the
name or to the account of the person Acting as Accountant General for
the time being of such Court, at the Treasury of the Colony.

VI. Tho

Trustees' Relief Ordinance.

Treasurer's receipt
a good discharge.

VI. The receipt of the Treasurer of the said Colony, or any person acting as such Treasurer for the time being, shall be and be deemed to be in all cases within the jurisdiction of any, or either of such Supreme Court or Courts, 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.

Invests Judge of
Supreme Court with
powers of Account-
ant General.

VII. All duties which in England may be performed by the Accountant General, may in this Colony be performed by the Judge of the Supreme Court in this Colony, within or in relation to whose jurisdiction such duties may be performed, but no fees shall be taken in respect thereof.

Short Title.

VIII. This Ordinance may be cited for all purposes as "The Trustees' Relief Ordinance, 1868."

Passed the Legislative Council the 27th day of April, A. D. 1868.

CHARLES GOOD,

WILLIAM A. G. YOUNG,

Clerk of the Council.

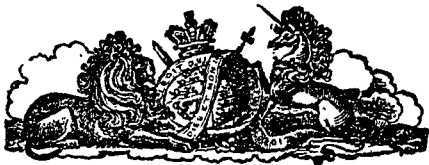
Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,

Governor.

L. S.



BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 10.

An Ordinance to amend "The Shipping Ordinance, 1867."

[1st May, 1868.]

WHEREAS it is expedient to amend "The Shipping Ordinance, 1867;" Preamble.

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

I. Clause V. of "The Shipping Ordinance, 1867," is hereby repealed. Repeals Clause V. of "The Shipping Ordinance, 1867."

II. This Ordinance may be cited for all purposes as "The Shipping Amendment Ordinance, 1868." Short Title.

Passed the Legislative Council the 1st day of May, A. D. 1868.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,
Governor.

L. S.



BRITISH COLUMBIA.

ANNO TRICESIMO UNO.

VICTORIÆ REGINÆ.

No. 11.

An Ordinance to extend "The Thompson Bridge Toll Act, 1864."

[1st May, 1868.]

WHEREAS, in consequence of delays and unforeseen difficulties Preamble.
in the construction of "Spence's Bridge" over the Thompson River, arising from natural causes over which the Contractor had no control, it is expedient to extend "The Thompson Bridge Toll Act, 1864," in manner hereinafter appearing;

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

I. "The Thompson Bridge Toll Act, 1864," together with the provisions, penalties, and remedies thereof, is hereby extended, and all and singular the powers, rights, tolls, and privileges by the said Ordinance accorded to Thomas Spence therein mentioned, his executors, administrators, and assigns, shall be and are hereby extended and continued to him and them for and during the further period of two and a half years beyond the term prescribed for his and their enjoyment of such powers and privileges conferred on him and them, under the said "Thompson Bridge Toll Act, 1864." Extends privileges granted by "The Thompson Bridge Toll Act, 1864."
NEVERTHELESS, with and subject to all and singular the covenants, conditions, and stipulations in the said Ordinance respectively mentioned or referred to, *mutatis mutandis*, as if the said term so extended had been originally inserted in the said Ordinance.

II. Provided that the powers and privileges hereby accorded are granted upon the further condition that the said Thomas Spence, his executors, administrators, and assigns, shall at all times during the continuance undetermined of the said powers and privileges conferred on him and them, under or by virtue of "The Thompson Bridge Toll Act, 1864," and of this Ordinance, and either of them, maintain and keep the said Bridge and its approaches in good and proper repair and working order, to the satisfaction of the Chief Commissioner of Lands and Works and Surveyor General, or his agent. Conditions of extension.

III. Provided, also, that it shall be lawful for the Governor or other Officer Administering the Government of British Columbia, at any time hereafter, to redeem all and singular the aforesaid powers and privileges at any time during the continuance of the said extended term of two and a half years hereby accorded, upon payment to the said Thomas Spence, his executors, administrators, or assigns, of such reasonable compensation therefor as shall be named in that behalf by any Arbitrator to be agreed upon between the said Chief Commissioner and the said Thomas Spence, his executors, administrators, or assigns, within one calendar month after any notice to him or them in writing from the said Chief Commissioner in that Provides for redemption.

Thompson Bridge Ordinance.

that behalf; or in default of such agreement by any Arbitrator to be appointed in that behalf by the Supreme Court of Civil Justice of British Columbia, upon the summary application of either party; the decision of every such Arbitrator to be final.

Bridge to revert to Her Majesty on forfeiture, &c.

IV. Provided that on forfeiture or other determination of the privileges by such Ordinance conferred on the said Thomas Spence, his executors, administrators, and assigns, the said Bridge and all improvements thereto shall revert to the use of Her Majesty, Her heirs and successors absolutely, and the moneys arising from the said Bridge and Tolls, less the cost of collection, shall be deemed and accounted for as part of the Public Revenue; and the powers, remedies, and privileges herein contained shall thereupon be exercised by and on behalf of Her Majesty, Her heirs and successors.

Short Title.

V. This Ordinance may be cited for all purposes as "The Thompson Bridge Ordinance, 1868."

Passed the Legislative Council the 1st day of May, A.D. 1868.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,
Governor.

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BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

No. 12.

An Ordinance to appropriate the sum of Three Hundred and Fifty-eight Thousand Nine Hundred and Twenty-three Dollars and Five Cents out of the General Revenue of the Colony, for the Contingent Service of the year 1868.

[1st May, 1868.]

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

I. That there may be issued and applied out of the General Revenue of the Colony of British Columbia and its Dependencies, not otherwise by Law specially appropriated for or towards making good the supply granted to Her Majesty, for the Contingent Service of the year One thousand eight hundred and sixty-eight, the sum of Three Hundred and Fifty-eight Thousand Nine Hundred and Twenty-three Dollars and Five Cents, the said amount being appropriated as follows, namely: Appropriation of Revenue for 1868.

FOR SALARIES AND ALLOWANCES.

The Governor.....	\$2,550 00
Legislative Council.....	900 00
Colonial Secretary.....	8,680 00
Treasurer.....	4,800 00
Auditor General.....	5,050 00
Chief Commissioner of Lands and Works.....	4,590 00
Customs.....	12,926 80
Registrar General.....	785 00
Harbour Master.....	1,800 00
Post Office.....	2,200 00
Judicial Establishments.....	4,700 00
Police and Gaols.....	17,831 25
Gold Commissioners and Stipendiary Magistrates.....	39,030 00

For

Appropriation Ordinance.

FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS.

Pensions.....	\$970 00
Revenue Services.....	500 00
Administration of Justice.....	5,200 00
Charitable Allowances.....	5,000 00
Education.....	6,000 00
Police and Gaols.....	13,000 00
Rent.....	700 00
Transport.....	5,910 00
Conveyance of Mails.....	29,400 00
Works and Buildings.....	5,300 00
Roads, Streets and Bridges.....	50,000 00
Miscellaneous Services.....	9,000 00
Interest.....	30,000 00
Drawbacks and Refund of Duties.....	1,100 00
Temporary Loans.....	70,000 00
Government Vessels.....	11,000 00
Light Houses.....	10,000 00

Treasurer to pay on
Governor's warrant.

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

Passed the Legislative Council the 29th day of April, A. D. 1868.

CHARLES GOOD,

Clerk of the Council.

WILLIAM A. G. YOUNG,

Presiding Member.

Assented to, in Her Majesty's name, this 1st day of May, 1868.

FREDERICK SEYMOUR,
Governor.

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