

U.



R.

No. 1. An Ordinance to promote the Drainage of Mines.

[1ST FEBRUARY, 1864.]

WHEREAS great inconvenience has been experienced in the prosecution of Mining operations in this Colony, for lack of authority for the creation of Mining Drains, and it is expedient by Statute to provide for the same in manner hereinafter appearing;

Preamble.

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

From and after the date of the passing of this Act,

I. It shall be lawful for the Gold Commissioner of any district in the Colony, upon the application hereinafter mentioned, to grant full license and authority to any Free Miner or Miners, Company, or Companies of Free Miners, to enter into and upon any lands in British Columbia, for the purpose of constructing a drain or drains for the drainage of Mining ground; and for that purpose to enter into an agreement or agreements for a Grant or License as hereinafter mentioned, with any Free Miner or Miners, Company, or Companies of Free Miners.

Gold Commissioner may grant License to construct Mining Drains.

II. Every such application as aforesaid shall contain a statement of the extent and nature of the privileges sought to be acquired, and the maximum amount of drainage toll (if any) proposed to be charged for the use or benefit to be made or derived from the drainage works thereby proposed to be constructed.

Form of Application.

III. It shall be lawful for the said Gold Commissioner to grant such rights of entry and taking toll as aforesaid, not however exceeding the maximum amount mentioned in such application, for such term of years not exceeding ten years, and to grant such powers of assessing, levying, and collecting such sums of money by way of drainage toll, from all persons using, or in the opinion of the said Gold Commissioner benefitted by such drain or drains, and with, under, and subject to such other terms, conditions, and restrictions as to such Gold Commissioner in his discretion may seem just and reasonable.

Gold Commissioner may grant right of entry and taking Toll.

IV. No such application for a grant or license, or agreement for a grant or license, shall be received by such Commissioner until he shall have been satisfied that the notice of application, next hereinafter mentioned, has been given.

Notice of intended application.

At least ten clear days notice in writing, of every such intended application shall be given by the applicant or applicants, by affixing the same to some conspicuous part of the ground intended to be affected by such application, and a duplicate of such notice shall be given at the same time, or as near thereto as may be, to the Gold Commissioner.

Necessary Covenants in a Drainage License.

V. Every such grant or license shall contain covenants by the grantees to construct such drain or drains, and have the same in effective working order, within a time certain to be therein named, and to keep such drain or drains, or such portion or portions thereof as such Commissioner shall from time to time in that behalf prescribe, in thorough working order and repair, and free from all obstructions, and of sufficient size and in all respects proper for efficiently performing the proposed work, with power to the Gold Commissioner from time to time to order any inspection and, on any complaint, to order any necessary repairs or alterations to be done within a reasonable time, to be limited by him; and if not then done by the grantees, that such repairs or alterations may be handed over by the Gold Commissioner for execution to any other person, persons, or company, being Free Miners. And the costs thereof may be levied by the said Gold Commissioner by sale of all or any part of the property of the grantees, including the said tolls (but subject to the conditions of the grant or license under which the same shall be held), and also covenants to make proper Tap-drains, in a reasonable time, from or into any adjacent claims, upon being required so to do by the owners thereof, or any authorized person or persons on their behalf, and on neglect or default so to do to suffice the parties desirous of such Tap-drains to make them themselves, and in which case the parties so making and using such Tap-drains shall only be chargeable with one half the usual rates of drainage toll, or such other proportion of toll as the Gold Commissioner shall in that behalf prescribe, and all such other proper covenants, conditions, and stipulations as may be introduced by such Gold Commissioner into such Grant or License, for ensuring the better construction, maintenance, and repairs of the said drains and drainage works, and for the protection of the owners of adjacent claims.

An agreement for a License to include these Covenants.

VI. And every such agreement as aforesaid, for any such Grant or License as aforesaid, shall be held to include an agreement for such Covenants. And every Grant of a power to enter any lands in the Colony to make drains, shall include a power to enter and make any Tap-drains as aforesaid; but in the case of Tap-drains, only three days previous notice, affixed as aforesaid, shall be required.

Compensation for damage.

VII. The Gold Commissioner alone, or (if desired by either party) with the assistance of a Jury of five Free Miners, which he is hereby authorized to summon for that purpose, may ascertain whether any and what compensation shall be paid for any damage which may be caused by any such entry or construction as aforesaid; and by any order under his hand prescribe by, and to whom, and when the same shall be paid.

Saving of Rights of the Crown.

VIII. Provided nevertheless that nothing herein contained, shall be deemed or construed to affect, limit, or abridge any of the rights of Her Majesty, Her Heirs or Successors in, or to, any of the Crown lands of this Colony.

Saving of rights of way and water.

IX. And no such Grant, or License, or agreement therefor, shall be valid unless the same shall contain a reservation of the public rights of way and water, in such manner, direction, and extent as the Gold Commissioner shall from time to time direct.

X. Any person wilfully refusing or neglecting to obey any lawful order of the Gold Commissioner, in relation to any payment of toll or compensation, or to any drain, or other matter, or thing whatsoever, that shall be by him authorized, prescribed, or required to be done in or under this Act, or in or under any Grant, or License, or agreement to be made under or by virtue of this Act, shall on being summarily convicted before any Justice of the Peace or Gold Commissioner, be liable to a fine not exceeding £50, or to an imprisonment not exceeding three calendar months.

Penalty on infraction of any provision of the Act.

XI. Provided nevertheless that in case the Grantees as aforesaid, shall be desirous of abandoning their respective Grants or Licenses as aforesaid, they shall give twenty clear days notice thereof in writing, by affixing the same and delivering a duplicate as hereinbefore mentioned of their intention so to do.

Abandonment of Drainage License.

XII. In the construction of this Act the expression "Gold Commissioner," shall be deemed and taken to include Assistant Gold Commissioners, and Justices of the Peace acting as Gold Commissioners, under any special authority, or any other person lawfully exercising the jurisdiction of a Gold Commissioner for the locality referred to.

Interpretation Clause.

XIII. This Ordinance may be cited for all purposes as "The Mining Drains Act, 1864."

Short Title.

Passed the Legislative Council the 30th January, A. D. 1864,

CHARLES GOOD,
Clerk.

Received my assent this first day of February, A. D. 1864,

JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.

U.



B.

No. 2. An Ordinance confirming certain Proclamations.

[2ND FEBRUARY, 1864.]

WHIEREAS, the Order in Council of the eleventh day of June, one thousand eight hundred and sixty three, revoked the Order in Council of the second day of September, one thousand eight hundred and fifty eight, as and from such eleventh day of June last, and

Preamble.

Whereas, several Proclamations have been made and passed, and Acts done under the said revoked Order in Council, for the purpose of better maintaining peace, order, and good government in British Columbia, subsequently to the date of such revocation, and

Whereas, for the avoidance of all doubt as to the binding authority of such Proclamations, it is expedient that an Ordinance confirming and re-enacting the same should be passed, in manner hereinafter appearing.

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

I. The Proclamations hereinafter specified, that is to say No. 8, dated 18th June, 1863, intituled "The Legal Professions Act, 1863," No. 9, dated 20th June, 1863, intituled "Cook's Ferry and Clinton Road Bond Act, 1863," No. 10, dated 21st September, 1863, intituled "The Alexandra Bridge Toll Act, 1863," No. 11, dated 23rd September, 1863, intituled "New Westminster Municipal Extension Act, 1863," No. 12, dated 24th September, 1863, intituled "Crown Officers' Salaries Act, 1863," and every Act done under the Order in Council of the second day of September, one thousand eight hundred and fifty eight, since the said eleventh day of June last, shall be of as binding authority and have the full force and effect of Law, to all intents and purposes whatsoever, in as full and ample a manner as if the said Order in Council of the second day of September, one thousand eight hundred and fifty eight, had never been revoked.

Confirms Proclamations passed since 11th June, 1863.

II. This Ordinance shall be cited for all purposes as "The Confirmatory Ordinance, 1864."

Short Title.

Passed the Legislative Council the }
1st February, A. D. 1864. }

CHARLES GOOD, Clerk.

Received my assent this second day of February, A. D. 1864.

JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.

U.



R.

No. 3. An Ordinance to apply the sum of One
hundred and thirty five thousand, six hundred and thirty nine pounds,
sixteen shillings and seven pence, Sterling, out of the General Revenue
of the Colony of British Columbia and its Dependencies, to the service of
the year One thousand eight hundred and sixty four.

[18th Feb., 1863.]

MOST Gracious Sovereign, we, Your Majesty's most dutiful and loyal subjects,
the Legislative Council of the Colony of British Columbia, in Parliament as-
sembled, toward making good the supply, which we have cheerfully granted
to Your Majesty, in this Session of Parliament, have resolved to grant unto Your
Majesty the sum hereinafter mentioned, and do therefore most humbly beseech
Your Majesty that it may be enacted by His Excellency the Governor of British
Columbia, by and with the advice and consent of the Legislative Council thereof,
in the present Parliament assembled, and by the authority of the same, as follows:

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

Passed the Legislative Council the 5th February, A.D. 1864,

CHARLES GOOD,
Clerk.

Received my assent this eighteenth day of February, A.D. 1864,

JAMES DOUGLAS,
Governor.

SCHEDULE.

ESTABLISHMENTS DETAILED.	CIVIL.	CUSTOMS.	
HIS EXCELLENCY THE GOVERNOR.		SALARIES. Fixed Establishment.	
SALARIES. Fixed Establishment.		Collector of Customs..... £650	
Governor	£3,000	Clerks, &c., in Department..... 846	
Private Secretary.....	350	Deputy Collector, Southern Boundary 300	
Provisional.		OUT-DOOR DEPARTMENT.	
Messenger	100	Revenue Officer	
3,450		350	
CONTINGENCIES.		2,146	
Stationery, &c.	50	Provisional and Temporary.	
Total His Excellency the Governor		Landing Waiters	
£3,500		2 Constables at Southern Boundary ...	
COLONIAL SECRETARY.		Assistant Collector, Douglas	
SALARIES. Fixed Establishments.		1 Constable at Douglas	
Colonial Secretary	£800	Assistant Collector at Yale.....	
Clerks, &c., in Department	1,050	1 Constable at Yale	
1,850		1,920	
CONTINGENCIES.		CONTINGENCIES.	
Extra assistance in Office	£500	Stationery, &c.	
Advertising in Public Newspapers	100	Total of Customs..... £4,186	
Stationery	150	REGISTRAR GENERAL.	
750		SALARIES. Fixed Establishment.	
Printing Department	1,250	Registrar General	
£3,850		CONTINGENCIES.	
TREASURER.		Stationery	
SALARIES. Fixed Establishment.		Temporary assistance	
Treasurer	£750	100	
Clerks, &c., in Department.....	1,270	Total Registrar General..... £600	
2,020		POST OFFICE.	
Advance of Salary to Messenger. Provisional	20	SALARIES. Fixed Establishment.	
CONTINGENCIES.		Post Master and Messenger.....	
Stationery, &c.	100	Deputy at Williams Lake	
£2,140		722	
ASSAY AND REFINERY OFFICE.		CONTINGENCIES.	
SALARIES. Fixed Establishment.		Stationery, &c.	
1 Assayer and 1 Melter	£800	Total Post Office..... £797	
CONTINGENCIES.		HARBOUR MASTER.	
Stationery, Chemicals, Fuel, &c.	350	SALARIES. Fixed Establishment.	
£1,150		Harbour Master	
AUDITOR GENERAL.		CONTINGENCIES.	
SALARIES. Fixed Establishment.		Stationery.....	
Auditor.....	NIL	Total Harbour Master..... £410	
Clerks in Department	£650	LEGISLATIVE COUNCIL.	
CONTINGENCIES.		Provisional and Temporary.	
Stationery, &c.	50	Salary of Clerk	
£700		£200	
COMMISSIONER OF LANDS AND SURVEYOR GENERAL.		CONTINGENCIES.	
SALARIES. Fixed Establishment.		Stationery, Fuel, &c.	
Surveyor General	£800	Total Legislative Council..... £300	
2 Assistants at £250 each.....	£500	ASSISTANT GOLD COMMISSIONERS AND STIPENDIARY MAGISTRATES.	
1 Messenger	100	DOUGLAS DISTRICT.	
600		SALARIES. Fixed Establishment.	
Road Toll Collectors at Lillooet.....	600	Assistant Gold Commissioner, &c.....	
Do. do. Clinton	400	2 Constables	
Do. do. Lytton	400	684	
Do. do. Lytton	200	ALLOWANCES.	
1,600		Keep of horse	
CONTINGENCIES.		CONTINGENCIES.	
Stationery, Drawing Materials, &c.	500	Stationery, &c.	
£3,500		40	
Total Commissioner of Lands &c. &c.		Total Douglas District..... £796	

YALE DISTRICT, including Hope.

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner	£350	
2 Constables	634	
1 Do. at Hope	192	
		1,176
ALLOWANCES.		
Keep of horse.....		72
CONTINGENCIES.		
Stationery &c.		100
Total Yale District.....	£1,348	

LYTTON DISTRICT.

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner	£400	
2 Constables	432	
		832
CONTINGENCIES.		
Stationery.....		50
Total Lytton District.....	£882	

LILLOOET DISTRICT.

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner	£400	
2 Constables	432	
		832
CONTINGENCIES.		
Stationery, &c.		50
Total Lillooet District.....	£882	

SHUSWAP DISTRICT.

SALARIES.	Fixed Establishment.	
Assistant Gold Commissioner	£500	
2 Constables, 1 at 240 and 1 at 192 ...	432	
		932
CONTINGENCIES.		
Stationery, &c. - - - - -		100
Total Shuswap District -	£1,032	

CARIBOO DISTRICTS.

SALARIES.	Fixed Establishments.	
1 Gold Commissioner - - - - -	£500	
1 Assistant do. - - - - -	500	
2 Clerks for do. - - - - -	700	
6 Constables do. Cariboo Districts -	1,560	
		3,260
Provisional and Temporary.		
Advance to Salary of the Gold Commissioner	100	
ALLOWANCES.		
To 1 Gold Commissioner and 1 Assistant Gold Commissioner of £100 per annum each, in consequence of the high price of Provisions - - - - -		200
CONTINGENCIES.		
Stationery, &c. - - - - -		400
Total Cariboo District	£3,960	

JUDICIAL.

SALARIES.	Fixed Establishment.	
Judge of Supreme Court - - - - -	£1,200	
Registrar Do. - - - - -	300	
		1,500
Provisional and Temporary.		
Advance of Salary to Registrar - - - - -	100	
CONTINGENCIES.		
Stationery, &c. - - - - -		50
Total Supreme Court	£1,650	

ATTORNEY GENERAL.

SALARIES.	Fixed Establishment.	
Attorney General - - - - -	£500	
Clerk to do. - - - - -	200	
		700
CONTINGENCIES.		
Stationery, &c. - - - - -		50
Total Attorney General	£750	

POLICE, INCLUDING PRISONS AND GAOLS.

SALARIES.	Fixed Establishment.	
Chief Inspector of Police - - - - -	£500	
3 Constables - - - - -	488	
		988
GAOL AT NEW WESTMINSTER.		
Warden of Gaol and Gaoler - - - - -	344	
Medical Attendance - - - - -	100	
		444
CONTINGENCIES.		
Stationery - - - - -		50
Total of Police and Gaols	£1,482	

REVENUE SERVICES, Exclusive of Establishments.

Arrest and prosecution of Smugglers at New Westminster and Southern Boundary -	£325	
Travelling Expenses, Officers on duty -	100	
		£425

ADMINISTRATION OF JUSTICE, Exclusive of Establishments.

Summoning Jurors and Witnesses -	50	
Interpreters, Fees, &c. - - - - -	350	
Judge and Registrar on Circuit - - - - -	1,500	
		£1,900

CHARITABLE ALLOWANCES.

Donation in aid of Hospital - - - - -	£400	
---------------------------------------	------	--

EDUCATION.

For aiding in the establishment of Schools, and in the maintenance of existing Schools	£500	
--	------	--

POLICE AND GAOLS, Exclusive of Establishments.

NEW WESTMINSTER.		
Provisions and other necessaries for Prisoners	960	
Clothing, Bedding, and Furniture -	150	
Working Implements for Chain Gang -	50	
Witnesses, Interpreters - - - - -	100	

DOUGLAS.

Keep of Prisoners and other Police expenditure at this Station - - - - -	300	
--	-----	--

YALE.

Keep of Prisoners, &c. at this Station -	300	
--	-----	--

LYTTON.

Keep of Prisoners, &c. at this Station -	550	
--	-----	--

LILLOOET.

Keep of Prisoners, &c. at this Station -	300	
--	-----	--

CARIBOO AND SHUSWAP.

Keep of Prisoners, &c. at these Stations -	1,000	
		£3,650

RENT.

Of Court House and Gaol, Lillooet -	150	
Temporary Residence of His Excellency The Governor - - - - -	30	

Total	£189	
--------------	-------------	--

TRANSPORT.

HIS EXCELLENCY THE GOVERNOR.	
Expenses of Tours in the Interior	1,000
TREASURER.	
Travelling Expenses of Officers on duty	27
Remittance of Treasure	50
AUDITOR GENERAL.	
Travelling Expenses of Officers on duty	20
Freight upon Accounts to England	20
COMMISSIONER OF LANDS AND SURVEYOR GENERAL.	
Keep of Government horses	100
CUSTOMS.	
Travelling Expenses of Officers on duty	100
HARBOUR MASTER.	
Travelling Expenses of Officers on duty	25
Occasional hire of Boatmen	25
REGISTRAR GENERAL.	
Travelling Expenses of Officers on duty	50
GOLD COMMISSIONER AND ASSISTANT DO. IN CARIBOO.	
Travelling Expenses of Officers and Constables on duty	1,000
ASSISTANT GOLD COMMISSIONER. SHUSWAP.	
Travelling Expenses of Officers and Constables on duty	250
INSPECTOR OF STEAM VESSELS.	
Travelling Expenses of Inspector testing Boilers	400
Travelling Expenses of Magistrates, &c. on duty	200
	£3,265

CONVEYANCE OF MAILS.

By Land	3,000
By Water	1,000
	£4,000

WORKS AND BUILDINGS.

Repairs and improvements to Government House, at the Camp	500
Repairs to and fitting up of Colonial Secretary and Auditor's Offices	200
Repairs generally to other Offices in New Westminster	100
Government House and Lock-up at Lillooet, a re-vote	1,000
Re-placing Buoys at mouth of Fraser River	600
Sundry repairs to Government Buildings	1,000
Exploring in the Interior	500
Surveying generally, and assisting Settlers to take up land	4,000
Grant in aid of Naval Survey of Coast	500
Erection of Court House, &c., at Lightning Creek	1,000
	£9,400

ROADS, STREETS, AND BRIDGES.

Repairs to and keeping in good order the Portages on the Harrison-Lillooet Route	3,000
Repairs to and keeping in good order the Road from Yale to the junction at Clinton	2,000
Roads in Cariboo	8,000
Improving Trail and opening Road from Alexandria Road, by Horse-fly Creek to Quesnel Lake	1,000
Probable sum required to open communication to newly discovered Gold Fields	5,000
Three Notes of Mr. G. B. Wright's, guaranteed by Government, due July, 1864	6,000
Chapman Bag and Boston Bar Road	4,000
	£29,000

MISCELLANEOUS SERVICES.

Presents to Indian Chiefs	200
Loss on sale of Gold Dust Assayed	80
Celebration of Public Holidays	20
Sundry Miscellaneous expenditure	200
Furnishing Governor's Residence	1,000
Wharf Rents to Municipal Council, New Westminster	200
Proportion of Roads Tolls payable to G. B. Wright, on account of Lillooet Alexandria Road, as per agreement	1,600
Purchasing Drafts for remittances to London	200
	£3,500

INTEREST.

Interest on Loan (1862) at 6 per cent.	3,000
Do. (1863) do.	3,000
Interest on Temporary Loans	1,000
Do. on Road Bonds	1,000
	£8,000

DRAWBACK AND REFUND OF DUTIES.

Drawback and Refunds	£50
----------------------	------------

REDEMPTION OF BONDS.

Cook's Ferry and Clinton Road Bonds due 30th September, 1864, Nos. 1 to 85	£4,250
--	---------------

SINKING FUND.

In Redemption of £50,000 Loan 1862	4,500
Do. Do. 1863	2,000
	£6,500

HOME GOVERNMENT ACCOUNT.

Due to Her Majesty's Government for the Buildings at the Camp New Westminster	£10,704 16 7
---	---------------------

TEMPORARY LOANS.

Due to the Government of Vancouver Island	9,000
Due to the Bank of British Columbia	7,000
	£16,000

BRITISH COLUMBIA.

U.



B.

No. 4. An Ordinance to extend and improve the Laws relating to Gold Mining.

[26th February, 1864.]

WHEREAS, from the increased extent and importance of Gold Mining in British Columbia, it is requisite to make further provision as to the holding, sale, transmission, and disposal of claims and interests in claims, and to facilitate the creation of partnerships, and also to confer privileges under certain restrictions on free miners associating together for the more economical and systematic drainage of mining ground, and to raise revenue from the duties upon the registration of various mining matters;

Preamble.

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

1. From and after the passing of this Act, so much of clause thirty one (31) of the Gold Fields Act, 1859, as relates to the times of meeting of the Mining Board shall be amended to read as follows:

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

Mining Board Meetings.

2. Section thirty three (33) of the said Gold Fields Act, 1859, shall be repealed, and the following provisions substituted in lieu thereof:

Repeals Section 33 of Gold Field's Act, 1859.

The General Election of members of the Mining Board shall be held on such day, in each year, as the Gold Commissioner in each District shall appoint;

Election of Mining Board.

And the Gold Commissioner shall fill by appointment all vacancies which may arise in the said Board, and when the same may occur, and such appointees shall hold office until the next General Election.

Vacancies in the Board

3. Section thirty five (35) of the said Gold Fields Act shall be amended by striking out the words Gold Commissioner in the first line of the said section.

Mining Board may act without presence of Gold Commissioner.

4. The words Gold Commissioner shall be and is hereby struck out from clause thirty six (36) of the said Gold Fields Act, 1859, wherever the same may occur therein, and in lieu thereof the words "majority of the said Mining Board" shall be inserted throughout such clause, which shall be read and construed accordingly, reserving nevertheless to the Gold Commissioner the power hereinbefore specified in clause I. of this Act.

Mining Board to manage its internal affairs.

5. Upon complaint being made to him, the Gold Commissioner is hereby empowered to order all mining works to be carried out in such manner as he shall think necessary for the safety of the public, or the protection of their rights, or the interest of the holders of claims adjoining to or affected by any such works, and to order any abandoned works to be either filled up or sufficiently guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in case such parties shall be absent then to make such order in the premises as to such Gold Commissioner shall seem expedient.

Protection against dangerous works.

Hill or Tunnel Claims.

6. All claims situated on the banks of or fronting on any natural channel, stream, ravine, or water course, shall have a base line drawn parallel to the channel of the stream on which they may be located, such base line to constitute the frontage of such claims, and to be marked by posts of the legal size placed at intervals of one hundred feet. Lines drawn at right angles thereto to constitute the side lines or dividing lines between claims.

Gold Commissioner may refuse to record certain Tunnel Claims.

7. Provided also that the Gold Commissioner shall have power to refuse to record any hill or tunnel claim on any creek, which claim or any part thereof shall include or come within two hundred feet of any gulch or tributary of such creek.

Gold Commissioner may decide all mining partnership disputes.

8. Clause seventeen (17) of the Gold Fields Act, 1859, is hereby repealed.

Bed-rock Flumes.

Power to Gold Commissioner to authorize Bed-rock Flumes.

9. It shall be lawful for the Gold Commissioner to grant, or agree to grant, rights of entry on or under any lands in the Colony, for the purpose of constructing, laying, and maintaining Bed-rock Flumes, for such terms, not exceeding ten years, with, under, and subject to such of the conditions and stipulations hereinafter mentioned with regard to Bed-rock Flumes, as in the opinion of such Gold Commissioner the interests of mining in his District, for the time being, may render advisable. Provided that every such grant or agreement shall contain a proper reservation of the rights of the Crown, and of public rights of way and water, and reservations of land for Public or Governmental purposes, and (so far as consistent with the objects of such grant) a reservation of private rights arising for the time being.

Who may be a Bed-rock Flume Company.

10. Three or more free miners may constitute themselves into a Bed-rock Flume Company within the meaning of this Act, and when duly authorized as lastly hereinbefore mentioned may enter upon any river, creek, gulch, ravine, or other water course in the Colony, for the purpose of constructing and laying a Bed-rock Flume therein, and when not otherwise expressed in such authority as aforesaid, with the rights and privileges and under the limitations and restrictions hereinafter specified.

Privileges of and requirements from Bed-rock Flume Companies.

11. Any company so authorized as aforesaid, and organized under the provisions of this Act, shall be entitled to enter upon any new and unworked river, creek, gulch, ravine, or water course, and locate a strip of ground one hundred feet wide and two hundred feet long, in the bed of such stream, gulch, ravine, or water course, to each man of the persons constituting such company, and shall have and enjoy the right of way from their upper line to extend the said flume for a further distance of five miles up the stream, gulch, ravine, or water course, in the bed thereof. Provided that such company shall for each of the men constituting the same, construct and lay at least fifty feet of flume during the first year, and one hundred feet annually thereafter.

Free Miners may lay Bed-rock Flumes above Bed-rock Flume Company's Claim.

12. In case any free miner or miners shall enter upon, take up, and legally work any ground above the claim of the said Bed-rock Flume company, and within the limits of their right of way, after the said company shall have become organized and located according to the provisions of this Act, such company shall be entitled to enter upon such claim or claims for the purpose of cutting a channel to and into the bed-rock if necessary, and of laying their flume through such claim or claims.

Provided that such channel shall not be cut wider than necessary for that purpose, and the owner or owners of such claim or claims shall be entitled to all the gold taken out of the cut.

Free Miners may use, but not obstruct Bed-rock Flumes.

13. Any free miner or miners lawfully holding and working any claims on any gulch, ravine, stream or water course where a Bed-rock Flume may be constructed under the provisions of this Act, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so nevertheless as not in the opinion of the Gold Commissioner, by rocks, stones, boulders, or otherwise unnecessarily to obstruct the free working of such flume.

Provided that such Bed-rock Flume company, shall be entitled to all the gold deposited in such flume.

Bed-rock Flume Companies may enter on "abandoned ground."

14. Any company authorized and organized as aforesaid, shall be, and are hereby empowered to enter upon any river, creek, gulch, ravine, or other water course which may have been worked by miners and abandoned, and locate the entire bed of such stream, gulch, ravine, or water course one hundred feet in width, and one half mile of the length of such stream, gulch, ravine, or water course,

for each one of the free miners constituting such company, and such company shall possess the exclusive right to work the ground so located.

The term "abandoned ground" shall be construed to include all new and unworked ground outside of claims, actually held and worked upon any stream, gulch, ravine, or water course, which may have been discovered and mined for two years or more.

"Abandoned ground" how construed.

15. Bed-rock Flume companies authorized and organized as aforesaid, and locating upon abandoned streams or ground, shall be governed by clause 12 of this Act in all cases where free miners or companies of free miners shall be legally holding and working claims on such stream or ground, prior to and at the time of the location of such Bed-rock Flume company's claim, if within the limits thereof.

Bed-rock Flume Companies working "abandoned ground" to be governed by Clause 12.

16. Any portion or part of any river, creek, gulch, ravine, or other water course having four or more free miners per mile legally holding and *bona fide* not colourably working claims, on such stream, gulch, ravine, or water course, shall not be deemed "abandoned" within the meaning of this Act, but in such case any Bed-rock Flume company desiring to run a flume through such portion or part of such stream, gulch, ravine, or water course, shall be governed by the following clauses of this Act.

Rivers, creeks, &c., when not deemed abandoned.

17. Any Bed-rock Flume company, as aforesaid, locating upon any portion of a stream, gulch, ravine, or water course referred to in clause 16 hereof shall have their location carefully surveyed, and a post with a square top driven securely into the ground, upon the lower line of each such claims, within such company's limits, and shall at the time of setting up such posts give notice to each of the holders of such claims, in writing, of the distance in feet and inches, at which such company's flume will strike any such miner's claim, or perpendicularly below the top of such post, and the number of inches grade which such flume has in each one hundred feet.

Boundaries of Bed-rock Flume Company's claim, how fixed.

18. At the expiration of one calendar month, or such further time as the Gold Commissioner may allow, after survey and service of notice last aforesaid, it shall be lawful for such Flume company to enter upon any claim or claims situated within such company's limits, and open a cut and lay a bed-rock flume through such claim or claims, in case the owner or owners thereof shall have failed in the meantime to open their respective claims, and lay bed-rock flumes therein.

After due notice, Bed-rock Flume Company can lay flume on any claim.

Provided that if such Bed-rock Flume company shall so enter upon and lay the said flume through any claim or claims, as last aforesaid, the respective holder or holders of such claim or claims shall be entitled to all gold taken from the cut and bed-rock, in opening the said cut and laying the flume therein.

Holder of such claim entitled to gold in flume.

19. Private claim holders putting in bed-rock flumes to connect with bed-rock flumes put in by Bed-rock Flume companies, shall maintain the like grade, and build their flumes as thoroughly and of as strong materials as are used by Bed-rock Flume companies.

What grades to be maintained by private claim holders.

20. Individual or company claim holders, after the bed-rock flume has been extended through their respective claims at their own expense, shall have the right at any time before the abandonment of their claim or claims to become members of the bed-rock flume company, by uniting their claim or claims with the ground of the company, and taking an interest proportionate to the area of the ground which they shall cede to the company, or work their ground on their own account, at their option.

Right of claim holders who have borne expense of Bed-rock Flume to become members of Bed-rock Flume Company.

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

Right of Bed-rock Flume Company to water.

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

Bed-rock Flumes declared personal property.

Bed-rock Flume Company how registered, and fees payable.

Individual claim holders fluming, subject to same rules.

Private company may abandon claims, and appropriate gold in flume.

Such flume deemed abandoned, and to revert to Bed-rock Flume Company.

Bed-rock Flume notice.

Deads and leavings not to obstruct stream.

Minors of 16 (when partners) to be deemed adult freeminers.

Mining Co-partnerships.

Minutes of Co-partnership when no deed of partnership exists.

Duration of mining Co-partnership.

Confined to mining.

Powers of a majority.

Assessments, when payable.

Payment of assessment, in default how enforced.

23. Bed-rock Flume companies, authorized and organized as aforesaid, shall measure off their ground, set up their stakes, post their notices, and register their claims, in the same manner as individual free miners are required to do, and shall pay five pounds sterling per annum in addition to the registration fee for each half mile of claim and right of way legally held by such company.

24. Individual or company claim holders, building bed-rock flumes through their own ground, to connect with similar flumes built by Bed-rock Flume companies shall be subject to the same rules and regulations, with regard to cleaning up the flume repairs and other matters, in which both parties are interested, and pertaining to the rights hereby authorized and confirmed, as may be adopted by such Bed-rock Flume company.

25. Provided that if any private or company claim holders shall desire to abandon their respective claims, they may give notice to such Bed-rock Flume company of such intention, and shall then have the right to proceed at once to clean up their portion of such flume, or wait until such company cleans up, and then take all the gold which may be found in their portion of such flume.

Provided also that when such individual or company claim holders shall have given the notice aforesaid, and cleaned up their section of the said flume, such claims shall be deemed to be abandoned with the flume therein, and such abandonment shall revert to the benefit of such Bed-rock Flume company.

26. Any free miners or company of free miners applying for the privilege of constructing a bed-rock flume, shall comply with the requirements of clause twenty four (24) of the Gold Fields Rules and Regulations, issued on the 7th day of September, 1859, and also put up a notice of such application in some conspicuous part of the town place, or at the Court House nearest to the locality applied for, at least five clear days before making such application.

27. The period at the end of clause two (2) of the Rules and Regulations issued on the 24th day of February, 1863, is hereby struck out and the following words added thereto, to wit: "or shaft, and in no case shall the said deads or leavings, forkings from sluices, waste dirt, large stones, or tailings be allowed to accumulate so as to obstruct the natural course of the stream.

28. The interests of minors over sixteen years of age, shall be subject to the same laws as apply to the interests of adult free miners, and they shall enjoy the same rights thereto as adults, but no person under the age of sixteen years shall be capable of holding any claim, or interest therein.

29. And whereas, it is necessary to provide facilities for the formation of mining co-partnerships, be it enacted

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

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

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

32. A majority of the co-partners, or their legally authorized agents, may decide the manner of working the claims of the co-partners, the number of men to be employed, and extent and manner of levying assessments to defray the expense of working the claim or claims of the company and all other matters pertaining thereto. Provided that every such company's claim shall be represented according to law. Such majority may also choose a foreman or local manager, who shall represent the company, and have power to bind such company by his contracts, and sue and be sued in the name of the company for assessments and otherwise; and every such partnership must register its partnership or company name with the Gold Commissioner.

33. All assessments levied during the time of working, shall be payable within ten clear days after each such assessment.

34. Any party failing or refusing to pay any assessment or assessmentse leviable according to the provisions of this Act, after having received any notice thereof, specifying the amount due during the period the said party may be delinquent, shall be personally liable to his co-partners for the amount of such delinquency, and the amount of such delinquents indebtedness having been ascertained by a court of competent jurisdiction, his interest in said company's claim may be sold for the payment of the amount found due, with interest (if any) and costs as hereafter specified.

35. The notice of sale of such delinquent's interest, or such part thereof as shall suffice to pay the amount of indebtedness, with interest and costs as aforesaid, shall be published by advertisement in some newspaper published in the district, for ten days prior to the day of sale, and if there be no newspaper published in the district, then notices of such sale shall be posted for the same length of time, in the vicinity of the claim or interest to be sold, and at the Court house nearest thereto. Such sale shall be by public auction to the bidder offering to pay the amount due for the smallest portion of said claim or interest. The purchaser at such sale on payment of the purchase money, shall acquire all the right, title and interest of the delinquent, in and to the interest sold, and shall be entitled to the immediate possession thereof.

Notice of Sale.

36. The following part of clause (7) seven of the Gold Fields' Act, 1859, shall be deemed to have been never repealed, that is to say,

No one recognized except a free miner in a claim.

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

37. Clause 3 of the Proclamation of 25th day of March, 1863, is hereby repealed, and the following provisions be substituted in lieu thereof:

Miners record covers only unappropriated water.

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

38. It shall be lawful for the Gold Commissioner previous to recording a claim or interest therein or other matter, to demand from the applicant the production of his free miner's certificate, and upon his refusal or neglect to produce the same, to refuse to record such claim, interest, or other matter.

Production of free miner's certificate before record.

39. For every record which the Gold Commissioner shall be called upon to make whether of leave of absence granted or any matter or thing whatever, relating to mining, and for which a special fee shall not have been provided by any law, rate or regulation in that behalf in force for the time being, the Gold Commissioner shall charge a registration fee of ten shillings and sixpence, but for every search of a record only four shillings and two pence.

General fee on recording mining matter.

40. No distinguishing number shall hereafter be required, or be deemed to have been ever required, for or in respect to any claim, any existing law or rule to the contrary notwithstanding.

Distinguishing number of claims abolished.

41. All gold found in any gold mine in the Colony, shall be deemed and taken to be ore of gold, within the meaning of the statute.

Gold in claim to be ore of gold.

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

Claims recorded in the close season when laid over.

43. Every free miner shall be allowed three days in which to record his claim by pre-emption after the same shall have been located, if such claim shall be within 10 miles of the Gold Commissioner's office, if more than ten miles from it then one additional day shall be allowed for every additional ten miles or fraction of ten miles, as the case may be.

Three days' grace for every 10 miles before record.

44. Every adult free miner shall be allowed to hold two claims by pre-emption, viz: one quartz claim and one other claim and no more at the same time, but by purchase may hold any number or amount of claims or interests therein, which have been once duly located and registered, subject to the laws for the time being regulating the same. And every adult free miner may lawfully sell; mortgage, transmit, or dispose of any number of claims or interests therein, lawfully held or acquired by him, whether by pre-emption or purchase.

Limits claims by pre-emption to two claims.

45. The amount of interest which a free miner has in his claim shall, save as against Her Majesty, Her Heirs, and Successors, be deemed and taken to be a chattel interest equivalent to a lease for a year, renewable at the end of the first and every subsequent year, subject to the conditions as to forfeiture, working, representation, registration, and otherwise, for the time being in force with respect to such claim or interest under any Law or Rule regulating the same.

What is a miner's interest in a claim.

Provided that every forfeiture of a claim under any such Law or Rule shall be absolute, any Rule or Law or equity to the contrary notwithstanding.

Forfeiture absolute.

Deceased free miner's claims not forfeitable.

46. In case of the death of any free miner, while registered as the holder of any claim or ditch, his claim or interest shall not be open to the occupation of any other person for non-working or non-representation, either after his decease or during the illness which shall have terminated in his decease.

Gold Commissioner may keepafoot or sell deceased miner's claim.

47. And in all cases where the Gold Commissioner shall find that such free miner shall be possessed of a claim or ditch, or interest therein, he may cause the same to be duly represented until sale on such terms as he shall think just, or dispense with the same at his option, or may sell such claim, ditch, or interest by Auction, after ten days' public notice thereof, for such price as in his judgment he shall deem just and fair, and for the purpose aforesaid, the Gold Commissioner may employ and pay out of any assets of the deceased, which may come to his hands, such valuers or persons as may be necessary.

Gold Commissioner's conveyance a good title.

48. Every assignment of any such interest by the Gold Commissioner shall convey to the assignee all the right and interest of the deceased miner, thereby purported to be conveyed, and shall be subject to the same registration and fees as if such assignment had been made by such miner before his decease.

Notice of official administration.

49. The Gold Commissioner shall in all cases of death of every registered free miner, give notice thereof as soon as conveniently may be, and also of any acts and interferences of such Gold Commissioner, to the official administrator, who shall in all cases which may seem fitting, take out probate or letters of administration as the case may require, and collect and get in the estate and effects of the deceased in the usual and proper way; no such dealing or interference, as aforesaid, by the Gold Commissioner shall make him in any way liable as an executor *de son tort*, or in any way liable for unintentional losses or in any other responsibility, than to account to the personal representative of the deceased, when duly constituted, for all monies actually received and expended by him in the matter of the estate and effects of the deceased.

Allowance to Gold Commissioner.

50. Every Gold Commissioner who shall so act in the collection and custody of the estate and effects as aforesaid, shall be entitled to his own use, to an allowance thereout not exceeding in any case five per cent on the whole amount collected.

Fees on registration as in Schedule.

51. On the registration of any of the matters, acts, deeds, documents, or things mentioned on the Schedule hereto, there shall be payable in respect thereof by the party seeking such registration, the several duties and sums of money set opposite such matters, acts, deeds, documents, and things respectively in the Schedule hereto, such payments to be taken by the Gold Commissioner or other officer effecting the registration at the time of each registration, and for the use of Her Majesty, Her Heirs and Successors.

52. Every sale, mortgage, alienation or other disposition of any claim, ditch or other mining property, or of any interest therein respectively, shall be made by an Instrument in writing which shall be registered with the Gold Commissioner, or other officer duly authorized in that behalf in the district in which such property is situated, in separate books to be kept by him for the purpose, and every such conveyance, mortgage, or other document shall set forth truly expressed in words at length, the full *bonâ fide* price, consideration, or value that has been or has to be paid directly or indirectly in each transaction, or in default thereof shall be void.

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

Certified copy of record evidence.

54. Every copy or extract from any record or register, under or by virtue of this act, or the Gold Field's Act of 1859, the Proclamation of 25th day of March, 1863, or any Gold Rules and Regulations required to be kept by any Gold Commissioner, and certified to be a true copy or extract under the hand of the Gold Commissioner, or other person authorized to take and keep such record or register, shall in the absence of the original register, be receivable in any judicial proceedings as evidence of all matters and things therein appearing.

Saving of Crown Rights.

55. Nothing herein shall be construed to limit, or abridge the prerogative rights of Her Majesty, Her Heirs and Successors, in or to the Gold Fields of British Columbia.

56. This Act shall be construed as far as possible with the Gold Fields' Act, 1859, and Proclamation of the 25th day of March, 1863, and the Rules and Regulations made in pursuance thereof respectively.

To be construed as one with the Gold Fields' Act 1859.

57. The Schedule hereto shall be part of this Act .

Schedule part of Act.

58. This Ordinance may be cited for all purposes as the "Gold Field's Act, 1864."

Short Title.

Passed the Legislative Council the 24th February, A.D. 1864,
CHARLES GOOD,
Clerk.

Received my assent this twenty-sixth day of February, A.D. 1864,
JAMES DOUGLAS,
Governor.

THE SCHEDULE TO WHICH THIS ACT REFERS.

There shall be paid to the Gold Commissioner, for the use of Her Majesty, Her Heirs and Successors,

On every registration under this Act, of any sale, mortgage, transfer or other deposition of any claim, ditch, flume, water privilege, or any separate interest therein respectively, when the price or consideration or value of the property disposed of is one hundred pounds (£100) or under, the sum of one pound and sixpence, and for every fifty pounds (£50), or fraction of fifty pounds (£50) over one hundred pounds (£100), the additional fee of ten shillings and three pence.

£1 0 6.

£0 10 3.

BRITISH COLUMBIA.

U.



R.

No. 5. An Ordinance for the construction of a Toll Bridge across Thompson River.

[26th February, 1864.]

WHIEREAS THOMAS SPENCE hath applied to the Government of British Columbia, for permission to erect a Bridge at his own expense, upon the Lytton-Alexandria Route, across Thompson River, at a point in the vicinity of Cook's Ferry, upon condition of having secured to him certain Tolls upon goods, passengers, vehicles, and animals, to the extent, and in manner hereinafter appearing; Preamble.

And whereas the said Government hath approved of such application;

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

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

1. From and after the due completion by the said THOMAS SPENCE, his executors, administrators, or assigns, certified as hereinafter mentioned, of a substantial wooden Bridge across the Thompson River, within the time and in manner hereinafter mentioned, it shall be lawful for the said THOMAS SPENCE, his executors, administrators, and assigns, for and during the date of seven years from the date of the certificate of completion hereinafter mentioned, to assess, levy, and collect from all persons whomsoever by way of Toll, the sums following, that is to say: Creates Tolls on goods, &c., crossing the Bridge.

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

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

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

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

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

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

Exemption from Toll enumerated.

2. Provided nevertheless, that such Tolls shall not be demanded upon passengers, goods, chattels, vehicles, or animals for the time being belonging to or employed in the service of the Government, or on farm utensils, or farming implements in use upon any farm within 15 statute miles of the said Bridge, or on lumber or manure, or on machinery for steamboat purposes, or on passengers' personal baggage not exceeding fifty pounds weight for each passenger on horseback or in a vehicle, or on ordinary miners' packs or personal baggage of the weight aforesaid, carried or borne by passengers respectively using, taken, or carried along or over the said Bridge, or passing (within the said distance of from ten miles below to thirteen miles above) such Bridge across the said Thompson River.

Tolls not to commence until completion of Bridge.

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

Certificate of completion.

4. Any such certificate shall state that the said Bridge and its approaches have been duly completed, at the point, within the time in the substantial manner, fit for public traffic, according to the specifications and plans, and subject to and under and in compliance with the directions, and in all respects to the satisfaction from time to time of the said Commissioner of Lands and Surveyor General, or other officer appointed or authorized as aforesaid in that behalf for the time being, on the part of the Government.

Conditions of Grant

5. Provided also that the tolls, privileges, and remedies on the part of the Government and under or by virtue of this Act accorded, are conferred upon this express condition, that on any failure of the said THOMAS SPENCE, his executors, administrators, and assigns, during said term (except while prevented by inevitable accident or repairs) well and substantially to maintain and keep the said Bridge and its approaches in perfect order and thorough repair, to the satisfaction of such Commissioner of Lands and Surveyor General, or other officer for the time being appointed as aforesaid, and in compliance with any requisition from him from time to time in that behalf. Then upon notice to that effect, and any default of the said THOMAS SPENCE, his executors, administrators, and assigns for one calendar month thereafter, to comply with the requirements of such notice (of which default such Commissioner of Lands and Surveyor General, or other officer as aforesaid, shall be sole judge, any rule of law or equity to the contrary notwithstanding), then all and singular such Tolls, privileges, powers, &c. so acquired as aforesaid, and the said Bridge and all improvements thereto, shall *ipso facto* be forfeited, and revert to the use of Her Majesty, Her heirs and successors absolutely, and such monies, less the cost of collection, shall be deemed and accounted for as part of the Public Revenue, and the powers, remedies, and privileges herein contained shall thereupon be exercised by and on behalf of Her said Majesty, Her heirs and successors.

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

Tolls to cease while Bridge out of repair.

7. It shall be lawful for such Commissioner, or other officer as aforesaid, at any time or times during the said term, whenever the state of the traffic along the Lytton-Alexandria route, passing at or near the point where the said Bridge shall be constructed shall require it, to order such improvements to be made in such Bridge or approaches, at the expense of the said THOMAS SPENCE, his executors, administrators, and assigns, as shall be necessary for the accomodation of such traffic.

Necessary improvements may be ordered.

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

Regulation of traffic.

9. Nothing herein contained shall be construed so as to limit or abridge the prerogative rights of Her Majesty, Her heirs, or successors in respect of the said Bridge, or any rights of Ferry or Ferriage Tolls across Thompson River, or (beyond the specific provisions of this Act) to entitle the said THOMAS SPENCE, or any other persons whomsoever, to infringe any existing private rights, or any existing or future public rights.

Saving of Crown Rights and other rights.

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

Evasion of Toll penalty.

11. Any person wilfully infringing any regulation authorized by clause eight shall, for each such offence, be liable to a fine of not exceeding ten pounds, and with or without imprisonment, for any term not exceeding seven days, at the discretion of the Magistrate convicting.

Penalty on breaches of Bridge Regulations.

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

Penalties how recoverable.

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

Notice.

14. This Ordinance may be cited for all purposes as "The Thompson Bridge Toll Act, 1864."

Short Title.

Passed the Legislative Council the 22nd February, A.D. 1864,

CHARLES GOOD,
Clerk.

Received my assent this twenty-sixth day of February, A.D. 1864,

JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.

U.



R.

No. 6. An Ordinance for the amendment of the "Licences Act, 1859."

[10th March, 1864.]

WHEREAS it is expedient to make further provision for the enforcement of the "Licences Act, 1859;"

Preamble.

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

1. Every infraction or evasion of any of the provisions of the "Licences Act, 1859," shall be punishable upon conviction in a summary manner, before any Magistrate in British Columbia, by any fine not exceeding fifty pounds (£50) for every such offence, in addition to the amount of licence leviable under the said Proclamation, in each such case to be levied by distress, and in default of payment or insufficiency of distress, by imprisonment for any term not exceeding three calendar months, at the discretion of the convicting Magistrate.

Penalty for infraction of "Licences Act, 1859."

2. That every person selling goods by Auction, whether his own or belonging to other parties, shall in addition to the ordinary trading licence under the "Licences Act, 1859," pay a Licence fee of one pound (£1) per quarter, but such Licence fee shall not be required of officers of the Government making sales by auction of Government property.

Licence fee payable by Auctioneers.

Not to be required of Government Officers.

3. That in the construction of the "Licences Act, 1859," the word "person" shall be deemed and construed to include firm or partnership and incorporated company, any thing in the said Act to the contrary notwithstanding.

Word "person" in "Licences Act, 1859," how construed.

4. This Ordinance may be cited for all purposes as the "Trades Licences Amendment Act, 1864."

Short Title.

Passed the Legislative Council the 29th of February, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,

JAMES DOUGLAS,

Governor.

BRITISH COLUMBIA.

U.



B.

No. 7 An Ordinance to authorize a Loan of £100,000.

[10th March, 1864.]

WHEREAS, great and lasting benefit has been derived in British Columbia, from the expenditure incurred in the construction of roads, and other public works in the Colony;

Preamble.

And whereas it is expedient to raise a further sum for the survey, construction and maintenance of such public works, by means of a loan, secured on the General Revenue of the said Colony, in manner hereinafter appearing;

And whereas the following loans are chargeable upon the General Revenue of the said Colony, in order and amount as follows, that is to say:

1st—Under "The British Columbia Loan Act, 1862," terminating 1st January, 1873, the sum of £50,000, less the amount paid by the Colony toward the Sinking Fund thereof;

2nd—Under "The British Columbia Loan Act, 1863," terminating 1st July, 1883, the sum of £50,000, less the amount paid as aforesaid towards the Sinking Fund thereof;

3rd—Under the "Cook's Ferry and Clinton Road Bonds Act, 1863," the sum of £12,750, payable as follows:

£50 Bonds Nos. 1 to 85, both inclusive, due 30th September, 1864.

£50 Bonds Nos. 86 to 170, both inclusive, due 30th September, 1865.

£50 Bonds Nos. 171 to 255, both inclusive, due 30th September, 1866;

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

1. It shall be lawful for the Governor for the time being of the said Colony, from time to time or at any time hereafter, to cause to be made out and issued, Debentures secured upon the General Revenue of the said Colony, for such sum or sums not exceeding One hundred thousand pounds in the whole, as may be required for the purpose of surveying, constructing and maintaining roads, bridges, and other public works within the said Colony.

Power to Governor to borrow £100,000 on Debentures.

2. All Debentures made out and issued under this Act shall bear interest at the rate of six pounds sterling per centum per annum, payable half-yearly, and shall be redeemable at the expiration of thirty years, from the first day of April, Anno Domini one thousand eight hundred and sixty-four.

Rate of Interest six per cent per annum.

Debentures for £100 and upwards.

Debenture holder can vary place of payment.

Signature and Registry of Debentures.

Form, Date, Numbering.

Interest Coupons

Debentures transferable by delivery.

Sale of Debentures.

Payments to which Loan is applicable.

3. Every Debenture shall be for any sum or sums not less than one hundred pounds sterling, which the said Governor shall determine, and which together with the interest thereon, shall be payable in London, at the Office of the Crown Agents for the time being, for the Colonies, or at the Treasury of the said Colony. And the holder or bearer of any of the said Debentures may alter the place of payment of the principal and interest, to either the Treasury at New Westminster, or the Offices in London of the said Crown Agents, by giving six months previous notice, in writing, terminating on the first day of April or the first day of October, at the previous place of payment (the Treasury in New Westminster, or at the Offices in London of the Agents aforesaid, as the case may be,) of his wish to make such alteration, and causing the Officer in New Westminster, acting as Treasurer for the time being, or the said Crown Agents in London, as the case may be (who is and are hereby required) to indorse on such Debenture a memorandum of the alteration.

4. All Debentures made out and issued under this Act shall be signed by the Crown Agents for the Colonies, on behalf of the Government of British Columbia, and entered in a Register to be called the Debenture Register, a duplicate whereof shall be kept by the Crown Agents at the offices in London, and another duplicate copy thereof by the Auditor of the said Colony, and such Debentures shall be deemed a charge upon all the Revenue of the said Colony from whatever source arising, and in order of priority, next after the prior charges thereon already created by "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bonds Act, 1863," and all interest on such Debentures, and the principal when due, shall be paid by the Treasurer of the said Colony, out of such Revenues, under warrant to be issued by the said Governor, in priority of all demands thereon, except the charge and expenses of the collection thereof, and the said prior charges on such Revenue created by "The British Columbia Loan Act, 1862," and by "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bonds Act, 1863."

5. The said Debentures shall be in the form marked A, set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.

6. Interest Coupons shall be attached to each Debenture, in form marked B, set forth in Schedule hereto.

7. The said Debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or indorsement, and the holder or bearer, for the time being of every such Debenture, shall have the same rights and remedies in respect of the same, as if he were expressly named therein.

8. It shall be lawful for the said Governor to authorize the whole or any portion of the said Debentures to be negotiated, contracted for, or sold, by the Treasurer or the Crown Agents for the Colonies, and at such times, in such sums, and in such manner, as the said Governor may direct.

9. All moneys raised under this Act shall be paid in such manner as the said Governor shall prescribe, to the Treasurer of British Columbia, and shall by him be placed to the credit of an account to be called the Roads Loan No. 3 Account, to be applied to the purposes of surveying, constructing and maintaining roads, bridges,

and other public works within the said Colony, or of any sums borrowed or to be borrowed, and expended in such surveying, construction, or maintenance, and to no other purposes whatsoever, and the said moneys shall be accounted for in the same manner as if they formed part of the current revenue of the said Colony.

10. The said Governor shall provide for the redemption of the said Debentures, by authorizing and directing the Treasurer of the said Colony, subject in the first place to the said "The British Columbia Loan Act, 1862," "The British Columbia Loan Act, 1863," and the "Cook's Ferry and Clinton Road Bonds Act, 1863," to the extent aforesaid, to appropriate half-yearly, out of the General Revenue of the Colony, such sum as shall be equal to four and one eighth per cent. on the total of the principal sum for which the said Debentures shall, from time to time have been issued, and be for the time being outstanding, and after having paid the half-year's interest therefrom, shall invest, or cause to be invested, the residue thereof as a Sinking Fund for the final extinction of the debt, and shall invest, or cause to be invested, the dividends, interests, or annual produce arising from such investment, so that the same may accumulate by way of compound interest.

Sinking Fund.

11. All sums paid to the account of the Sinking Fund, and all interest or produce arising therefrom, shall be invested under Trustees in the purchase of Imperial or Colonial Government securities. The nature of such securities, and the selection of the Trustees shall be left to Her Majesty's Principal Secretary of State for the Colonies.

Investment of Sinking Fund.

12. Provided nevertheless, that it shall be lawful for the said Governor or from time to time to authorize the Crown Agents for the time being for the Colonies, or the said Treasurer of the said Colony for the time being, to re-purchase the said Debentures, to the amount of such moneys as the said Governor, by and with the advice and consent of the Legislative Council of British Columbia, may by any Ordinance hereafter to be issued and passed by him, by and with such advice and consent as aforesaid, or out of the current Revenue of the Colony, appropriate for that purpose, and for the Trustees of the said Sinking Fund to make use thereof, for the purpose of withdrawing Debentures from the market by purchase, and all Debentures so re-purchased shall be forthwith cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such purchase and destruction.

Re-purchase of Debentures.

13. From and after the date of any and every such re-purchase of Debentures as last aforesaid, the amount then payable to the Sinking Fund shall be from time to time reduced in exact proportion to the amount of Debentures for the time being remaining unredeemed, and any moneys remaining in the Sinking Fund, after the loan hereby sanctioned is fully paid and satisfied, shall be forthwith paid over to the Treasurer, and accounted for as General Revenue.

Proportionate reduction of Sinking Fund.

14. It shall be lawful for any Trustees, Executors, Administrators or Guardians having the disposition of any trust moneys, to purchase any such Debentures, by and out of trust moneys, and every such purchase shall be deemed a due investment of such trust money.

Trust moneys.

15. It shall not be necessary for the said Colonial Treasurer, Crown Agents, or any other person acting for or in behalf of the Government of the said Colony, to notice, or regard, or enquire into any trust to which any Debentures shall be liable, or the rights or authority of any one being the actual holder or bearer of any such Debentures as aforesaid, but payment to the actual holder or bearer thereof, or his lawful Agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing, by and under

Non-recognition of Trustees except in special cases.

the hand of the Treasurer, Crown Agents, or other person acting as aforesaid, for the time being entrusted with the sale of such Debentures.

Forgery felony.

16. Any person who shall forge or alter, or shall utter, or dispose of, or put off, knowing the same to be forged or altered, any Debenture made out and issued under this Act, shall be guilty of Felony, and being thereof convicted, shall be imprisoned for any period not exceeding three years, with or without hard labour, at the discretion of the Judge before whom any such person shall be tried and convicted.

Short Title.

17. This Ordinance may be cited for all purposes as "The British Columbia Loan Act, 1864."

Passed the Legislative Council the 4th of March, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,
JAMES DOUGLAS,
Governor.

SCHEDULE.

FORM A.

BRITISH COLUMBIA GOVERNMENT DEBENTURES.

No. _____

BRITISH COLUMBIA LOAN ACT, 1864, £100,000.

For [*One hundred*] pounds advanced to the Government of British Columbia, the holder of this Debenture is entitled to receive interest at the rate of six per centum per annum, in half-yearly payments, payable at [*the Offices of the Crown Agents for the Colonies, in London, or at the Treasury, New Westminster, as the case may be*], on the 1st April and 1st October in each year.

The said sum of [*One hundred*] pounds sterling, with interest thereon, is charged upon and made payable out of the General Revenue of the Colony of British Columbia, under the terms of the "British Columbia Loan Act, 1864, and the principal will be repaid [*in London, at the aforesaid Offices, or at the Treasury, New Westminster, as the case may be*] at the expiration of thirty (30) years, from the 1st day of April, 1864.

Signed on behalf of the Government of British Columbia, and in accordance with the provisions of the Act above cited.

Registered, _____

_____ } Crown Agents
_____ } for the Colonies.

FORM B.

No. _____

BRITISH COLUMBIA.

Half-year's interest due [*1st October, 1865*] on Debenture No. _____, payable at the [*the Offices of the Crown Agents for the Colonies, London, or the Treasury, New Westminster, as the case may be.*]

£ _____

_____, Agents General.

Sixty such Coupons, numbered from No. 1 upwards, to be attached to each Debenture Bond.

N.B. The holders or bearers of this Debenture may alter the place of payment of principal and interest to the Treasury, New Westminster, or the Offices of the Crown Agents for the Colonies, in London, by giving six months' previous notice in writing, terminating on the 1st day of April and 1st day of October, at the previous place of payment [the Treasury in New Westminster, or the Offices of the Crown Agents, aforesaid, for Crown Colonies in London, as the case may be] of his wish to make such alteration, and causing the Officer acting as Treasurer in New Westminster, or the said Crown Agents for the Colonies, in London, as the case may be, to indorse on this Debenture a memorandum of such alteration.

BRITISH COLUMBIA.

U.



R.

No. 8. An Ordinance to authorize the introduction of Steam Traction Engines into British Columbia.

[10th March, 1864.]

WHEREAS it is expedient that Traction Engines, propelled by Steam should be introduced upon the Roads of British Columbia, for the purpose of conveying goods and passengers upon and along the Roads of British Columbia;

Preamble.

And whereas, it is expedient for the purpose of encouraging the use of such engines, that certain privileges should be granted to the persons who propose to introduce the same into the Colony of British Columbia.

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

1. The following persons, namely **ROBERT CHESHIRE JANION** of Liverpool, Merchant, **WILLIAM LOWTHIAN GREEN**, of Honolulu, Merchant, and **HENRY RHODES**, of Victoria, Merchant, and **JOSEPH WILLIAM TRUTCH**, of Victoria, Civil Engineer, their executors, administrators, and assigns, shall henceforth have the privilege of using Steam Traction Engines on the public Roads, in the Colony of British Columbia, for the purpose of conveying goods and passengers for hire along such roads.

Privilege of using Steam Traction Engines, to whom granted.

2. Provided always that the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, shall not make use of such Steam Traction Engines for such purposes as aforesaid, on Roads lying southward of Lillooet and Lytton in the said Colony, without the consent in writing for that purpose shall be first obtained of the Commissioner of Lands and Surveyor General for the time being of the said Colony.

Traction Engines not to be used below Lytton and Lillooet.

3. On and after the first day of May, A. D. 1865, for the period of one year therefrom, the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, shall have the exclusive privilege of using the said Steam Traction Engines and suitable carriages and waggons for the said purposes on the said Roads, and during the said period it shall not be lawful for any other person or persons to use such Engines on the said Roads. Provided always that if the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, shall neglect to introduce three of such Engines with suitable carriages and waggons for the above mentioned purposes, unless prevented by repairs or inevitable accident, before the said first day of May, A. D. 1865, then the said exclusive privileges shall become wholly void.

Exclusive privilege of using these Engines granted.

4. The said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors administrators and assigns as aforesaid, may, on and after the said first day of May, A. D. 1865, and for the said period of one year therefrom, make such reasonable charges in respect of the

Engines to be in use in Colony before 1st May, 1865, on pain of forfeiture of exclusive privilege.

Company may make reasonable charges for conveyance.

States maximum rate of charges.

Liabilities of the Company same as those of common carriers.

May claim like protection and privileges with common carriers.

Plant of the Company to be introduced into the Colony during first year free of import duties.

Short Title.

conveyance by carriages and waggons drawn by the said Engines, along the said Roads, or any of them, of all such passengers and goods as shall be offered to them for that purpose, as they may from time to time determine upon. The maximum rate of charges however on such goods or passengers respectively, shall in no case exceed the minimum market rate of freight or passage money, which shall at any time have been *bonâ fide* charged and paid, during the period of one year antecedent to the first day of May, A.D. 1865, for the same distances and on the same Roads respectively.

5. The said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns shall be subject to the same liabilities as Stage Coach proprietors and common carriers, but nothing herein contained shall extend to charge or make liable the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors administrators and assigns as aforesaid, further or in any other case than where according to the law of British Columbia Stage Coach proprietors, and common carriers would be liable, nor shall extend in any degree to deprive the said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, of any protection or privileges which common carriers, or Stage Coach proprietors may be entitled to.

6. The said Robert Cheshire Janion, William Lowthian Green, and Henry Rhodes, and Joseph William Trutch, their executors, administrators, and assigns as aforesaid, may from time to time during the twelve months from said first day of May, A.D. 1865, introduce into the Colony of British Columbia, the requisite Engines not exceeding eighteen in number with machinery, carriages and waggons, and all tools requisite for the construction and repair of the same, free of all duties and charges to be otherwise levied at any Port in the said Colony.

7. This Ordinance may be cited for all purposes as the "British Columbia Steam Traction Engine Act, 1864."

Passed the Legislative Council the 8th of March, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,
JAMES DOUGLAS,
Governor.

BRITISH COLUMBIA.

U.



B.

No. 9. An Ordinance to encourage the construction of a Telegraph Line, connecting British Columbia with the telegraph lines of the United States, and for other purposes.

[10th March, 1864.]

WHEREAS, the California State Telegraph Company, a Company duly incorporated pursuant to the laws of the State of California, one of the United States of America, and having its principal office in the City of San Francisco, has constructed lines of telegraph, extending through the said State and the adjoining States and Territories, and connecting with the telegraph systems of the Atlantic States and of the British Provinces of North America; and whereas the President of the said California State Telegraph Company has been authorized, by a resolution of the Board of Directors to represent the said Company and to bind the same in all matters and things connected with the extension and construction of its telegraph lines from California northward; and whereas it is expedient to enable the said Company to extend its telegraph lines to New Westminster, in the Colony of British Columbia, with a view of increasing the facilities of the said Colony for communication with the rest of British North America and the Pacific and Atlantic States of the United States;

Preamble.

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

1. The privilege is hereby granted to the President of the California State Telegraph Company, and to his successors in office, or assigns, to construct and place a line or lines of telegraph over any public or tidal lands, and along or across any public street or highway (not obstructing such street or highway), and to lay down a telegraph cable or cables through or across any stream, creek, river, strait, bay, gulf, water, or water course within the Colony of British Columbia and its Dependencies, (but so as not to impede navigation or other public rights), and to own, use, enjoy, and employ the same for the period of twenty-five years from the passage of this Act.

Privileges granted to California State Telegraph Company on public lands.

2. The said President of the California State Telegraph Company, and his successors or assigns, are hereby also authorized to construct and place a line or lines of telegraph over any private lands, upon obtaining the written consent of the owners thereof.

May run line of Telegraph through private property on obtaining consent of owner.

Right to Company to purchase right of way over private land.

3. Notwithstanding any law or statute to the contrary, the California State Telegraph Company, or the President thereof for the time being, may purchase or lease the right of way over any private lands, and may, with the sanction in writing of the Commissioner of Lands and Surveyor General, purchase or lease any land or other property in British Columbia, necessary or convenient for the working of the telegraph lines herein provided for, or for effectually carrying on the business of the said Company, and the grants or leases therefor may be made directly to the said Company, or to the said President and his successors or assigns, and that no such grant or lease shall be deemed invalid or less binding by reason of being so made.

Telegraph to be commenced within 5 months

4. This Act is passed and the rights and privileges herein mentioned are granted, upon the express condition that the said President of the said Company, his successors or assigns, shall, within five months from the date of the passage of this Act, commence the work, and, within the further period of thirteen months, shall cause to be completed and put in operation, a line of telegraph from the City of New Westminster, in the said Colony, so as to connect directly or indirectly with the existing lines of the California State Telegraph Company, so as to place and placing the said City of New Westminster in telegraphic communication with the United States and the Canadas; and on failure so to complete the said line within the time in this section specified, the privileges herein granted shall cease and determine, and this Act shall become absolutely void.

Telegraph communication in 13 months, or act void.

5. Upon the completion of the said telegraph line, hereinafter in the preceding Section particularly mentioned and described, within the time and in the manner therein specified, there is hereby granted to the President of the California State Telegraph Company, his successors and assigns, the exclusive right of sending and receiving messages by telegraph between any place within the said Colony, and any other place beyond the limits thereof and within the Territory of the United States of America, lying westerly of the Rocky Mountains, for the period of twenty years from and after the completion of the said telegraph line; but this Act shall not be construed to prevent, or in any manner interfere with, the projected or any other line or lines of telegraph across the Continent through British North America or elsewhere, nor to limit the right of any other person, corporation, or company freely to establish and work any other telegraph lines any where within or from the said Colony; Provided, however, that other lines shall not be constructed, nor offices established within the limits of the said Colony and its Dependencies, so as to do business by telegraph either directly or indirectly between or through any place within the said Colony, and any other place outside thereof, and being within that portion of the territory of the United States in this Section hereinbefore described, nor so as to impair the rights hereinbefore mentioned.

Exclusive right of sending and receiving messages granted to California State Telegraph Company for 20 years.

This right not to interfere with Telegraph running through Canada and British Columbia.

6. If at any time, after the completion of the said telegraph line, the owners thereof shall fail, (unless prevented by repairs, storms, breakage of cable, or other unavoidable accidents), for the continuous period of one calendar month, to keep the same or some other telegraph line in working order, between New Westminster and the said State of California, the exclusive privileges herein granted may thereupon be declared forfeited, by the Governor of British Columbia for the time being; Provided that should such failure be caused by war, no such forfeiture shall be incurred thereby.

Rights forfeited if Telegraph line ceases working for one calendar month.

7. The prices charged for the transmission of messages to and from New Westminster, over the lines herein authorized to be constructed, to any station thereon in Washington Territory or Vancouver Island, shall not exceed, if paid in gold or silver coin, four shillings and two pence for each ten words, and messages to and from this Colony, passing over any lines owned or worked by, or under the control of, the California State Telegraph Company, situate outside of the said Colony, shall not be charged higher rates therefor than the lowest uniform rates of charge on such lines for local business, nor shall messages between New Westminster and San Francisco, if paid in gold and silver coin, ever be charged more than one pound and six-pence for ten words.

Charges to be made for Telegraph messages.

8. The rights and privileges hereby granted may be assigned by the President of the State Telegraph Company, or his successors, to the California State Telegraph Company, by that name or other their lawful name for the time being, upon their registration and incorporation as a Joint Stock Company, under the law in that behalf in force in this Colony, and thereafter such Company may sue and be sued in the Courts of this Colony, in like manner as Companies duly incorporated therein.

Rights hereby granted, how assignable.

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

Penalty for damaging or obstructing Telegraph.

10. The principal office of the California State Telegraph Company within this Colony, shall be situated in the City of New Westminster, and the service of any writ or paper upon the person in charge of the said office shall be deemed a sufficient service upon the said Company.

Principal office in British Columbia at New Westminster.

11. The wire, submarine cables and materials necessary for the construction of the said telegraph lines shall be admitted free, at any port of entry in British Columbia, for a period not exceeding two years from the date of this Act.

Plant free of Customs duty for 2 years.

12. This Ordinance may be cited for all purposes as the "First Telegraph Act, 1864."

Short Title.

Passed the Legislative Council the 8th of March, A.D. 1864,
CHARLES GOOD, Clerk.

Received my assent this tenth day of March, A.D. 1864,

JAMES DOUGLAS,

Governor.

BRITISH COLUMBIA.

U.



B.

No. 10. An Ordinance to facilitate the formation of Mining Joint Stock Companies.

[4th May, 1864.]

WHEREAS it is expedient to facilitate the formation of Mining Joint Stock Companies in the Colony of British Columbia;

Preamble.

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

1. The Memorandum of Association and Articles of Association of any Company formed for Mining purposes, under the provisions of the "Joint Stock Companies Acts, 1856, 1857, 1858," and the "British Columbia Joint Stock Companies Act, 1859," and thereby required to be registered with the Registrar of Joint Stock Companies, may be instead thereof delivered to any Gold Commissioner in the said Colony, who shall retain and register the same upon payment of the fees due upon registration.

Gold Commissioner may register Joint Stock Mining Companies.

2. Provided that every such Memorandum and Articles shall be first delivered in duplicate to such Gold Commissioner, and one of such duplicates shall be by him at once transmitted with a copy of the Certificate of registration, and certified by such Gold Commissioner, to the Registrar of Joint Stock Companies, at New Westminster.

Duplicate Memorandum and Articles with Certificate to be sent to the Registrar of Joint Stock Companies

3. All other documents, matters, and things relating to any such Companies, and requiring registration, shall be registered with the Gold Commissioner of the district, and duplicates thereof shall be forthwith transmitted to the Registrar of Joint Stock Companies, at New Westminster.

All other documents to be registered as usual.

4. Upon any such Memorandum of Association being registered, and the proper fees paid, the Gold Commissioner registering the same, shall certify under his hand that the company is incorporated; and in case of a limited company, that the company is limited.

Gold Commissioner may issue Certificate of Incorporation.

5. The Subscribers of the Memorandum of Association, together with such other persons as shall from time to time become shareholders of the company, shall thereupon become a body corporate under the provisions of the said Acts, and the Certificates of Incorporation shall have the same force and effect, to all intents and purposes, as if it had been granted by the Registrar of Joint Stock Companies direct.

Incorporation.

6. A copy of any Memorandum of Association, and Articles of Association, or Certificate of Incorporation, purporting to be certified by the Registrar of Joint Stock Companies, or any Gold Commissioner, shall be received as evidence in any Court.

Copies certified by Gold Commissioner or Registrar to be evidence.

7. The expression "Gold Commissioner" shall include Assistant and Acting Gold Commissioners.

Interpretation.

8. This Ordinance may be cited for all purposes as the "Mining Joint Stock Companies Ordinance, 1864."

Short Title.

Passed the Legislative Council the 27th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

U.



B.

No. 11. An Ordinance to declare the lawful rate of interest in the Colony.

[4th May, 1864.]

WHEREAS by the Statute of the Imperial Parliament, passed in the third and fourth years of King William the Fourth, Chapter forty two, Section twenty eight, the Jury is in certain cases empowered, on the trial of any issue or inquisition of damages, to allow interest at a rate not exceeding the current rate of interest from the times therein specified;

Preamble.

Recites 3. and 4., W. IV., c. 42., s. 28.

And whereas by certain rules of the High Court of Chancery, interest upon amounts payable under a decree or order in Chancery is in general to be allowed only at the rate of four per cent per annum, which rate it is apprehended has been established in England, by reference to the ordinary mercantile current rate of interest there being five per cent per annum;

And whereas the ordinary mercantile current rate of interest in this Colony (where any contract for interest is entered into) is seldom less than two per cent per month; but it is apprehended that only the rates current in England are (in the absence of any specific authority) recoverable either at law or in equity here;

And whereas this circumstance has in some cases operated to induce debtors to delay payment of just demands, and to defend actions vexatiously with a view merely to delay;

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

I. In all cases of demands either at law or in equity, in which the parties shall have made no express stipulation for interest after any definite rate, and in which in England it would be lawful for the Court or the Jury to allow interest, it shall be lawful for the Jury or (whenever the Court alone has to decide the facts without a Jury) for the Court to allow such rate of interest as may appear just, not exceeding the rate of one per cent per mensem, to be reckoned from the times at which interest would be calculated in England.

Lawful rate of Colonial interest not exceeding 1 per cent per month

II. This Ordinance may be in all cases cited as "The Interest Ordinance, 1864."

Short Title.

Passed the Legislative Council the 25th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,

Governor.

BRITISH COLUMBIA.



No. 12. An Ordinance to increase the facilities for Registering documents relating to real property.

[4th May, 1864.]

WHEREAS it is expedient to facilitate the registration of titles to real property in this Colony; Preamble.

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

1. From the passing of this Ordinance, it shall be lawful for the Registrar General, or District "Registrars" to register any deed or instrument relating to real property in the Colony of British Columbia, made without the limits thereof, the due execution of which is acknowledged and proved by the Certificate thereof by a Notary Public, in the manner usual for noting foreign deeds or documents of title. Notarial certificate shall be sufficient acknowledgment.

Every such proof of execution, when accepted by the Registrar General, or District "Registrar" shall have the force of an acknowledgment under "The British Columbia Land Registry Act, 1861."

2. And whereas it is of public importance that Crown Grants, the root of titles to land in the Colony, should be registered for the protection of persons afterwards acquiring or disposing of the land included in such grants; be it enacted that all Crown Grants issued after the date of this Ordinance shall, previous to such issue, be registered in books in the Registry Office, and such registration may be partly in print partly in writing, and no objection shall be taken to any such registration by reason thereof. Crown Grants to be Registered before issue.

3. There shall be demandable by and paid to the Registrar General, upon the registration of every such Crown Grant, the uniform fee of five shillings, for the use of Her Majesty, Her heirs and successors, as Revenue. Fees on Registration.

4. This Ordinance shall be read with "The British Columbia Land Registry Act, 1861." How Read.

5. This Ordinance may be cited as "The British Columbia Land Registry Extension Ordinance 1864." Short Title.

Passed the Legislative Council the 25th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

U.



R.

No. 13. An Ordinance for the Regulation of the Inland Navigation of British Columbia.

[4th May, 1864.]

WHEREAS it is expedient to make provisions for the regulation of the Inland Navigation of British Columbia, and for the protection of Life in Vessels engaged therein;

Preamble.

Be it enacted by the Governor, by and with the advice and consent of the Legislative Council of British Columbia, as follows; (that is to say:)

I. Clauses 6 to 8, both inclusive, Clause 10, and Clauses 12 to 16, both inclusive, of Part I. of the Merchant Shipping Act, 1854, and the powers and penalties thereby created shall, so far as applicable to the circumstances of the said Colony, apply and be in force and enforceable in British Columbia, in and over matters relating to Merchant Ships, or steam-vessels, and persons navigating the Inland Waters thereof and not proceeding to sea, in like manner as in such clauses is provided in relation to sea-going ships, steam-vessels, and persons.

Applies portions of part I. of Merchant Shipping Act, 1854, to British Columbia.

II. For the purpose of carrying out the provisions of this Ordinance and of every other Act relating to inland trade and navigation in this Colony, other than such Acts as relate to the Revenue, all powers and functions vested in, or exercised by, the Board of Trade, under the provisions aforesaid of Part I. of the said Merchant Shipping Act, 1854, over matters relating to trade or navigation by sea, shall be, until an Inland Board of Trade shall be in that behalf by law established, and are hereby in all matters relating to ships and persons navigating the Inland Waters of the Colony, in like manner and form, vested in the Governor, or other Officer for the time being administering the government of the Colony.

Powers of Board of Trade vested in the Governor or other Officer administering the Government.

III. The several clauses and provisions contained in Part II. of the said Merchant Shipping Act, 1854, shall, so far as applicable as aforesaid, apply, be in force, and enforceable with the same penalties for forgery, false declaration, use of improper Certificate, or otherwise, in the Colony with respect to the several matters and things relating to vessels and persons navigating the Inland Waters as aforesaid, as are therein contained, in relation to sea-going vessels and persons.

Description Ownership, Registry, Transfers, Sales &c. &c. of Inland Vessels.

IV. Save and except that it shall be lawful for such Governor, or Officer as aforesaid, to make such provisions for permitting aliens resident in the Colony, or aliens shareholders in any Company incorporated, and having its chief place of business in the Colony, to own or command British Ships, or steam-vessels navigating such said

Aliens may own on certain temporary conditions.

Inland Waters, for such periods not exceeding one year at any one time, and with, under, and subject to such powers of revocation, conditions, and penalties as the said Governor, or other Officer, shall by any order, to be published in the *Government Gazette*, from time to time direct, vary, or appoint.

Examination of Masters, Engineers, Pilots, and other responsible persons in Inland Steamers.

V. It shall be lawful for the said Governor, or other Officer as aforesaid, by any order published as aforesaid, from time to time to require and appoint, as a necessary condition for employment on board any ship or ships, or steam-vessel or vessels navigating the Inland Waters as aforesaid, such examinations as to competency, sobriety, ability, and general good conduct on board ship, of any persons employed as Masters, Pilots, Engineers, on board any ship or ships, vessel or vessels engaged in navigating the Inland Waters as aforesaid, and to require the same to be conducted by such persons, in such forms and manner, with such certificates of competency, or of service in lieu of examination, and to enforce the same by such penalties of revocation or suspension of certificate, or otherwise, to be enforceable in such wise as such Governor, or other Officer as aforesaid, may from time to time by any such order direct.

Lights, fogs, signals, survey, passing and meeting of Inland Steamers.

VI The said Governor, or other Officer as aforesaid, may, from time to time by any order to be published as aforesaid, make and vary such rules with regard to lights, fogs, fog-signals, signals, meeting, and passing of ships or steam-vessels, and the construction, equipment, survey, and inspection of, and for the prevention of accidents, in steamships navigating the Inland Waters as aforesaid, with such penalties for enforcing the strict observance thereof as such Governor, or other Officer as aforesaid, shall from time to time deem advisable.

Orders under certain conditions to have force of Law.

VII. Until duly revoked, and so far as the same shall not have been so revoked, varied, or discharged, every such order shall take effect and have the force of law, from the date of the publication thereof in the *Government Gazette*, in the same manner as if the same had originally formed part of this Ordinance.

Orders to be laid before the Legislature.

VIII. Provided that every such rule shall if the Legislative Council be sitting, be laid within one calendar month after its publication before such Council, and if the Legislative Council be not sitting within one calendar month after the opening of the next session.

Until such orders, Part IV. of Merchant Shipping Act, 1854, to apply

IX. In the meantime, and so far as any such Rules shall not apply, So much of the provisions of Part IV. of the said Merchant Shipping Act, 1854, as are applicable to the class of ships or steam-vessels, and the persons navigating the said Inland Waters as aforesaid, shall apply and be in force and enforceable in this Colony, in the same manner *mutatis mutandis* as is therein provided, with respect to sea-going merchant ships, steam-vessels and persons.

Punishment of felony.

X. Every offence by this Ordinance, or any clause, or clauses, part, or parts, of the said Merchant Shipping Act, 1854, made applicable to Inland Trade and Navigation in this Colony, by this Ordinance declared to be a Felony, shall be punishable in the ordinary manner, in any Court of the Colony for the time being having criminal jurisdiction in that behalf.

Punishment of Misdemeanor and lesser offences; who may be prosecuted before Stipendiary Magistrate.

XI. Every offence declared by this Ordinance, or by any clause or part of the said Merchant Shipping Act, 1854, included in this Ordinance to be a misdemeanor, and every lesser offence than a felony, shall be punishable by imprisonment for any period not exceeding six calendar months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted in a summary manner, before any Stipendiary Magistrate or any two Justices of the Peace

in the said Colony, who, upon information thereof upon oath laid before him or them by any person, may issue a Summons to enforce the appearance of the party accused, or of any person or persons who may be required to give evidence in the case, and shall, as soon as may be just and expedient, proceed to hear and adjudicate upon the case, and in the event of conviction to inflict, within the above limits, such punishment or penalty, and to allow such costs and expenses as to him or them may seem just.

XII. Any person summarily convicted under this Ordinance, and sentenced to any term of imprisonment beyond thirty days, or to pay any fine beyond fifty pounds, over and above the costs of summary conviction, may appeal to the next Assizes to be holden for the district or place wherein the case has been tried; provided that such person at the time of such conviction, or within three days thereafter, shall give notice thereof in writing to the complainant, and shall also remain in custody until such Assizes, or shall enter into recognizance satisfactory to the convicting Magistrate or Justices, with two sufficient securities, conditioned personally to appear at the said Assizes to try such appeal, and to abide the further judgment of the Court at such Assizes, and to pay such costs as shall be by such last mentioned Court awarded; and the convicting Magistrate or Justices may bind over the complainant, or any witnesses, under sufficient recognizances to attend and give evidence at the hearing of such appeal, and the costs of such witnesses shall be allowed and paid by the Colonial Treasurer in the first instance, and, if such appeal be dismissed, shall be repaid to the Colonial Treasurer by the applicant.

Appeal to Supreme Court.

XIII. The Court at such before mentioned Assizes shall hear and determine the matter of the appeal, and shall take such order therein, with or without costs, as to the Court shall seem meet, and shall, if necessary, issue process for enforcing such judgment.

Appeal how heard and determined.

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

Not merely formed objections allowed.

XV. For the purpose of giving jurisdiction under this Ordinance, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place where the same actually was committed or arose, or in any place in which the offender complained against may be.

Offences where deemed to have been committed.

XVI. In case of any doubt hereafter arising as to what shall be deemed to be Inland Waters within the meaning of this Ordinance, and for the purposes thereof, it shall be lawful for the Governor, or other Officer aforesaid, by any order to be published in the *Government Gazette*, more particularly to define the same.

Inland Waters when to be described in *Government Gazette*.

XVII. In the absence of any such order, all Harbors, Rivers, Lakes, Inlets, and other Navigable Waters, within the ordinary Coast line of the Colony, from Head Land to Head Land, disregarding irregularities, shall be deemed to be Inland Waters for the purposes of this Ordinance.

Provisional definition of Inland Waters.

XVIII. All pecuniary penalties by this Ordinance imposed shall, upon collection, be paid into the receipt of the Treasury of the Colony, to the use of Her Majesty, Her heirs and successors, and be accounted for as part of the General Revenue.

Fines payable to Colonial Treasury.

XIX. It shall be lawful for the Governor, or other Officer as aforesaid, by any order to be published as hereinbefore mentioned, from

Fees payable as ordered by Governor.

time to time to impose, vary, and prescribe the fees to be paid upon doing any of the various matters and things by this Ordinance, or by any order or orders issued by him, required to be done, and by and to whom, and in what portions, the same shall be payable, as to such Governor or other Officer shall seem expedient.

Passengers rights how protected.

XX. And whereas it is expedient to make further provision for the protection of passengers on board vessels navigating the said Inland Waters, be it enacted that it shall be lawful for any Justice of the Peace, to take cognizance of, enquire into, and decide in a summary manner on information, all cases of dispute or damage arising between masters or owners of steam-vessels, plying on the Inland Waters of the Colony, and passengers, whether as to their passage, or any contract, ticket, improper landing, or otherwise, and upon conviction, to enforce, assess, and recover by warrant of distress, or imprisonment for any term not exceeding three calendar months, such damage by way of penalty not exceeding twenty pounds (£20) in any one case, from the party against whom he shall decide, as to such Justice of the Peace shall seem just; provided that no objection shall be taken to any such decision by reason of the offence complained of having taken place in any other part of the Colony than that in which the offender may happen to be.

Suspensory Clause.

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

Short Title.

XXII. This Ordinance may be cited for all purposes as "The Inland Navigation Ordinance, 1864."

Passed the Legislative Council the 29th day of April, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

U.



B.

No. 14. An Ordinance for regulating the Postal Service.

[4th May, 1864.]

WHEREAS a General Post Office has been established at New Westminster, for the reception and transmission of Letters and other Mail matter, and as a Post Master General has been appointed for the said Colony;

Preamble.

And whereas it is expedient to make further provision for the conveyance and transmission of Her Majesty's Mails throughout the Colony;

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

1. It shall be lawful for the Governor to establish for the reception and transmission of Letters and other Mail matter, in addition to the General Post Office, at New Westminster, so many Post Offices in other parts of the Colony, as he may from time to time deem necessary.

Establishment of Post Offices.

2. It shall also be lawful for the Postmaster General, subject to the directions of the Governor, from time to time to appoint such Postmasters in the said Colony, to hold office during his pleasure, and to prescribe and vary the mode and amount of their remuneration and securities, the nature and extent of their duties; to regulate the weight and dimensions of letters, to define the various kinds of postal matter, to prohibit the sending of dangerous or improper articles by post; to prepare and distribute such Colonial Stamps for the pre-payment of postage, to order such pre-payments, and generally to make all such other regulations for the more effective management of the Post Office department throughout the Colony, as to such Postmaster General (subject as aforesaid) shall seem expedient for the Public service.

Appointment of Postmasters.

3. It shall be lawful for the Governor to direct the Postmaster General to advertize for tenders for the conveyance of Mails within the said Colony.

Regulation of Postal details.

Tenders for Mail Service.

4. The Postmaster General may, with the approval of the Governor, enter into contracts for the conveyance of Mails in the Colony.

Mail Contracts.

5. In all proceedings and things whatsoever relating to the Post Office or Postal matters, the Postmaster General may sue and be sued in his own name.

Postmaster General may sue and be sued.

Property in Postal matter.

6. In all proceedings whatsoever relating to Postal matters, in which it shall be necessary or usual to allege or prove property, every letter, paper, and matter being conveyed by, to, or from, or deposited in or with any Post Office, or Postmaster, or other person in the employ of the Post Office in the Colony, shall for the purposes of this Ordinance be deemed and laid as the property of the Postmaster General.

Loose Letters.

7. Every master or person in charge of any vessel arriving from parts beyond the seas, (save from Vancouver Island or its dependencies) shall be entitled to receive one penny for every letter not included in any Mail delivered to the Postmaster at any Port in the Colony, or to any person authorized by him to receive the same.

Rates of Postage.

8. For every letter to and from British Columbia and Vancouver Island, and delivered at Victoria or New Westminster, and not exceeding $\frac{1}{2}$ an ounce, there shall be paid a postage of..... 3d.

Exceeding $\frac{1}{2}$ an ounce, but not exceeding 1 ounce..... 6d.

And so on in proportion adding for each rate of $\frac{1}{2}$ an ounce or fractional excess..... 3d.

And on every single newspaper..... 1d.

On all letters arriving from any other place than Vancouver Island, delivered at New Westminster, the said rate of 3d. per $\frac{1}{2}$ ounce shall be paid in addition to Foreign postage.

On every letter which shall be transmitted from a Post Office at any one place in the Colony, to a Post Office at any other place in the Colony,

For every letter not exceeding $\frac{1}{2}$ an ounce in weight..... 6d.

For every letter exceeding the weight of $\frac{1}{2}$ an ounce, but not exceeding 1 ounce..... 1s.

And so on after the rate of sixpence for every additional $\frac{1}{2}$ ounce, or any fractional part thereof..... 6d.

And for every single newspaper..... 6d.

Foreign Mail Contracts.

9. The Postmaster General, with the approval of the Governor, may enter into contracts with Foreign countries, for the conveyance and transmission of Mails to and from British Columbia, from and to such countries.

Power to search for Letters unlawfully carried.

10. It shall be lawful for the Postmaster or other officer of the Post Office department, duly authorized, at any place, to open, search and examine the letter bags, or parcels, packages, or persons of any Express Companies or parties suspected of conveying letters or other Mail matter liable to Postage under this Ordinance, without previous pre-payment thereof.

Franking Letters

11. All letters on Public Service, marked over the address "On Her Majesty's Service," and bearing the name of the writer or department on the left hand corner, shall pass free. Letters on public matters to and from Legislative Councillors during session, shall be considered on Her Majesty's Service and pass free.

Unclaimed Letters.

12. Every Postmaster shall on the last Monday of every month, cause a list of the then remaining unclaimed or undelivered letters, to be made out in writing and affixed to some conspicuous part of the Post Office, there to remain for the space of ninety days, after which period all such letters then remaining unclaimed or undelivered shall be transmitted by the Postmaster to the General Post Office, at New Westminster. The Postmaster General shall have authority to open such letters, and to return them to the writers

thereof, after the expiration of nine calendar months from the publication of such list.

13. Any person who shall steal, embezzle, secrete, or destroy any Post Letter Bag, or packet, or Post Letter, or any chattel, money, security, or thing whatsoever, in such bag, packet, or letter contained, or unlawfully open any Post Letter Bag or packet, or unlawfully take any letter or thing out of such bag or packet, or forge, or be engaged in or accessory to forging or attempting to forge any Postage Stamp or form issued or used, or to be issued or used under the authority of this Act, shall be deemed guilty of a felony, and punishable by imprisonment for life by any Court having jurisdiction in that behalf.

Offences declared felony.

14. Any person or persons, corporation, firm, or partnership whatsoever, that shall knowingly and with intent to defraud the Revenue, convey, or be concerned in the conveyance of any letter or other Mail matter liable to postage, and on which the rates of postage by this Ordinance prescribed, shall not have been pre-paid, shall be liable upon conviction for each such offence, to a fine of not less than Five pounds or exceeding Fifty pounds, every such penalty may be recovered upon conviction before any Justice of the Peace or other Magistrate in the Colony, in a summary manner, and in each such case the informer shall be entitled to receive half the penalty recovered, the remainder shall be paid to the use of Her Majesty, her heirs and successors, and be accounted for as part of the Revenue.

Offences punishable by fine.

Every such penalty or fine, shall be recovered by warrant of distress of the goods and chattels of the offender.

And in case of default in payment of such fine, or of the insufficiency of such distress, the offender shall for every such offence be liable to an imprisonment not exceeding three calendar months, at the discretion of the Justice or Magistrate convicting.

15. The conveyance or attempt to convey any letter, paper or Mail matter liable to postage, without the previous payment to the Post Office Department of the proper postage thereon, shall for every such letter or thing be deemed a separate offence, and be punishable accordingly.

Separate offences.

16. Any offence under this Act, may be dealt with, indicted, tried and punished in any place or district in the Colony, where the offence is committed, or in which the offender is apprehended or in custody, as if actually committed in such place or district.

Offences punishable in any part of the Colony.

17. All letters, papers and other Mail matter not hereinbefore made free of postage transmitted within the Colony, shall be pre-paid.

All letters to be pre-paid.

18. This Ordinance may be cited for all purposes as "The Postal Ordinance, 1864."

Short Title.

Passed the Legislative Council the 2nd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

U.



B.

No. 15. An Ordinance for the relief of certain Naval and Military Settlers.

[4th May, 1864.]

WHEREAS by a Proclamation made and passed on the eighteenth day of March, A. D. 1861, certain privileges were granted to Naval and Military Settlers in British Columbia, in the purchase of Country Lands in the said Colony;

Preamble.

And whereas by a subsequent Proclamation intituled "Military and Naval Settlers' Act, 1863," those privileges were greatly reduced;

And whereas such last mentioned Proclamation took immediate effect without providing for sufficient notice of such reduction to Officers intending to settle, and leaving Her Majesty's Service in the interval between the date of such last mentioned Proclamation and the time of its general publication in England;

And whereas hardship has been thereby occasioned to certain Officers, and it is just and expedient to remove the same in manner hereinafter appearing;

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

I. All Officers of the Navy or Army who shall have left Her Majesty's Naval or Military Service prior to the thirty first day of August, one thousand eight hundred and sixty three, and who but for the passage of the said Proclamation of the twenty third day of February, A. D. 1863, would have been entitled to the full remission of purchase money of Country Lands in the said Colony, in such Proclamation prescribed, for their respective ranks and length of service, shall be deemed to have always been entitled to such remission, and exempted from the operation of the "Naval and Military Settlers' Act, 1863."

Officers leaving H. M. Service before 31st August, 1863, entitled to full remission of purchase money.

II. Provided that no application for such full remission of purchase money shall be granted until the Officer applying therefor shall have first made and subscribed a statutory declaration that such Officer was not aware, at the time of leaving Her Majesty's Service, of the reduction and alteration created by the said "Naval and Military Settlers' Act, 1863."

Preliminary declaration requisite.

III. Provided, also, that in all other respects every such Officer applying shall have duly complied with the requirements of the said Proclamation.

And compliance with the terms of the first Proclamation.

IV This Ordinance may be cited for all purposes as the "Naval and Military Settlers' Relief Ordinance, 1864."

Short Title.

Passed the Legislative Council the 3rd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

H.



B.

No. 16. An Ordinance to amend Customs Duties.

[4th May, 1864.]

WHEREAS it is expedient to amend the Customs Proclamation of 2nd June, 1859. Preamble.

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

I. From and after the passing of this Ordinance, the following articles shall be admitted into British Columbia free of all duties whatsoever, viz: all Machinery for Steam-boats, Grist Mills, or Quartz Mills, and all materials *bond fide* intended and used for Ship building within the Colony. Machinery &c., exempt from Customs duties.

II. In case of dispute as to what articles shall be so admitted as aforesaid, the decision of the Collector, or other officer of Customs deputed by him, shall be final in each case. Interpretation

III. So much of the Proclamation of the second day of June, A.D. 1859, as conflicts with the above exemptions is hereby repealed. Repeals part of Proclamation of 2nd June, 1859.

IV. So much of the said Proclamation of the second day of June, A.D. 1859, as authorizes or purports to authorize the clearance of vessels in Vancouver Island for any port of British Columbia, north of Fraser River, or the payment of Customs duties of British Columbia in any part of Vancouver Island, shall be and is hereby repealed.

V. This Ordinance may be cited for all purposes as "The Customs Amendment Ordinance, 1864." Short Title.

Passed the Legislative Council the 3rd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,
Governor.

BRITISH COLUMBIA.

U.



B.

No. 17. An Ordinance for the protection of Inventions.

[4th May, 1864.]

WHEREAS it is expedient to provide for the protection of
new and useful inventions;

Preamble.

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

I. The Governor by Order in Council, may grant such protection to the Inventors of new and useful discoveries and inventions, with such exclusive privileges, under Letters Patent, or otherwise, as to such Governor, may from time to time seem just and expedient.

The Governor in Council may protect Inventions.

II. No application for such exclusive privilege, shall be received unless the same shall have been first enquired into by the Attorney General, (who is hereby authorized to enquire into the same) and shall be accompanied by a Certificate under his hand and seal, that the invention for which the privileges are sought, is new and useful, and fit to receive protection and exclusive privilege.

Preliminary enquiry and Certificate of Law Officer.

III. Such fees shall be charged and chargeable upon any application for such exclusive privileges, and payable in such manner as shall be prescribed and varied from time to time in that behalf, by any Order of the Governor in Council.

Fees.

IV. Every person infringing any exclusive privilege, conferred under this Ordinance, shall be liable in an action for damages before a Jury, in the Supreme Court of Civil Justice, to the party aggrieved.

Penalty.

V. This Ordinance may be cited for all purposes as "The Patents' Ordinance, 1864."

Short Title.

Passed the Legislative Council the 3rd day of May, A. D. 1864.

CHARLES GOOD, Clerk.

Assented to, in Her Majesty's name, this fourth day of May, 1864.

FREDERICK SEYMOUR,

Governor.

BRITISH COLUMBIA.

H.



R.

No. 18. An Ordinance granting a Supplemental

Supply of Sixty thousand and seventy-six pounds, eight shillings and eight pence, out of the General Revenue of the Colony of British Columbia, and its Dependencies, to the service of the year One thousand eight hundred and sixty-four.

[21st December, 1864.]

Most Gracious Sovereign:—

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

1. That the sum of Sixty thousand and seventy-six pounds, eight shillings and eight pence, be granted to the use of Her Majesty, for the purposes mentioned in the Schedule hereto; and that the same be paid out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the year 1864, and the Governor of the said Colony is hereby authorized to empower the Treasurer thereof to give and apply the same accordingly. Grants Supplementary Supply of £60,076 8s. 8d.

Passed the Legislative Council this 21st day of December, 1864.

CHARLES GOOD,
Clerk.

Assented to, in Her Majesty's name, this twenty-first day of December, 1864.

FREDERICK SEYMOUR,
Governor.

