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ORDINANCES

PASSED BY THE

LEGISLATIVE COUNCIL.

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM JANUARY TO APRIL.

1867.



ORDINANCES

PASSED BY THE

LEGISLATIVE COUNCIL

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33

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- No. 15. An Ordinance to assimilate and amend the Laws relating to Licences and direct Taxes on Persons.
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- No. 23. An Ordinance to repeal the Real Estate Tax Acts of Vancouver Island.
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- No. 25. An Ordinance to assimilate the Law regulating the Postal Service.
- No. 26. An Ordinance to confirm the expenditure of the sum of \$141,295.15, for the Service of the Colony of Vancouver Island, for the Year 1866.
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- No. 38. An Ordinance to incorporate the City of Victoria.
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BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 1.

An Ordinance of Indemnity for not enforcing certain Local Taxes of Vancouver Island.

[12th February, 1867.]

WHEREAS, in consequence of the extension of the Customs Laws of British Columbia to Vancouver Island, under "The British Columbia Act, 1866" it was found expedient to remit certain Duties leviable under certain Local Laws of Vancouver Island; 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. Every act, remission, payment, matter, or thing done, made, or omitted, or to be done, made, or omitted, subsequently to the 19th November, 1866, by any Officer of the Government, whether of Vancouver Island or British Columbia, duly authorized to collect Dues or Taxes under or in relation to either the "Stock and Carcass Act, 1865," or the "Harbor Dues Act, 1866," and until the repeal of the Local Laws so affected, shall be deemed and taken in all Courts and to all intents whatsoever to have been and to be lawfully made, remitted, omitted, and done, respectively. Legalizes all remissions of Duty leviable under "Stock and Carcass Act, 1865," and "Harbour Dues Act, 1866."

II. Any Person or Persons *bona fide* so acting, collecting, or remitting as aforesaid, shall be and the same is and are hereby freed, discharged, indemnified, and saved harmless, severally and collectively, against all actions, suits, prosecutions, and penalties whatsoever in respect of any such matter, sum, collection, remission, or thing, and the same shall not be questioned in any of Her Majesty's Courts of Civil or Criminal Jurisdiction in this Colony. Indemnifies persons who have made such remissions.

III. Every declaration in writing of the Governor or Officer for the time being administering the Government of British Columbia, to the effect that any act, matter, order, sum, collection, remission, or thing specified therein was *bona fide* done, made, paid, collected, or remitted for the public benefit, shall for the purpose of this Ordinance be conclusive evidence of the matters stated therein, and shall be a sufficient discharge and indemnity to all persons mentioned in the said declaration in respect of the act, sum, order, matter, or thing specified therein. Declaration in writing of the Governor to be sufficient evidence and discharge.

IV. This Ordinance may be cited for all purposes as the "Imports Indemnity Ordinance, 1867." Short Title.

Passed the Legislative Council the 5th day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 12th day of February, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 2.

An Ordinance in aid of the Municipal Taxation in Victoria.

[12th February, 1867.]

WHEREAS it is expedient to raise certain Municipal Taxes for Preamble.
the City of Victoria, and for that purpose to empower the Corporation of that City to levy the same, in aid of the powers of Taxation conferred under the "Victoria Incorporation Act, 1862."

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 By-Law passed on the 21st of January, 1867, by the Mayor and Councillors of Victoria, under the provisions of the "Victoria Incorporation Act, 1862," and hereto annexed, shall be deemed to have been rightly made, and is hereby declared to be Law, and shall be enforced and enforceable accordingly, against all persons whomsoever liable thereunder. Confirms By-Law of 21st January, 1867.

II. For the purpose of ascertaining the correctness of any of the Returns required by the said By-Law to be made, or in case of default in making any such Returns, or in case of any dispute or question respecting the same, the said Municipal Council shall have authority to correct all such Returns, and to decide upon all questions thereon arising, the Assessment to be made in respect thereof, and the persons chargeable therewith, which decision shall be final; provided that three days previous notice of the hearing of the matter therein brought in question shall have been given to the person chargeable therewith, or left at his last known place of business or abode, or with his agent, by him authorised to act in his behalf. Municipal Council may correct Returns &c., on due notice being given.

III. For the purpose of determining any question hereby referred to the decision of the said Council, such Council shall have authority to decide the same by lawful evidence in that behalf, and for this purpose to tender an Oath to any Witness to speak the truth in any question before them. Council may hear evidence and administer Oaths to Witnesses.

IV. The By-Law herein referred to and the powers hereby conferred, may be immediately acted upon and put in force until and including the 31st day of March, 1868. Provided that all Rates and Assessments leviable under this Ordinance and By-Law respectively, and in arrear, shall be recovered and recoverable hereunder on and after the said 31st March, 1868; and for the purposes of this Ordinance, Assessments not paid Quarterly in advance shall be deemed to be in arrear. By-Law in force to 31st March, 1868, and subsequently as regards arrears.

V. In the construction of this Ordinance whenever in describing or referring to any person or party, matter or thing, any word importing Interpretation Clause.

Victoria City Aid Ordinance.

porting the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Short Title.

VL This Ordinance may be cited for all purposes as the "Victoria City Aid Ordinance, 1867."

Passed the Legislative Council the 5th day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 12th day of February, 1867.

FREDERICK SEYMOUR,
Governor.

THE BY-LAW WITHIN REFERRED TO.

**MUNICIPAL BY-LAW FOR RAISING A REVENUE WITHIN
THE CITY OF VICTORIA.**

Whereas it is expedient for the good government of the City of Victoria that an Annual Revenue be raised for Municipal purposes;

Be it therefore enacted by the Mayor and Councillors of the City of Victoria, under and by virtue of the power and authority vested in them by an Act intituled "An Act to Incorporate the City of Victoria," passed the second day of August, A. D. 1862, in the twenty-sixth year of the Reign of Her Most Gracious Majesty Queen Victoria, as follows:

1. That a Rate be raised, levied, and collected, from and upon all Real Estate within the limits of the City of Victoria (including the Improvements thereon), not exceeding One-quarter of One per Cent on the value thereof, as laid down on the Government Assessment Roll for the year ending June the thirtieth, 1866.

2 All Improvements on Real Estate which are not included in the said Government Assessment Roll, shall be liable to the said Assessment of One quarter of One per Cent upon the value thereof, to be determined as hereinafter mentioned.

3. There shall be raised, levied, and collected, upon and from all occupants of premises used for professional or business purposes within the City limits, an Annual Municipal Rate not exceeding Three per Cent upon the Rentals of such premises, and all persons occupying their own premises shall be liable to the said Rate, and the Rental thereof shall be determined as next hereinafter mentioned.

4. All persons liable under the third Section of this By-Law shall make a Return to the Town Clerk, at the City Council Chambers within Fourteen days after the passage and publication hereof, of the monthly or other periodical Rental paid by them, or (if such persons occupy their own premises) of what they deem to be a fair value of such Rental, and such Return shall be in the Form hereunto annexed and marked Schedule A.

5. All persons owners of Improvements not included in the said Government Assessment Roll, as mentioned in Section 2 of this By-Law, shall also make a Return of the same to the Town Clerk, at the City Council Chambers, within Fourteen days after the passage and publication hereof, in the Form hereunto annexed, and marked Schedule B.

6. There shall be raised, levied, and collected, from and upon all Agents of Fire Insurance Companies, an Annual Rate not exceeding One-half of One per Cent upon the amount of all property Insured by them within the City limits, to be applied to and for the use of the Victoria Fire Department.

7. All Agents of Fire Insurance Companies liable as in the sixth Section is mentioned, shall make a Return of all property respectively Insured by them, to the Town Clerk, at the City Council Chambers, within

Victoria City Aid Ordinance.

within Fourteen days after the passage and publication hereof, in the Form hereunto annexed, and marked Schedule C; and if such Return be not so made, the Council shall determine the Rate to which they shall be respectively liable, and such determination shall be final.

8. All persons failing to make such Returns in the Forms marked Schedule A, Schedule B, and Schedule C, shall be charged a sum equivalent to Five per Cent upon the amount due, in addition to the amount at which they shall be respectively rated by the Council, whose decision shall be final.

9. Any person or persons making a false Return shall be liable to a penalty not exceeding Ten Pounds Sterling,

10. The Municipal Assessment Roll shall include the several particulars mentioned in Sections 1, 2, 3, and 6, of this By-Law, and opposite to the name of each person liable, shall be inserted the amount of the Annual Rate to be paid.

11. All moneys due under the provisions of this By-Law, shall be paid at the City Council Chambers, to the Clerk of the Council (or to a Collector, duly authorised), who shall keep an account of the same, and the same shall be paid into some Chartered Bank each day, as shall be directed, and placed to the credit of the Mayor and Council.

12. All moneys due under the provisions of this By-Law, shall be paid Quarterly in advance; provided, always, that any Ratepayer who is rated or assessed in a sum not exceeding Two Dollars per annum, shall pay the same in full in advance.

13. All moneys due under the provisions of this By-Law shall be paid within Thirty days after the expiration of the Fourteen days allowed in which to make Returns, as provided for in Sections 4, 5, and 7, after which time a sum equivalent to Five per Cent. upon the amount due shall be paid, collected, and levied, in addition to the amount due; and if the whole of the said amounts so due be not paid within an additional period of Thirty days the person or persons so liable shall be dealt with under the provisions of the "Victoria Incorporation Act, 1862."

14. This By-Law shall take effect immediately after its final passage and publication, and thereupon the By-Law passed by the Council on the Eighteenth day of October, 1866, shall be and is hereby repealed.

SCHEDULE A.

Name.	Premises.	Profession or Business.	Rental.
-------	-----------	-------------------------	---------

I, _____, hereby declare the above Return to be a faithful and true return of the matters therein set forth, to the best of my knowledge, information, and belief.

Signature, _____

SCHEDULE B.

Name.	Improvements.	Where situate.	Value.
-------	---------------	----------------	--------

I, _____, hereby declare the above Return to be a faithful and true return of the matters therein set forth, to the best of my knowledge, information, and belief.

Signature, _____

SCHEDULE C.

Name of Company and Agent.	Property Insured.	Amount Insured.
----------------------------	-------------------	-----------------

I, _____, hereby declare the above Return to be a faithful and true return of the matters therein set forth, to the best of my knowledge, information, and belief.

Signature, _____

Passed the Municipal Council, January 21st, 1867.

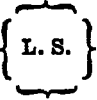
L. S.

W. J. MACDONALD,
Mayor.

Victoria, B. C., January 21st, A.D. 1867.
Wm. LEIGH, Town Clerk.

NEW WESTMINSTER :

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 3.

An Ordinance to prohibit the unseasonable destruction of Game.

[4th March, 1867.]

WHEREAS it is expedient to protect Game of various descriptions from being killed out of Season, and to assimilate the Law affecting such matters in all parts of the Colony of British Columbia; Preamble.

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

I. The "Game Ordinance, 1865," of the Colony of British Columbia, and "An Act for the preservation of Game," of the year 1859, of the former Colony of Vancouver Island and its Dependencies, are hereby repealed. Repeal of existing Ordinance, with proviso. Provided however, that all liabilities and penalties imposed and accruing, due under the said repealed Acts and Ordinance or any of them, and all remedies and punishments for recovering and enforcing the same shall still, notwithstanding such repeal, remain in full force and effect and be capable of being enforced and inflicted as if such Act and Ordinance were still in force, but not further or otherwise.

II. From and after the passage of this Ordinance it shall be unlawful for any person to buy, sell, barter, give, or offer, or exhibit for sale any Deer or Elk, from the first day of March to the first day of August; and any Grouse, Prairie Fowl, or Partridges, or destroy or collect the Eggs of the Grouse, Prairie Fowl, or Partridge, from the first day of March to the tenth day of August, in any year. Prohibits sale, barter, &c., &c., of Game, during certain seasons of the year.

III. Every infraction or evasion of this Ordinance shall be punishable upon conviction in a summary manner, before any Magistrate in British Columbia, by a fine not exceeding \$50 for each offence, to be levied by distress, or in default of payment by imprisonment for any term not exceeding Three Months, at the discretion of the Magistrate convicting. Penalties for evasion.

IV. The Short Title of this Ordinance is "The Game Ordinance, 1867." Short Title.

Passed the Legislative Council the 20th day of February, A. D. 1867.

CHARLES GOOD,

Clerk.

ARTHUR N. BIRCH,

Presiding Member.

Assented to, in Her Majesty's name, this 4th day of March, 1867.

FREDERICK SEYMOUR,

Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 4.

An Ordinance to assimilate the Law relating to Sheriffs.

[5th March, 1867.]

WHEREAS it is expedient to assimilate the Law relating to Sheriffs in all parts of British Columbia; Preamble.

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

I. "The Sheriffs' Act, 1860," is hereby repealed.

Repeal of Sheriffs' Act, 1860.
Court may appoint Sheriff temporarily.

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

III. All acts hitherto done, or hereafter to be done as a Justice of the Peace, by any person who while a High Sheriff of British Columbia, had or may have any authority or jurisdiction as a Justice of the Peace or Stipendiary Magistrate in the same Colony shall be and be deemed to have been well and lawfully done. Sheriff may act as J. P.

IV. The Office of High Sheriff shall be tenable during the pleasure of the Governor of the said Colony; and it shall be lawful for every High Sheriff, and also for every person holding any appointment to act as for or under a High Sheriff, to continue until supersession or resignation to hold such office or appointment, and to do and exercise all acts and authority which ought to be done or exercised by a Sheriff or Deputy Sheriff. Continuance of Office.

V. It shall be lawful for the Governor of the Colony before the appointment of any such person to act as High Sheriff aforesaid, to require the person so appointed to give good and sufficient security for the due performance of his duties as such High Sheriff, and such security Governor may require security for discharge of duty by High Sheriff.

Sheriffs' Ordinance.

security shall be in the nature of a Bond in the usual form, for such amount as may by the Governor be decided upon, and signed by the person so to be appointed, and two or more sufficient sureties.

Saves rights of existing High Sheriff and Officers.

VI. Nothing in this Ordinance contained shall be held to invalidate the appointment of any High Sheriff, Deputy Sheriff, or Sheriff's Officer already made, or make any re-appointment to such Offices or any of them, necessary; but all acts, deeds, matters, and things, permitted or required to be done by any such High Sheriff, Deputy Sheriff, or Sheriff's Officer, shall, until any fresh appointment, be good and valid as if the said Act were not hereby repealed.

Short Title.

VII. This Ordinance may be cited for all purposes as the "Sheriffs' Ordinance, 1867."

Passed the Legislative Council the 10th day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 5th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 5.

An Ordinance to prevent the violation of Indian Graves.

[5th March, 1867.]

WHEREAS, it is expedient for the preservation of the public peace, Preamble.
to make special provision for the protection of Indian Graves, and articles deposited thereon, and to assimilate the Law affecting such matters in all parts of the Colony of British Columbia;

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

I "The Indian Graves Ordinance, 1865," is hereby repealed. Repeal of existing Ordinance, with proviso. Provided however that all liabilities and penalties imposed and accruing, due under the said repealed Ordinance, and all remedies and punishments for recovering and enforcing the same, shall still, notwithstanding such repeal, remain in full force and effect and be capable of being enforced and inflicted as if such Ordinance were still in force, but not further or otherwise.

II. From and after the passing of this Ordinance, if any person or persons shall steal, or shall, without the sanction of the Government, cut, break, destroy, damage, or remove any image, bones, article or thing, deposited on, in, or near any Indian Grave in this Colony, or induce, or incite any other person or persons so to do, or purchase any such article or thing after the same shall have been so stolen, or cut, broken, destroyed or damaged, knowing the same to have been so acquired or dealt with; every such offender being convicted thereof before a Justice of the Peace in a summary manner, shall for every such offence be liable to be fined a sum not exceeding One hundred dollars, with or without imprisonment for any term not exceeding three calendar months for the first offence, in the discretion of the Magistrate convicting. Imposes a penalty of \$100 for removing anything from Indian Graves.

III. In any indictment or other proceeding under this Ordinance, it shall be sufficient for all purposes to state that such grave, image, bones, article or thing is the property of the Crown. Forms of indictment.

IV. If any person or persons so convicted as aforesaid, shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender for such second or subsequent offence, should the convicting Magistrate in his discretion so deem meet, in addition to suffering the aforesaid fine, be committed to the common gaol, there to be kept to hard labour for such term not exceeding six calendar months, as the convicting Justice may think fit. Second offence liable to 6 months imprisonment with hard labour.

V. The Short Title of this Ordinance is "The Indian Graves Ordinance, 1867." Short Title.

Passed the Legislative Council the 20th day of February, A. D. 1867.

CHARLES GOOD,

Clerk.

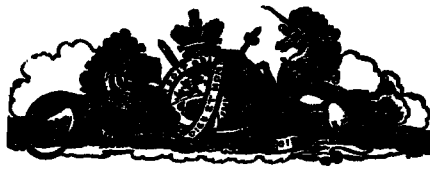
ARTHUR N. BIRCH,

Presiding Member.

Assented to, in Her Majesty's name, this 5th day of March, 1867.

FREDERICK SEYMOUR,

Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 6.

An Ordinance authorizing the Sale of the Real and Personal Estate of Intestates.

[5th March, 1867.]

WHEREAS it is expedient to assimilate the Law authorizing the Sale of the Real and Personal Estate of Intestates in all parts of the Colony of British Columbia; Preamble.

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

I. "The Intestate Estate Sale Ordinance, 1866," is hereby repealed, save as to all rights acquired and acts lawfully done thereunder. Repeal of existing Ordinance, with proviso.

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

III. All moneys paid into Court under this Ordinance, and the "Trustees' Relief Ordinance, 1866," shall be paid in to the credit of the General Revenue of the Colony, in trust for the Heirs or next of kin of the deceased, intestate. All moneys received to be paid in as General Revenue.

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

V. This Ordinance may be cited as "The Intestate Estate Ordinance, 1867." Short Title.

Passed the Legislative Council the 21st day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 5th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 7.

An Ordinance to assimilate the general application of English Law.

[6th March, 1867.]

WHEREAS it is expedient to assimilate the Law establishing the Preamble.
date of the application of English Law to all parts of the Colony of British Columbia;

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

I. "The Proclamation having the force of Law to declare that English Law is in force in British Columbia," of the 19th day of November, 1858, is hereby repealed. Repeals Proclamation of 19th November, 1858. Provided however that such repeal shall not affect any rights acquired, or liabilities incurred or existing before such repeal. But such rights and liabilities Civil and Criminal, and all remedies and punishments thereunder shall still, notwithstanding such repeal, be capable of enforcement and imposition, as if this Ordinance had not been passed, but not further or otherwise.

II. From and after the passing of this Ordinance the Civil and Criminal Laws of England as the same existed on the 19th day of November, 1858, and so far as the same are not from local circumstances inapplicable, are and shall be in force in all parts of the Colony of British Columbia. Civil and Criminal Laws of England put in force. Provided however that in applying this Ordinance to that part of the Colony previous to the Union known as British Columbia, the said Civil and Criminal Laws as the same existed at the date aforesaid shall be held to be modified and altered by all past Legislation (of the said Colony of British Columbia, before the Union, and of the Colony of British Columbia since the Union) affecting the said Colony of British Columbia as it existed before the Union. Saving as modified by past Legislation of British Columbia.

Provided also that in applying this Ordinance to that part of the Colony heretofore known as the Colony of Vancouver Island and its Dependencies, the said Civil and Criminal Laws as the same existed at the date aforesaid shall be held to be modified and altered by all past Legislation of the said Colony of Vancouver Island, and of the whole Colony of British Columbia since the Union affecting the former Colony of Vancouver Island and its Dependencies. Saving as modified by past Legislation of Vancouver Island.

III. The Short Title of this Ordinance is "The English Law Ordinance, 1867." Short Title.

Passed the Legislative Council the 15th day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 6th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 8.

An Ordinance to declare the Laws relating to Interest.

[6th March, 1867.]

WHEREAS, it is expedient to assimilate the Law relating to Interest to all parts of the Colony of British Columbia; Preamble.

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

I. "The Interest Ordinance, 1864," is hereby repealed.

Repeals Interest Ordinance, 1864.

II. 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 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 be proved just and reasonable, and in cases where not so proved such rate of Interest as may appear just, but not exceeding the rate of one per cent. per mensem, to be reckoned from the time at which Interest would be calculated in England.

Declares legal rate of Interest where no stipulation has been made.

III. The Short Title of this Ordinance is "The Interest Ordinance, 1867." Short Title.

Passed the Legislative Council the 19th day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 6th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 9.

An Ordinance for the Regulation of Ferries and Bridges.

[6th March, 1867.]

WHEREAS it is expedient to assimilate the Law for the Regulation of Ferries and Bridges in all parts of the Colony of British Columbia;

Preamble.

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

I. "The Ferry Ordinance, 1866," is hereby repealed; provided, however, that all liabilities and penalties imposed and accruing, due under the said repealed Ordinance, and all remedies, penalties, and punishments, for recovering and enforcing the same shall still, notwithstanding such repeal, remain in full force and effect, and be capable of being enforced and inflicted, as if such Ordinance were still in force, but not further or otherwise.

Repeal of existing Ordinance, with proviso.

II. From and after the passing of this Ordinance, the Tolls and Duties assessed and leviable and payable upon and from all persons, animals, and things, made subject thereto under any exclusive Charter, or other grant of Ferriage or Bridge in the Colony of British Columbia, from or by authority of Her Majesty, Her heirs and successors, whether from the Governor direct or through the Chief Commissioner of Lands and Works and Surveyor General, or any Assistant Commissioner of Lands and Works, or other person duly authorized by the Governor in that behalf, may not only be levied, collected, and enforced under the ordinary process of the Supreme Court of Civil Justice of British Columbia, but also in a summary manner, on a Summons upon information on oath before any Magistrate in British Columbia.

Ferry Tolls leviable in a summary manner before Magistrate.

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

Penalty for evasion of Tolls.

IV. Every wilful infraction or evasion by any grantee or occupier of a Ferry or Bridge Charter of the duty to keep and maintain in good and proper repair, ready for use at all hours, according to the terms of the Charter (unless prevented by accident, necessary repairs, or stress of weather) sufficient and suitable accommodation for the public using such Ferry or Bridge, according to the full requirements of the Charter, or any misbehaviour or overcharge of the Ferryman or Bridgekeeper in the discharge of his duty, shall upon a similar summons be punishable

Penalty for misbehaviour of Ferry or Bridge keeper.

by.

Ferry Ordinance.

by a like fine, to be levied and collected in a similar manner by distress, or in default of payment thereof by imprisonment with or without hard labor as is lastly above provided in case of the evasion of the tolls sanctioned by such Charter.

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

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

Short Title. VII. This Ordinance may be cited as "The Ferry Ordinance, 1867."

Passed the Legislative Council the 21st day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 6th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 10.

An Ordinance making provision for Barristers-at-Law, Attorneys, Notaries Public, and Articled Clerks, of the late Colony of Vancouver Island.

[7th March, 1867.]

WHEREAS it is expedient to make provision for Barristers-at-Law Preamble. and Attorneys entitled to practise in the late Colony of Vancouver Island, prior to and at the date of the Proclamation of "The British Columbia Act, 1866," not being now admitted to practise in the Courts of Justice of British Columbia;

And, whereas, it is also expedient to make provision for Clerks articled to such Attorneys at the said date, in the said late Colony, and of Notaries Public duly appointed therein;

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

I. All Barristers-at-Law who were duly admitted and entitled to practise in the late Colony of Vancouver Island and its Dependencies, at the date of the said Proclamation, and not now admitted in the Courts of Justice of British Columbia, shall be deemed to have at the said date and not earlier been and to be duly entitled to practise as Barristers-at-Law of the Courts of Justice of the Colony of British Columbia, in the same manner as if they had likewise been at such date duly admitted pursuant to the "Legal Professions Act, 1863."

Barristers-at-Law of the late Colony of Vancouver Island, can practise in British Columbia.

II. All Attorneys who were duly admitted and entitled to practise in the said late Colony, at the date of the said Proclamation, as Attorneys, Solicitors, or Proctors, and not now admitted in the Courts of Justice of British Columbia, shall be deemed to have at the said date and not earlier been and to be duly entitled to practise as Attorneys, Solicitors, or Proctors respectively, of the Courts of Justice of the Colony of British Columbia, in the same manner as if they had likewise been at such date duly admitted pursuant to the said "Legal Professions Act, 1863." Provided that nothing herein contained shall be construed to limit or abridge the control of the Court over any persons practicing either in British Columbia or Vancouver Island.

Attorneys of the late Colony of Vancouver Island, can practise in British Columbia.

III. All Clerks who were under Articles of Clerkship to such Attorneys in the said late Colony, at the date of the said Proclamation, shall be entitled to the same rights and privileges in all respects as if they had been during the periods of their service respectively, duly Articled to Attorneys of the Supreme Court of Civil Justice of British Columbia, resident in the Colony of British Columbia.

Articled Clerks of the late Colony of Vancouver Island, entitled to the same privileges as if articled to Attorneys of British Columbia.

IV. All

Legal Professions Ordinance.

Notaries Public of
the late Colony of
Vancouver Island,
entitled to practise
in British Columbia.

Short Title.

IV. All Notaries Public duly appointed in the said late Colony, at the date of the said Proclamation, shall be deemed to have then been and to be entitled to practise as such Notaries Public in the Colony of British Columbia.

V. This Ordinance may be cited as the "Legal Professions Ordinance, 1867."

Passed the Legislative Council the 19th day of February, A. D. 1867.

CHARLES GOOD,

Clerk.

ARTHUR N. BIRCH,

Presiding Member.

Assented to, in Her Majesty's name, this 7th day of March, 1867.

FREDERICK SEYMOUR,

Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 11.

An Ordinance to provide for the taking of Oaths and admission of Evidence in certain cases.

[15th March, 1867.]

WHEREAS it is expedient to provide for the taking of Oaths and admission of Evidence in certain cases, and to assimilate the same in all parts of the Colony of British Columbia; Preamble.

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

I. "The Oaths Act, 1859," and "The Native Evidence Ordinance, 1865," are hereby repealed: provided however that such repeal shall not affect any rights acquired under such Act and Ordinance or either of them, or any liabilities or penalties already incurred under such Act and Ordinance or either of them, or any remedies or punishments prescribed by such Act and Ordinance or either of them, for enforcing the same, but such remedies and punishments may still for the purposes of such enforcement, but not further or otherwise, be held to be available and capable of imposition as if such Act and Ordinance were still in force. Repeals "Oaths Act, 1859," and "The Native Evidence Ordinance, 1865," saving existing rights.

II. If any person called as a witness in any Court of Judicature or required or desiring to take any oath or to make an affidavit or deposition shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the Court or Judge, or other presiding officer or person qualified to take such oath, affidavit, or deposition, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, viz: "I, A. B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful, and I do solemnly, sincerely and truly affirm and declare, &c., &c." Authorizes affirmation in lieu of oath.

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

IV. If any of the persuasion of the people called Quakers, or any other person under this or any other law permitted to make his solemn declaration or affirmation in lieu of an oath, or any person professing the Jewish Religion, shall at any time be required by any lawful authority, or shall be desirous for any purpose to take the oath of allegiance to Her Majesty, Her Heirs or Successors, or any form of oath containing the words "And I make this declaration upon the true faith of a Christian" the said words "And I make this declaration" Quaker's affirmation in lieu of oath.

Evidence Ordinance.

declaration upon the true faith of a Christian," shall be omitted in the form of oath to be taken or the declaration or affirmation in lieu of an oath to be made by such person. And the taking of every such oath, or the making of such affirmation and declaration with such omission as aforesaid, shall have the same force and effect as the taking and subscribing by other persons of the oath containing the said words "And I make this declaration upon the true faith of a Christian."

Indian unsworn testimony receivable in certain cases.

V. In any Civil Action, or upon any Inquest, or upon any Enquiry into any matter or complaint or otherwise, or upon the trial of any crime or offence whatsoever, or by whomsoever committed, it shall be lawful for any Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, in the discretion of such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, to receive the evidence of any Aboriginal Native, or Native of mixed blood, of the Continent of North America, or the Islands adjacent thereto, being an uncivilized person, destitute of the knowledge of God, and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Aboriginal Native or Native of mixed blood as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth, and nothing but the truth, or in such other form as may be approved by such Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace.

Indian information how taken.

VI. Provided that in the case of any proceeding in the nature of a preliminary inquiry, the substance of the evidence or information of any such Aboriginal Native or Native of mixed blood as aforesaid, shall be reduced to writing, and signed by a mark by the person giving the same, and verified by the signature or mark of the person acting as Interpreter, (if any), and of the Coroner, Justice of the Peace, or person before whom such information or evidence shall have been given.

Preliminary caution.

VII. The Court, Judge, Coroner, Gold or other Commissioner, or Justice of the Peace, shall before taking any such evidence, information, or examination, caution every such Aboriginal Native or Native of mixed blood as aforesaid that he will be liable to incur punishment if he do not so as aforesaid tell the truth.

Indian declaration evidence.

VIII. The written declaration or examination made, taken, and verified in manner aforesaid, of any such Aboriginal Native or Native of mixed blood as aforesaid, being one of such uncivilized persons as hereinbefore described, may be lawfully read and received as evidence upon the trial of any cause Civil or Criminal in the said Colony, when under the like circumstances the written affidavit, examination, deposition, or confession of any person might be lawfully read and received as evidence.

False declaration perjury.

IX. Every solemn affirmation or declaration in whatever form, made or taken by any person as aforesaid, shall be of the same force and effect as if such person had taken an oath in the usual form, and shall in like manner infer the penalty of perjury in case of falsehood.

Short Title.

X. This Ordinance may be cited for all purposes as the "Evidence Ordinance, 1867."

Passed the Legislative Council the 13th day of February, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 15th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 12.

An Ordinance for the protection of Inventions.

[19th March, 1867.]

WHEREAS, it is expedient to provide for the protection of new and useful inventions, and to assimilate the Law affecting the same in all parts of the Colony of British Columbia; Preamble.

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

I. "The Patent Ordinance, 1864," is hereby repealed.

Repeals "The Patent Ordinance, 1864."

II. 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.

III. No application for such privilege shall be received unless the same shall have been first enquired into by the Attorney General and Chief Commissioner of Lands and Works, (who are hereby authorized to enquire into the same), and shall be accompanied by a Certificate under their hands and seals, 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 Attorney General and Chief Commissioner of Lands and Works.

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

V. 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.

VI. This Ordinance may be cited for all purposes as "The Patents Ordinance, 1867." Short Title.

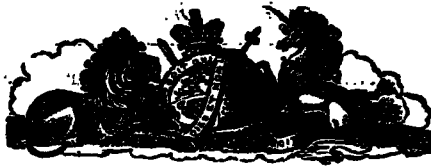
Passed the Legislative Council the 1st day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 19th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 13.

An Ordinance to appropriate the sum of Five Hundred and Sixty Six Thousand Six Hundred and Fifty Eight Dollars and Thirty Cents out of the General Revenue of the Colony for the Contingent Service of the year, 1867.

[19th March, 1867.]

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

I. That there may be issued and applied out of the General Revenue of the Colony of British Columbia and its Dependencies, not otherwise by Law specially appropriated for or towards making good the supply granted to Her Majesty, for the Contingent Service of the year One thousand eight hundred and sixty-seven, the sum of Five Hundred and Sixty Six Thousand Six Hundred and Fifty Eight Dollars and Thirty Cents, the said amount being appropriated as follows, namely: Appropriation of the Revenue for 1867.

FOR SALARIES AND ALLOWANCES.

<i>The Governor</i>	Two Thousand Five Hundred and Thirty-five Dollars.
<i>Legislative Council</i>	Twelve hundred Dollars.
<i>Colonial Secretary</i>	Nine Thousand Eight Hundred and Sixty Dollars.
<i>Treasurer</i>	Four Thousand Eight Hundred and Twenty Dollars.
<i>Assay and Refinery Office</i> ...	Three Thousand Nine Hundred and Fifty Dollars.
<i>Auditor General</i>	Five Thousand Two Hundred and Fifty Dollars.
<i>Chief Commissioners of Lands and Works</i>	Six Thousand Three Hundred and Ten Dollars.
<i>Customs</i>	Eleven Thousand Two Hundred and Twenty-one Dollars, eighty Cents.
<i>Registrar General</i>	Two Thousand Two Hundred and Ninety Dollars.
<i>Harbour Master</i>	Eighteen Hundred Dollars.

Post

Appropriation Ordinance.

<i>Post Office</i>	Three Thousand Four Hundred and Twenty Dollars.
<i>Judicial Establishment</i>	Eleven Thousand Six Hundred and Ninety-five Dollars.
<i>Police and Gaols</i>	Nineteen Thousand Two Hundred and Eleven Dollars, Twenty-five Cents.
<i>Gold Commissioners and Stipendiary Magistrates</i>	Forty-three Thousand Five Hundred and Forty-nine Dollars.

FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS.

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

Treasurer to pay on Governor's warrant.

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

Passed the Legislative Council the 11th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 19th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO.

VICTORIÆ REGINÆ.

NO. 14.

An Ordinance to establish a Standard of Weights and Measures.

[19th March, 1867.]

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

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

I. From and after the time hereinafter fixed for the coming into operation of this Ordinance, the Weights and Measures of Her Majesty's Exchequer in England shall be the Standard of Weights and Measures of the said Colony, and no goods, commodities, or other articles sold by Weight or Measure shall be so sold, except by such Standard of Weights or Measures, or some multiple or fractional part thereof. Provided always, that nothing herein contained shall prevent the sale of any goods, commodities, or other articles in any vessel, or bale, or by bulk, when such vessel, or bale, or such bulk is not represented as containing any Standard Weight or Measure, or any multiple or fractional part thereof, or any Local or Foreign Measure, or any multiple or fractional part thereof.

English Standard of Weights and Measures to be the Standard in this Colony.

II. All articles sold by Weight shall be sold by Avoirdupois Weight, except Gold, Silver, Platina, Diamonds or other precious stones, which may be sold by Troy Weight, and Drugs which when sold by Retail shall be sold by Apothecaries Weight.

Things sold by weight, with certain exceptions, to be sold by Avoirdupois weight.

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

Governor to appoint Inspector of weights and measures.

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

Duties of Inspectors.

V. Every such Inspector as aforesaid may, at all reasonable times, enter into any Shop, Store, Warehouse, or Place within the District in which he has authority to act, where any goods, commodities, or other articles are bought, sold, or exchanged, or exposed or kept for sale, or weighed for conveyance or carriage, and examine and prove all Weights, Measures, Steelyards, Balances, or other Weighing Machines, and may also seize all Weights, Measures, Steelyards, Balances, and other Weighing Machines so then and there found to be false and untrue, as things forfeited to the use of Her Majesty.

Power of Inspectors.

VI. No Weight made of Lead or Pewter, or of any mixture thereof, shall be stamped or used. Provided always, that nothing herein contained shall prevent the use of Lead or Pewter, or of any mixture thereof in the composition of Weights if they be wholly and substantially cased with Brass, Copper, or Iron, and legibly stamped or marked "cased"

Material of weights.

Weights and Measures Ordinance.

"ceased," or shall prevent the insertion of such a plug of Lead or Pewter into Weights as shall be *bona fide* necessary for the purpose of adjusting them, and of affixing thereon the stamp for the same.

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

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

Penalties for using false weights, &c.

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

Forgery of stamps, &c.

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

Penalties how recoverable; warrant of commitment sustained by a good conviction.

X. Every penalty imposed by this Ordinance may, with the costs of conviction be levied by distress and sale of the goods and chattels of any offender, and in any case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such offender for any term not exceeding Three Calendar Months, and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect if it be therein alleged that the offender has been convicted and there be a good and valid conviction to sustain the same.

Ordinance to operate in each district one month after appointment of Inspector.

XI. This Ordinance shall come into operation in each district to which the Governor shall appoint an Inspector as aforesaid, one month after notice has been given in such district of such appointment.

Interpretation clause.

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

Short Title.

XIII. This Ordinance may be cited for all purposes as "The Weights and Measures Ordinance, 1867."

Passed the Legislative Council the 11th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 19th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 15.

An Ordinance to assimilate and amend the Laws relating to Licences and direct Taxes on Persons.

[22nd March, 1867.]

WHEREAS it is expedient to assimilate and amend the Laws relating to Licences and direct Taxes on Persons; Preamble.

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

I. "The Licences Act, 1859," "The Trade Licences Amendment Act, 1864." and "The Licences Ordinance, 1866," of the Colony of British Columbia previous to the Union; and "The Act to repeal and amend the Laws affecting Trade Licences," of the year 1862, "The Trade Licence Amendment Act, 1865," "The Liquor Licence Act, 1861," "The Liquor Licence Act, 1866," and "The Salaries Tax Act, 1865," of the formerly separate Colony of Vancouver Island and its Dependencies, are hereby repealed. Repeal of certain Acts, with proviso. Provided, however, that such repeal shall not be held to affect any rights acquired under existing Licences, or to liabilities or penalties already imposed and accruing, due under such Acts and Ordinances, or any of them, or to the remedies prescribed by such Acts and Ordinances, or any of them, for enforcing such liabilities or penalties; but such remedies may still, for the purposes of such enforcement, but not further or otherwise, be held to be available as if such Acts and Ordinances were still in force; and provided, also, that such repeal shall not cause to revive any Proclamation, Act, or Ordinance repealed by the said Acts and Ordinances hereby repealed, or any of them.

II. From and after the passing of this Ordinance, save only as to such persons as have lawfully acquired rights under the said repealed Acts and Ordinances, or any of them, every Person using the Trades, Occupations, Professions, or Businesses in Schedule A hereunto annexed, particularly described, shall take out a periodical Licence for such period as is in the said Schedule A set out, paying therefor such periodical sum as is there specified, which said sum shall respectively be paid in advance, to and for the use of Her Majesty, Her Heirs and Successors. Trades, &c., Licences as in Schedule A.

III. No person shall use practise, carry on, or exercise any Trade, Occupation, Profession, or Business in the said Schedule A described or named, without having taken out and had granted to him a Licence in that behalf, under a penalty not exceeding the sum of \$250 for every such offence, together with the amount which he should have paid for such Licence, which said amount and penalty shall for the purposes of recovery under this Ordinance be held to be one penalty. Penalty for trading, &c., without Licence

IV. The Licences to be granted as aforesaid, may be in the Form in Schedule B to this Ordinance; and the same are to be granted so as to terminate on the thirtieth day of June or the thirty-first day of December, Form of Licence, Schedule B.

Licences Ordinance.

ber, and no proportionate deduction shall be made on account of any person commencing business.

Liquor Licences how granted.

V. No Licence shall be granted to any person for the sale of Wines, Spirits, Beer, or other fermented or intoxicating Liquor by Retail, unless upon the certificate of a Justice of the Peace, which said certificate shall be granted after specific and public application therefor, and after reasonable notice to such Justice to be given by the applicant, due regard being had in the grant by such Justice of such certificate to the requirements and convenience of the public, and such certificate may be in the Form in Schedule C; and such Licence for the sale of fermented and intoxicating Liquor by Retail shall be granted only to the Licensee, in respect of the premises mentioned in such certificate; and no person so Licensed to sell fermented or intoxicating Liquor by Retail shall carry on such business in any other premises except the premises named in such Licence or certificate, under a penalty not exceeding the sum of \$250 for every such offence, and such Licences shall be granted so as to terminate on the thirtieth day of June and the thirty-first day of December, and no proportionate deduction shall be made on account of any person commencing business.

Forgery &c., Felony.

VI. Any person who shall forge or alter, or who shall offer, utter, dispose of, or put off, knowing the same to be forged, any certificate or Licence issued or purporting to be issued under the provisions of this Ordinance with intent to defraud shall be guilty of felony, and on conviction thereof shall be liable at the discretion of the Court to be imprisoned with or without hard labour for any term not exceeding Three years.

Auctioneers' Returns.

VII. Every person selling goods, merchandize, or merchantable commodities by Public Auction shall on or before the Fifth day of every Month make a Return to the Magistrate of the District within which he may carry on his Business, or to such other person as the Governor may appoint, or if there be no Magistrate or other person specially appointed, then to the Colonial Treasurer or person acting as such, of the amount of money or equivalent for money received by him during the past Month ending on the last day of every Month, in respect of the goods, merchandize, or merchantable commodities sold by him by Auction, and such Return shall be in the Form marked D in the Schedule to this Ordinance; and every person selling by Auction as aforesaid, shall pay to the Magistrate of the District or other person as aforesaid, an amount equivalent to One and a half per Cent. upon the amount so received as aforesaid; and if any person selling by Auction as aforesaid, shall neglect to make such Return as aforesaid, he shall be liable to a penalty not exceeding the sum of One Hundred Dollars; and if any person selling by Auction as aforesaid, shall make any false or fraudulent Return of any matters contained in any such Return as aforesaid, such person shall upon conviction thereof, be deemed guilty of a misdemeanor.

Proceedings for penalties.

VIII. Whenever in this Ordinance any pecuniary penalty is imposed for any offence, the same may, unless otherwise provided, be recovered by way of summary proceedings before any single Justice of the Peace having jurisdiction in the locality in which the offence was committed, and every such penalty may, with the costs of conviction be levied by distress and sale of the goods and chattels of any offender; and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending, for any term not exceeding Three Calendar Months.

Warrant of commitment.

IX. In case of any summary conviction under this Ordinance, no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted and there be a good and valid conviction to sustain the same.

Interpretation.

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

Short Title.

XI. This Ordinance may be cited for all purposes as "The Licences Ordinance, 1867."

Passed

Licences Ordinance.

Passed the Legislative Council the 12th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 22nd day of March, 1867.

FREDERICK SEYMOUR,
Governor.

SCHEDULE A.

(a) By each person vending spirituous or fermented Liquors, by retail, for each House or Place in the Colony where such vending is carried on, if in a Town of not less than fifty inhabitants\$100 for every 6 months.

(b) Where such retail vending is carried on in a Rural District, not forming part of a Town £30 for every 6 months.

(c) By each person not having a retail licence as above, and vending spirituous and fermented Liquors for wholesale, that is to say in quantities of not less than two gallons, for each House or Place in the Colony \$25 for every 6 months.

(d) By each person keeping a Saloon or Building where a Billiard Table is used for hire or profit..... \$5 for each table for every 6 months.

(e) By each person keeping and letting for hire any Bowling Alley or Rifle Gallery, for each Bowling Alley or Rifle Gallery \$5 for every 6 months.

(f) By every person keeping a Dance House\$100 for every 6 months.

(g) By every person selling Opium, except Chemists and Druggists using the same in the preparation of prescriptions of Medical practitioners \$50 for every 6 months.

(h) For every person carrying on the business of a wholesale or of a wholesale and a retail Merchant or Trader \$50 for every 6 months.

For every retail Trader..... \$5 for every 6 months.

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

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

(j) By every person owning a Pack Train of more than six animals, Freight Waggon, Stage Coach or Omnibus, used in transporting goods for profit or hire a distance beyond 10 miles from any Town, and not paying a Merchant's or Trader's Licence \$5 for every 6 months.

2. By every person owning a Pack Train of less than six animals, Dray, Waggon or Omnibus, used in transporting goods and passengers for profit or hire, within a distance of ten miles from any Town, and not paying a Merchants or Trader's Licence.....\$2.50 for every 6 months.

3. By every Livery Stable Keeper not paying Trading Licence \$10 for every 6 months.

4. By every person following the calling of Cattle Drover in the Colony shall pay \$50 for every 6 months.

(k) By every person carrying on, on his own account, the business of a Banker, at one place of business..... \$400 for 1 year. and for each other place of business in the Colony \$100 for 1 year.

(l) By every person practising as a Barrister-at-Law, Attorney-at-Law, or Solicitor in the said Colony \$50 for 1 year.

(m) By every person following the occupation of Conveyancer or Land Agent, or both \$25 for every 6 months.

(n) By

Licences Ordinance.

(n) By every Auctioneer (not being a Government Officer selling by auction Government property) in addition to any other Licence in this Schedule \$50 for every 6 months.
 And 1½ per cent. on returns of sales, exclusive of sale of Real Estate.

(o) By every person occupying any Crown Lands, by making any erections thereon, and carrying on any trade upon the same, in addition to the duties above charged, and for the use of the Land so occupied by him \$2.50 for every month.

SCHEDULE B.

No. **FORM OF LICENCE.**

A. B. has paid the sum of _____ Dollars, in respect of a Licence to _____, and is entitled to carry on the business or occupation of _____, Magistrate or Collector, (as the case may be).

SCHEDULE C.

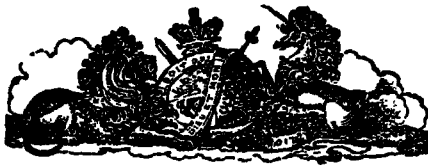
I, A. B., of _____, Justice of the Peace for _____ hereby certify that C. D. is a fit and proper person to be licensed to sell fermented and intoxicating liquor by retail, such business to be carried on only in the premises following: [describe them].
 Dated the _____ day of _____ 18 .

SCHEDULE D.

AUCTIONEER'S RETURN.

Name of Auctioneer.	Amount of moneys or equivalents received on account of sales during the month ending	Amount payable in respect of one and a half per cent. upon the same.

I, A. B., do hereby declare that the above Return is a faithful and true Return of the matters therein set forth, to the best of my knowledge, information, and belief.
 (Signed) A. B.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 16.

An Ordinance to assimilate the Law exempting the Homestead and other Property from forced Seizure and Sale in certain cases in all parts of the Colony of British Columbia.

[22nd March, 1867.]

WHEREAS it is expedient to assimilate the Law exempting the Homestead and other Property from forced Seizure and Sale in certain cases in all parts of the Colony of British Columbia; Preamble.

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

I. "The Homestead Act, 1866," of the formerly separate Colony of Vancouver Island and its Dependencies is hereby repealed. Provided, however, that such repeal shall not affect any rights heretofore acquired under such repealed Act, or any liabilities or penalties already incurred under such Act, but all such rights, liabilities, and penalties shall be available and capable of imposition respectively as if such Act were still in force. Repeals "The Homestead Act, 1866." with proviso.

II. The word "Homestead" shall be held to mean the pieces or parcels of Land, together with any Erections or Buildings thereon, whether Leasehold or Freehold, or both Leasehold and Freehold, with their rights, members, and appurtenances which shall be duly registered as such in manner hereinafter mentioned; and for the purposes of this Ordinance any Erection or Building, or any such Homestead as aforesaid, whether or not the same be affixed to the soil, shall be taken to be Real Estate and part of such Homestead. Homestead defined.

III. The Homestead aforesaid shall be registered in manner following: The owner of such Homestead shall cause the Title to the same to be registered by the Registrar of Real Estate as in the case of other Real Estate, according to the Law in force in that part of the Colony in which such Homestead is situate, and in addition thereto shall cause a Notice of Registration, which may be in the Form 1 in the Schedule hereunto annexed, to be lodged with such Registrar, accompanied with a Schedule of Instruments evidencing his Title to such Homestead, and a Declaration to the effect mentioned in Forms 2 and 3 respectively, in the said Schedule: that is to say, in case the Owner of any Homestead shall declare his Assets to be not less than the sum of Two Thousand Five Hundred Dollars, then the Declaration shall in that case be to the effect mentioned in Form 2; and in case the Owner of any Homestead shall declare his Assets to be not greater than the value of the Homestead, such Homestead being of less value than Two Thousand Five Hundred Dollars, then the Declaration shall be to the effect mentioned in Form 3, and thereupon it shall be the duty of such Registrar to register such Homestead, if he shall be satisfied that the Owner has a *prima facie* Title thereto, and without such Notice of Registration and such Declaration duly declared and filed with such Registrar, as the case may require, such Registrar shall Mode of registration of Homestead.

Homestead Ordinance.

shall not register such Homestead, and any Declaration in the Form or to the effect of Forms 2 and 3 respectively, may be made before such Registrar, or any person by Law entitled to receive solemn Declarations.

False declaration a misdemeanor.

IV. Any person wilfully making a false declaration of any matter required or permitted to be declared by this Ordinance shall be guilty of a Misdemeanor, and on conviction shall be liable to punishment as for Perjury.

Homestead when registered free from seizure for debt, &c.

V. The Homestead aforesaid, after the same shall have been duly registered shall be free from forced Seizure or Sale by any process at Law or in Equity, or on any proceeding in Bankruptcy for or on account of any Debt or Liability incurred after the Registration of such Homestead in manner aforesaid; provided, however:

In case of its being of a value not greater than \$2,500.

1. That in case such Homestead shall at the time of the suing out of any process at Law, or in Equity, or of Bankruptcy, be of a value not greater than Two Thousand Five Hundred Dollars, then the same shall be wholly exempt from forced Seizure or Sale.

If of a greater value than \$2,500.

2. That in case such Homestead shall at the time of such suing out of process at Law, or in Equity, or of Bankruptcy, be of a greater value than Two Thousand Five Hundred Dollars, then so much only of such Homestead shall be liable to Seizure or Sale as aforesaid, as shall exceed the sum of Two Thousand Five Hundred Dollars.

Falsehood of declaration to vitiate registration.

VI. The Registration of any Homestead under the provisions of this Ordinance shall be utterly void and of no effect, and all the benefits of this Ordinance shall be forfeited if any declaration of matters required or permitted to be declared shall be false to the knowledge of the person effecting the said Registration, or on whose behalf the same shall be registered.

Homestead if not otherwise limited to enure as an absolute estate in the owner according to its nature.

VII. It shall be lawful for any person claiming the benefit of the provisions of this Ordinance with respect to any Homestead at the time of Registration, or at any time thereafter, to limit any Homestead in favour of such persons and for such Estates, and subject to such uses, trusts, and purposes as those to which Lands can now be limited according to the nature and incidents thereof; but in case no special limitation shall be made, the said Homestead shall enure to the Owner, for whose benefit the same shall be registered for an absolute Estate in the same, according to the Nature thereof, subject to the right of the widow as hereinafter mentioned.

Owner of Homestead may abandon, &c., but if a married man with the consent of his wife if a resident of the Colony.

VIII. Nothing herein contained shall be held to prevent the person for whose benefit a Homestead shall be registered at any time from abandoning, aliening, mortgaging, or otherwise parting with, limiting, or encumbering his interest therein, as to him may seem fit, regard being had to the nature, quality, and incidents thereof, and of his power to dispose of the same. Provided, however, that in case the Owner of any Homestead be a married man, he shall not during coverture so abandon, alien, mortgage, part with, limit, or encumber the same, except with the consent of his Wife, if she be a resident of this Colony; such consent to be given by way of acknowledgment by her in the manner provided for in cases of the execution of Instruments affecting Real Estate within the said Colony by married women, but in case such wife be not a resident no such consent shall be requisite.

Form of abandonment of Homestead.

IX. Any Homestead, and the benefits and privileges conferred upon any person or persons under this Ordinance in respect of any Homestead, may be abandoned by Document which may be in the Form 4 of the Schedule hereunto annexed, duly executed by the person or persons interested therein, and such Document shall be filed in the Office of the Registrar as in this Ordinance aforesaid, and the Registration of the Homestead shall be thereupon cancelled in such Form as is now used in the cancellation of charges.

Widow to inherit Homestead if husband dies intestate.

X. If any person holding property under this Ordinance shall die intestate, leaving a widow and minor children, the Homestead of the value aforesaid shall wholly pass to such widow, to be held by her during the minority of such children, or while said widow remains unmarried; and the exempted property shall not be sold during such minority, or while such widow remains unmarried, for the payment of any debt which shall have been contracted by any such deceased person subsequent to the due Registration of such Homestead.

Personal property of Debtor to amount of \$150 exempt from seizure for debt.

XI. The following personal property shall be exempt from forced Seizure or Sale by any process at Law or in Equity or from any process in Bankruptcy; that is to say the Goods and Chattels of any Debtor or Bankrupt at the option of such Debtor or Bankrupt or if dead of his Personal Representative to the value of One Hundred and Fifty Dollars, the same not being Homestead Property under the provisions of this Ordinance.

XII. On

Homestead Ordinance.

XII. On the return of any process at Law or in Equity or in any matter of Bankruptcy in case any question shall arise in whole or in part touching any matter provided for by this Ordinance, the Court out of which such process shall issue or the Court of Bankruptcy as the case may be shall dispose of such question between the parties interested therein, by way of Summons and order in a summary way; Provided however that with respect to any matter of fact, such matter shall at the request of any party interested be tried with or without a full Jury of eight persons at the option of such persons, and as to any matter involved not being matter of fact the Court shall make such order as to partition and sale of any portion of a Homestead which exceeds in value the sum of Two Thousand Five Hundred Dollars, and generally as to costs and other matters with a view to the final Adjustment of any question depending between the parties as to such Court shall seem fit. Provided, however, that in the matter of the Sale of any portion of the Homestead, of a value exceeding the sum of Two Thousand Five Hundred Dollars, due regard shall be had to the choice and preference of the Owner and parties interested in the portion reserved from Sale; and provided, also, that in case of the Sale of a property comprising a Homestead over the value of Two Thousand Five Hundred Dollars, it shall be lawful for the Court ordering such Sale to order the Sale of the whole or portion or portions of such property if occasion shall require for the fair realization of its value, and make such Order for the due investment of the residue by purchase of other Homestead property, or by distribution among persons interested therein after deducting therefrom the sums due to the Creditors, as to such Court shall seem meet.

Question under the Ordinance by which Court decided.

XIII. Every Registrar of Real Estate in the said Colony shall keep proper Books in which all Notices of Registration of Homesteads, Abandonments, and Declarations shall be recorded, as also Indices referring to the Registration, Abandonment; and other dealings with Homesteads under this Ordinance, and in particular a nominal List of all persons claiming the benefits of Homesteads under the provisions of this Ordinance, with the descriptions of the Homestead claimed, and shall further have the custody of all original Notices of Registration, Declaration, and Abandonments, but as to other Documents affecting the same he shall deal therewith as in other cases of Real Estate registered in the Land Registry Office, according to the law affecting registration of land in force in the several parts of the Colony.

Duty of Registrar of Titles in registering Homesteads.

XIV. The said last mentioned nominal list of persons claiming the benefit of Homestead, shall be open to inspection by the public free of charge, and all other Documents lodged with such Registrars as aforesaid and relating to the Registration or Abandonment of and other dealings with the Homestead, may be inspected by the public on payment of the proper Fees in that behalf, as hereinafter mentioned.

Nominal list of persons owning Homesteads to be inspected free of charge.

XV. Every Registrar of Real Estate shall be entitled to take the Fees specified in form 5 in the Schedule to this Ordinance annexed, and in so far as the Fees therein specified do not apply, such Registrar shall be entitled to the like Fees which are by Law chargeable under the Laws in force in that part of the Colony in which such Homestead is registered for matters and things done and performed or permitted by him in pursuance of the duties and powers imposed and conferred upon him by the provisions of this Ordinance; all such fees to be paid into the Treasury of the said Colony as General Revenue, for the use of Her Majesty, her heirs and successors.

Fees of registration, &c., of Homestead.

XVI. Nothing in this Ordinance contained shall be construed as exempting any Real or Personal Property from Sale for Taxes or from distress for Rent.

Reservation of liabilities in respect of taxes.

XVII. This Ordinance may be cited for all purposes as "The Homestead Ordinance, 1867."

Short Title.

Passed the Legislative Council the 15th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 22nd day of March, 1867.

FREDERICK SEYMOUR,
Governor.

*Homestead Ordinance.***SCHEDULE.****FORM 1.***Notice of Registration.*

I, A. B., of _____, hereby give Notice that I desire to have registered (Lot _____, Section _____, District or other description in full), being (tenure Freehold or Leasehold) as a Homestead (and if specially limited add (and I hereby declare that the same is limited as in the Deed herunto annexed), under and by virtue of the provisions of the Homestead Ordinance, 1867.

FORM 2.

For a Homestead of any Value where the Owner declares his Assets to be not less than the full Value of \$2500.

I, A. B., of _____, declare that over and above all Debts and Liabilities whatsoever to which I am now liable, wheresoever the same may have been incurred, I am seized of or possessed of Assets in Real or Personal Estate to an amount not less than the sum of Two Thousand Five Hundred Dollars.

FORM 3.

For a Homestead of Less value than \$2500, where the owner desires to declare his Assets to be not less than the Value of the Homestead at time of Registry.

I, A. B., of _____, declare that over and above all Debts or Liabilities whatsoever to which I am now liable, wheresoever the same may have been incurred, I am seized or possessed of Assets in Real or Personal Estate to an amount not less than the sum of \$ [insert the value of the Homestead registered]. And I, the said A. B., hereby declare to the best of my knowledge and belief the Homestead hereby registered does not exceed in value the sum of \$ [the value of the Homestead].

FORM 4.*Abandonment of Homestead,*

I, _____, of _____, hereby abandon all Homestead Rights in the Property registered as a Homestead, that is to say, [describe the property].

Dated this _____ day of _____, A. D. 18 ____ (Signed) L. S.

(If the consent of the wife is required add her acknowledgements as in the case of acknowledgements of Deeds by married women).

FORM 5.*Fees to be taken by the Registrar of Real Estate.*

For every Registration of Land as a Homestead, including the filing of Notices and Declarations, and Deeds filed therewith, but exclusive of all other Fees for the Registration of the Title thereof	-	-	-	-	\$5 00
For every abandonment of a Homestead	-	-	-	-	5 00
For the inspection of original documents affecting a Homestead, per document	0	25			
If more than four documents	-	-	-	-	1 00



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 17.

An Ordinance to declare the application of the existing Laws of Customs.

[25th March, 1867.]

WHEREAS by "The British Columbia Act, 1866, it was among Preamble.
 other things enacted that after and notwithstanding the Union of the heretofore separate Colony of Vancouver Island with British Columbia; the Laws in force in the said separate Colonies respectively at the time of the Union taking effect should, until it were otherwise provided by lawful authority, remain in force as if the said Act had not been passed or proclaimed; save only that the Laws relative to the Revenue of Customs in force in British Columbia at the time of the Union taking effect should, until it were otherwise provided, extend and apply to Vancouver Island;

AND, WHEREAS, it is expedient to remove all doubts as to the application of the existing Customs Laws of British Columbia to the Collection of Customs Duties in respect of Goods, Wares, Merchandize, and Commodities, imported into the Colony of British Columbia since the said Union, from that portion of it heretofore known as the Colony of Vancouver Island, such Goods not having as yet paid Customs Duties, and to declare the Law thereon;

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

I. All and every the Customs Laws now in force in British Columbia shall be deemed to have extended and applied, and shall be held to extend and apply to the case of Goods, Wares, Merchandize, and Commodities, imported or to be imported into all or any Port or Place in British Columbia, as well from all Ports or Places without the Colony of British Columbia as from all Ports or Places of that portion of it heretofore known as Vancouver Island and its Dependencies, and all such Goods, Wares, Merchandize, and Commodities so imported or to be imported as aforesaid shall be held to have been and to be and be liable to the payment of British Columbia Customs Duties, except as hereinafter next mentioned. Extends Customs Laws of British Columbia to goods imported from Vancouver Island.

II. Provided, however, that the said Customs Laws, and the Collection of Duties in respect thereof, shall not extend or apply to Goods, Wares, Merchandize, or Commodities which have already paid the British Columbia Customs Duties in any part of the former Colony of Vancouver Island and its Dependencies since the said Union. Excepting goods that have already paid duty.

Customs Declaratory Ordinance.

Decision of Collector
of Customs on
question of fact final.

III. All questions of fact arising as to whether any Goods, Wares, Merchandize, or Commodities have already paid British Columbia Customs Duties in any part of the former Colony of Vancouver Island and its Dependencies since the said Union, shall be referred to the decision of the Principal Officer of Customs of the Colony of British Columbia, whose judgment therein shall be final, subject only to the authority of the Governor for the time being to order a return of duties, as to him shall seem fit.

Penalty for evasion
of duties.

IV. All Evasions and Offences committed by any person or persons to defeat the Payment of Duties, hereby declared to be and to have been made payable in respect of Goods, Wares, Merchandize, or Commodities imported into any Port or Place in British Columbia from any Port or Place in the former Colony of Vancouver Island and its Dependencies, shall be prosecuted and punished with all and singular the same forfeitures as in the case of the Evasions or Offences committed by any person or persons to defeat the Payment of Duties payable in respect of Goods, Wares, Merchandize, or Commodities imported into any Port or Place in British Columbia.

Collection of duties
under this Ordinance
terminates on 30th
March, 1867.

V. Provided however that no Duties of Customs shall be levied or collected under the provisions of this Ordinance after the thirtieth day of March, A. D. 1867.

Short Title.

VI. This Ordinance may be cited as the "Customs Declaratory Ordinance, 1867."

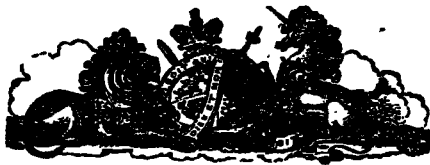
Passed the Legislative Council the 19th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 25th day of March, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 18.

An Ordinance to amend the Duties of Customs.

[25th March, 1867.]

WHEREAS it is expedient to alter the Duties of Customs as now Presamble.
by law established in British Columbia, and to make further
provision for the levying thereof;

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

1. The British Columbia Proclamation passed on the 2nd June, Repeals former Acts.
1859, "The Customs Amendment Act, 1860," "The Customs Amend-
ment Ordinance, 1864," "The Customs Amendment Ordinance,
1865," are hereby repealed. Provided, nevertheless, that such re-
peal shall not be deemed to extend to any liabilities or penalties
imposed and accruing, due under any of the said Proclamations,
Acts, or Ordinances, but notwithstanding such repeal all remedies
and punishments for recovering and enforcing such liabilities and
penalties shall still remain in full force and effect, and be capable
of being enforced and inflicted as if such Proclamations, Acts, and
Ordinances were still in force, but not further or otherwise.

II. In lieu of the duties hitherto chargeable as aforesaid, from and Declares duties leviable.
after the passing of this Ordinance, there shall be levied, assessed,
collected, and paid to the use of Her Majesty, Her heirs and suc-
cessors:

(a.) Upon all goods, wares, merchandize, animals, and things im- Specific Duties, Schedule A.
ported into and landed in British Columbia, and more particularly
mentioned in Schedule A. hereto, the several specific duties in such
Schedule set opposite the respective articles therein named.

(b.) And upon all goods, wares, merchandize, animals and things Ad valorem Duties, Schedule B.
imported into and landed in British Columbia, the several *ad valorem*
Duties of Customs more particularly mentioned in Schedule B. here-
to, and set opposite the respective articles therein named.

(c.) The articles mentioned in Schedule C. hereto, shall be admit- Free List, Schedule C.
ted into British Columbia free of duty.

III. With the Bill of Entry on any goods, there shall be produced Invoice to be produced.
to the Collector of Customs an invoice of the goods, and the Bill of
Entry shall also contain a statement of the value for duty of the
goods therein mentioned, and shall be signed by the person making
the entry, and verified if required by his declaration to the truth
thereof, and no entry shall be deemed perfect unless a sufficient in-
voice of the Goods to be entered has been produced to the Collector.

IV. If any person passes or attempts to pass through the Custom Penalties for fraudulent invoice.
House any false or fraudulent invoice, or makes out or passes, or
attempts to pass a Bill of Entry of any goods at a value below the
fair market value of such goods, in the Country from which such
goods were shipped or exported, or in any way by undervaluation,
or otherwise attempts to defraud the Revenue of any part of the duty
on any goods or things liable thereto, every such person shall on
conviction

Customs Ordinance.

conviction (in addition to any other penalty or forfeiture to which he may be subject for such offence) be liable to a penalty not exceeding \$500, and the goods so undervalued shall be and be taken and deemed to be forfeited.

Appraisers how appointed.

V. And inasmuch as it is expedient to make such provisions for the valuation of goods subject to *ad valorem* duties as may protect the Revenue and the fair trade against fraud by the undervaluation of any such goods, therefore the Governor may from time to time, and when he deems it expedient, appoint fit and proper persons to be appraisers of goods at the port of entry, and every such appraiser shall before acting as such take and subscribe the following oath of office, before some Justice of the Peace for this Colony, and deliver the same to the Collector. Every such appraisement shall be final.

Appraiser's oath.

I, A. B. having been appointed an appraiser of goods, wares, and merchandize, and to act as such at the port of (or as the case may be) do solemnly swear (or affirm) that I will faithfully perform the duties of the said office, without partiality, fear, favour or affection, and that I will appraise the value of all goods submitted to my appraisement, according to the true intent and meaning of the law imposing Duties of Customs in this Colony; and that I will use my best endeavours to prevent all fraud, subterfuge or evasion of the said laws, and more especially to detect, expose and frustrate all attempts to undervalue any goods, wares, or merchandize, on which any duty is chargeable, so help me God.

A. B.

Appraiser for (as the case may be).
day of 186 .

Sworn before me, this

E. F.

J. P. for (as the case may be).

Collector when to act as an appraiser.

VI. If no appraiser is appointed to any port of entry, the Collector there shall act as appraiser, but without taking any special oath of office as such; and the Governor may at any time direct any appraiser to attend at any port or place, for the purpose of valuing any goods, or of acting as appraiser there during any time, which such appraiser shall accordingly do, without taking any new oath of office; and every appraiser shall be deemed an officer of the Customs.

Value of the goods to be fair market value.

VII. In all cases where any duty is imposed on any goods or things imported into this Colony according to the value of such goods, such value shall be understood to be the fair market value thereof in the principal markets of the Country whence the same were shipped or exported to this Colony; and the Collector and Appraiser shall, by all reasonable ways and means in their power, ascertain the fair value of such goods as aforesaid, and estimate the value for duty accordingly.

Duties to be collected as Customs Dues.

VIII. The duties hereby imposed shall be deemed to be Customs duties, in all respects subject to the Customs Consolidation Act, 1853, the Supplemental Customs Consolidation Act, 1855, and this Ordinance; and shall be under the care and management of the Collector of Customs for the time being for the Colony, who by himself and his Officers shall have all the powers and authorities for the collection, recovery and management thereof, as are under or by virtue of the said Customs Consolidation Acts, or either of them, or this or any other Act, Ordinance, or Proclamation, vested in the said Collector for the collection, recovery, and management of Duties of Customs, and all other powers and authorities requisite for levying the said duties.

Penalties for evasion.

IX. Every evasion or attempt at evasion of, or offence committed by any person or persons, to defeat the payment of any of the duties hereby made payable on any goods or things imported into British Columbia (which shall include its dependencies), will, in addition to the penalties by this Ordinance imposed, be prosecuted and punished in the manner prescribed by the said Customs Consolidation Acts.

Schedules part of Ordinance.
Short Title.

X. The Schedules hereto shall be read as part of this Ordinance.

XI. This Ordinance may be cited for all purposes as the "Customs Ordinance, 1867."

Passed

Customs Ordinance.

Passed the Legislative Council the 19th day of March, A. D. 1867.

CHARLES GOOD,

Clerk.

ARTHUR N. BIRCH,

Presiding Member.

Assented to, in Her Majesty's name, this 25th day of March, 1867.

FREDERICK SEYMOUR,

Governor.

SCHEDULE A.

SPECIFIC DUTIES.

Ale and Porter, in wood 15 cts. per gall.	Live Stock
Do., in bottle 30 cts. per doz. (qts.)	Horses and Mules..... \$2 per head.
Bacon and Hams..... 4 cts. per lb.	Beef Cattle \$3 per head.
Barley, Oats, Malt and Field Peas..... 30 cts. per 100 lbs.	Milch Cows \$2 per head.
Beans & Split Peas..... 1 ct. per lb.	Sheep and Goats..... 75 cts. per head.
Bitters \$1.50 per gal.	Hogs \$2 per head.
Butter 10 cts. per lb.	Potatoes ½ ct. per lb.
Candies..... 5 cts. per lb.	Rice ½ cts. per lb.
Cheese 5 cts. per lb.	Sugar, raw 2 ct. per lb.
Cider 15 cts. per gal.	Do., refined 2½ cts. per lb.
Cigars \$2 per 100 (2cts. ea.)	Spirits:— [ing to proof.
Coal \$1.25 per ton.	Brandy \$2 per gal., accord-
Coffee, raw 3 cts. per lb.	Gin, Whiskey, Rum.. \$2 ,, ,, "
Do., manufactured ... 6 cts. per lb.	All other kinds \$2 ,, ,, "
Eggs 12½ cts. per doz.	Tea 12½ cts. per lb. "
Flour \$1.50 per bbl.	Tobacco 25 cts. per lb.
Fresh Fruits, viz:—Ap- ples, Pears, Plums, Cherries, Currants, Raspberries, Straw- berries, and Goose- berries 1 ct. per lb.	Vegetables, viz:—
Gunpowder, sporting... 6 cts. per lb.	Onions 2 cts. per lb.
Do., blasting... 3 cts. per lb.	Other kinds, fresh.... 1 ct. per lb.
Hay \$4 per ton.	Wheat 35 cts. per 100 lbs.
Lard 5 cts. per lb.	Wines, viz:—
Lime 50 cts. per bbl.	Champagne & Moselle \$3 per doz. (quarts)
Lumber:—	China Medicated..... \$1.50 per gal.
Rough, fir and cedar \$3 per 1000 feet.	California, red & white 25 cts. per gal.
Dressed, do. \$5 per 1000 feet.	Claret 20 cts. per gal.
Shingles \$1 per 1000.	Port, Sherry, and all other descriptions . 75 cts. per gal.
Fence Pickets \$2 per 1000.	Bran and Shorts 25 cts. per 100 lbs.
Laths..... \$1 per 1000.	Buck-wheat 1 ct. per lb.
	Oatmeal 1 ct. per lb.
	Cornmeal ½ ct. per lb.
	Hops 10 cts. per lb.
	Shot 2 cts. per lb.

SCHEDULE B.

AD VALOREM DUTIES

PER CENT.	PER CENT.
Axes 15	Nails 12½
Beef, salt 10	Nuts and Almonds 12½
Billiard and Bagatelle Tables 12½	Oils 15
Blankets 20	Opium 25
Boots and Shoes..... 20	Paints 10
Bread 20	Pork salt..... 10
Cards, playing..... 50	Plants, trees, & shrubs 12½
Chocolate 20	Poultry, dead & alive... 25
Clothing, ready made.. 15	Quicksilver 10
Confectionery 30	Rope, Cordage & Twine 5
Drugs, medicines 20	Soap 15
Dry goods..... 12½	Stationery 12½
Earthenware 12½	Tinware 25
Fish, preserved, dried, and salt..... 15	Vegetables preserved & salt 10
Fire arms 12½	Waggons Carriages,.... 20
Fruits, preserved & dried 12½	Trunks 12½
Furniture 15	Watches and Clocks ... 12½
Glass and Glassware ... 12½	Window Sashes & Doors 20
Groceries 12½	Ship building material viz:
Hardware & Ironmongry 12½	Manufactured Sails... 20
Harness and Saddlery.. 20	Cotton Canvas..... 5
Hemp Canvass 2½	Woodenware..... 12½
Leather 15	Yeast Powders..... 12½
Jewellery 20	All other articles not enumerated in either of the above lists, nor in the following list of free goods 12½
Machinery 10	
Matches..... 12½	
Meat, preserved 12½	
Do., fresh 20	
Molasses 12½	

SCHEDULE C.

THE FOLLOWING ARTICLES SHALL BE ADMITTED FREE OF DUTY.

Agricultural Implements, Books Printed and Manuscript, Bricks, all Fresh Fruits not enumerated in Schedule of Specific Duties, Coin, Gunny Sacks, Iron and Steel, all kinds of Woods not enumerated in Schedule of Specific Duties, Calves under 12 months old Personal Effects, Salt, Garden Seeds, Grain for Seed, Tar and Pitch, Tin Copper, and Zinc, Lead in pipe, sheets and bars, Wire (Iron and Brass), Copper Sheets, Boiler-plates and Bolts, and patent metal for Ships, Iron Hoops, Sheet Iron, Rough and partially Manufactured Woods used in construction of Carriages and Waggons, and Steel Springs, waggon axles, Anchors, Cables, Chains, and Copper Bolts for Ship Building, Fresh Fish, Fish Oil, Whalebone, Raw Hemp for Rope Making, Tallow, Gas Retorts, Fire-clay, Furs, Hides, Lemon and Lime Juice, Guano, Wool, Oakum and Jute, Ships Blocks and Junk, Blacksmiths Coal.

NEW WESTMINSTER:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 19.

An Ordinance to authorize the issue of Debentures for short temporary Loans.

[30th March, 1867.]

WHEREAS it is expedient to authorize the issue of Debentures Preamble.
for the purpose of paying off existing temporary Loans, to be secured upon the General Revenue of the Colony, in manner hereinafter declared.

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

I. It shall be lawful for the Governor for the time being of the said Colony, from time to time or at any time hereafter, to cause to be made out and issued Debentures, to be called "Exchequer Debentures" and secured upon the General Revenue of the Colony, for such sum or sums of money not exceeding One Hundred and Fifty Thousand Dollars in the whole, as may be required to meet the existing liabilities of the Government. Authorizes issue of Debentures.

II. Such Debentures shall bear Interest at a rate not exceeding twelve per centum per annum, payable half-yearly on the 1st January and 1st July in each year, and shall be redeemable at any time not more than two years after the issue thereof, and upon not more than three calendar months notice being given by the Government to the holders thereof. Fixes rate of Interest.

III. Every Debenture shall be for any sum or sums not less than Five Hundred Dollars and, together with the interest thereon, shall be payable at such place as the Governor shall appoint in that behalf. Debentures to be not less than \$500.

IV. All Debentures made out and issued under this Ordinance shall be signed by the Treasurer of the Colony, and countersigned by the Colonial Secretary of the Colony, or the persons acting as such respectively for the time being, on behalf of the Government of British Columbia, and shall be entered by the Auditor General of the said Colony in a Register to be called the "Exchequer Debenture Register," and such Debentures shall be deemed a charge upon all the Revenues of the Colony from whatever source arising, and in order of priority next after the existing charges upon the said Revenues as already by law imposed. Debentures how made out.

V. The said Debentures shall be in the Form marked A set forth in the Schedule hereto, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one. In-form in Schedule A.

VI. The said Debentures shall be made payable to the Bearers thereof, and shall pass by delivery only, and without any assignment or endorsement, 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. Debentures payable to bearer.

VII. It

Exchequer Debenture Ordinance.

Governor may authorize sale of Debentures.

VII. 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 of the Colony or other Agent duly authorized by the Governor, and at such times, in such sums, and in such manner as he may direct, provided the same be not issued at less than par.

How to be accounted for.

VIII. All Moneys raised under this Ordinance shall be paid to the use of Her Majesty, Her Heirs and Successors, in such manner as the said Governor shall prescribe, for the purposes mentioned in Section I, and shall be accounted for as if they formed part of the Current Revenue of the Colony.

Debentures how to be paid of and redeemed.

IX. It shall be lawful for the Governor from time to time to authorize the said Treasurer of the Colony, or other person acting in that capacity for the time being, to redeem and pay off any of the said Debentures to such amount as shall out of the Current Revenue of the Colony or otherwise be appropriated by the Governor for that purpose, and all Debentures purchased and redeemed shall be cancelled and destroyed, and no re-issue of Debentures shall be made in consequence of such re-purchase and destruction.

Forgery felony.

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

Short Title.

XI. This Ordinance may be cited for all purposes as the "Exchequer Debenture Ordinance, 1867."

Passed the Legislative Council the 26th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 30th day of March, 1867.

FREDERICK SEYMOUR,
Governor.

SCHEDULE A.

FORM OF DEBENTURE.

GOVERNMENT OF BRITISH COLUMBIA.

Under the authority of "The Exchequer Debenture Ordinance, 1867."

This Debenture entitles the Bearer to _____ Dollars on the
day of _____ 18____, which sum together with
the Interest thereon at and after the rate of _____ per cent. per annum,
(payable half-yearly) is secured on the General Revenue of the Colony of British
Columbia.

Dated the _____ day of _____ 186__ .

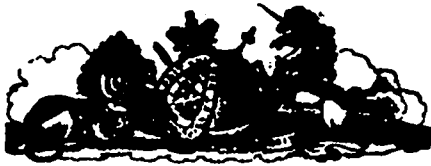
Treasurer.

Countersigned,

Colonial Secretary.

Entered in Exchequer Debenture Registrar.

Auditor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 20.

An Ordinance respecting the Legal Professions.

[1st April, 1867.]

WHEREAS it is expedient to regulate by Statute the admission Preamble.
of all Persons who shall be allowed or entitled to practise in
the Courts of this Colony as Barristers, Attorneys, Solicitors, and
Proctors;

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

I. "The Legal Professions Act, 1865," passed in the late Colony Repeals "The Legal Professions Act, 1865."
of Vancouver Island, is hereby repealed, save as to all rights acquired, and liabilities incurred thereunder.

II. "The Legal Professions Act, 1868" of this Colony shall be Extends provisions of "The Legal Professions Act, 1863" over United Colony.
and the provisions thereof are hereby extended over this Colony as
at present constituted, save as herein amended, that is to say:
the Form A in the Schedule of this Ordinance shall be and the
same is hereby substituted for and in lieu of the Form A in the
Schedule of the said "Legal Professions Act, 1863."

III. Sections I, II, III, and IV, and the third or last sentence of Repeals certain Sections of Order of Court, 1858.
Section X of the Order of the Court of British Columbia, made by
the Judge of the said Court, in pursuance of a Proclamation made
and passed on the 24th day of December, 1858, are hereby discharged
and repealed.

IV. The remaining part of Section X, with Sections XI and XII Adopts certain Sections of said Order.
of the said Order of Court are hereby adopted, and shall form part
of this Ordinance. Provided, however, that it shall be lawful for
the Judges of the Supreme Court of Civil Justice of British Columbia,
with the concurrence of the Governor in Council, from time to time
and at any time hereafter to discharge, revive, or vary such
last mentioned Sections of the said Order of Court.

V. The Schedule hereto shall be deemed a part of this Ordinance. Schedule.

VI. This Ordinance shall come into operation on the first day of Date of operation
July, 1867.

VII. This Ordinance may be cited for all purposes as the "Legal Short Title.
Practitioners' Ordinance, 1867."

Passed the Legislative Council the 23rd day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member

Assented to, in Her Majesty's name, this 1st day of April, 1867.

FREDERICK SEYMOUR,
Governor.

Schedule

Legal Practitioners' Ordinance.

SCHEDULE.

FORM A.

FORM OF DECLARATION.

I, A. B. of do solemnly and sincerely declare that I am a Barrister-at-Law [or Advocate], duly authorized to practise in the Superior Courts (not having merely local jurisdiction) of England, [Ireland, Scotland, or Her Majesty's Colony of as the case may be] and that I was called to the Bar by the Honourable Society of , [or duly called to the Bar, and admitted, and enrolled as a Barrister in the Court, in the said Colony;] [[variation for an Attorney or Solicitor; that I am an Attorney of Her Majesty's Court at Westminster, or Solicitor, Proctor, or Writer to the Signet, as the case may be, and that I was duly admitted and enrolled as an Attorney or [Solicitor as the case may be], of the said Court at Westminster, [if in one of Her Majesty's Colonies vary the wording accordingly] on the day of]]

And that I am the Person named in the Certificate now produced, and that I am a British Subject by birth, [or naturalization, if naturalized state the date]. And that I am truly qualified to act in the capacity of according to the tenor of my qualification, and that I have never been disqualified, nor done any act whereby or by reason whereof I may be or become disqualified, and that no application or proceeding whatsoever is now pending against me in any part of Her Majesty's Dominions, with the object of disqualifying me, or by reason whereof I might have become disqualified from acting as a Barrister, [Advocate, Attorney, Solicitor, Proctor, or as the case may be].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the fifth and sixth years of the Reign of His late Majesty, King William the Fourth, chapter 62, intituled "An Act to repeal an Act of the present Session of Parliament intituled an Act for the more effectual abolition of Oaths and affirmations, taken and made in the various Departments of the State, and to substitute declarations in lieu thereof, and for the more entire and effectual suppression of voluntary and extra judicial Oaths and affidavits, and to make other provisions for the abolition of unnecessary Oaths."

Signature of Declarant _____

Made and subscribed at this day of A.D.
Before me,

FORM OF DECLARATION BY A DOCTOR OF CIVIL LAW.

I, A. B. of do solemnly and sincerely declare that I am a Doctor of Civil Law of the University of , and was duly admitted to that Degree at , on the day of . And that I am the Person named in the Certificate now produced, and that I am a British Subject by birth, [or naturalization, if naturalized state the date]. And I make this solemn declaration, &c., [concluding as above].



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 21.

An Ordinance to render uniform the Laws establishing a Decimal System of Accounts, and regulating the Currency of the Colony.

[2nd April, 1867.]

WHEREAS it is expedient to render uniform the Laws establishing a Decimal System of Accounts, and regulating the Currency in all parts of the Colony; Preamble.

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

I. "The Currency Act, 1862," of the former Colony of Vancouver Island and its Dependencies, and "The Decimal Currency Ordinance, 1865," and "The Currency Adjustment Ordinance, 1866," of the Colony of British Columbia, previous to the Union, are hereby repealed. Repeals former Acts.

II. The Public Accounts of the Colony shall be kept in Dollars and Cents; and all accounts to be rendered to the Government, or to any Public Office or Department in the said Colony, by any Officer or Functionary, or by any person receiving aid from the Colony, or being otherwise accountable to the Government thereof, shall be so rendered in Dollars and Cents. Public Accounts to be kept in Dollars and Cents.

III. Except as to Fines, Forfeitures, Duties of Customs, and other the sums hereinafter excepted, the following Gold and Silver Coins shall pass current for and be a legal tender for the sums set opposite to them: Equivalent moneys of Account.

The pound Sterling, or Sovereign, for	{ Four Dollars and Eighty-five Cents,
The ½ Sovereign	{ Two Dollars and Forty-two and a half Cents,
The Crown piece	{ One Dollar and Twenty-five Cents.
The ¼ Crown piece.....	Sixty-two and a half Cts,
The Shilling	Twenty-five Cents,
The Sixpence	Twelve and a half Cents,
The Threepenny piece	Six Cents,
The Gold Eagle of the U. S. of America, coined after January 18th, 1837,.....	{ Ten Dollars,
The Twenty Dollar piece, coined after the like date	{ Twenty Dollars,
The Five Dollar piece, coined after the like date	{ Five Dollars,
The Two and a half Dollar piece, coined after the like date	{ Two Dollars and Fifty Cents,

The

Currency Ordinance.

The Dollar Gold piece, coined after the like date	} One Dollar, One Dollar, Fifty Cents, Twenty-five Cents, Ten Cents.
The Silver Dollar piece	
The Half Dollar	
The Quarter Dollar	
The Dime	

Tender of Silver Coins limited.

IV. Silver Coins shall not be a legal tender to the amount of more than Ten Dollars; and the holder of Notes, or other Documents purporting to be evidence of debt of any person or persons, or body corporate, to the amount of more than Ten Dollars, shall not be bound to receive more than that amount in Silver Coins in payment of such Notes or other Documents as aforesaid, if they are presented for payment at one time, although each or any of such Notes or other Documents be for a less sum than Ten Dollars.

Scale for converting sterling in local laws into Currency.

VI. All Fines, Fees, Forfeitures, Duties of Customs, and other the sums of money made payable to the use of Her Majesty, Her Heirs and Successors, in Sterling, and which may be due or leviabie under the provisions of any Act of the Imperial Parliament now or hereafter to become in force in this Colony, or of any Proclamation, Ordinance, or Act now in force in this Colony, or any part thereof, shall be levied, assessed, and collected according to the following scale of conversion, that is to say:—

In lieu of $\frac{1}{2}$ Penny Sterling	1 Cent,
” 1 Penny	2 Cents,
” 1 Shilling, or 1 Shilling and a $\frac{1}{2}$ Penny	25 Cents,
” 2 Shillings, or 2 Shillings and 1 Penny	50 Cents,
” 4 Shillings, or 4 Shillings and 2 Pence	1 Dollar,
” 6 Shillings, or 6 Shillings and 3 Pence	{1 Dollar and 50 Cents,
” 8 Shillings, or 8 Shillings and 4 Pence	2 Dollars,
and so on in like proportion ;	
and in lieu of the Pound Sterling.....	5 Dollars.

Short Title.

VII. This Ordinance may be cited for all purposes as “The Currency Ordinance, 1867.”

Passed the Legislative Council the 20th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 22.

An Ordinance to assimilate the Law empowering the Governor to create Ports of Entry in British Columbia.

[2nd April, 1867.]

WHEREAS it is expedient for the purposes of Commerce to Preamble.
assimilate the Law empowering the Governor to create
Ports of Entry in all parts of the Colony;

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

I. "The Port of Entry Ordinance, 1865," is hereby repealed; Repeals Port of Entry Ordinance, 1865.
save and except as to all rights acquired, and acts done there-
under.

II From the date of the passing of this Ordinance, it shall Governor may create Ports of Entry by Proclamation.
be lawful for the Governor, by Proclamation under his hand
and seal, published in the *Government Gazette*, to constitute,
erect, and appoint any Ports in the Colony to be Ports of Entry,
to the extent named in such Proclamation, and from time to
time by Proclamation similarly promulgated, to limit, vary,
abolish, or renew any Ports of Entry so created, as in the dis-
cretion of the Governor may seem meet.

III. This Ordinance may be cited for all purposes as "The Short Title.
Port of Entry Ordinance, 1867."

Passed the Legislative Council the 28th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 23.

An Ordinance to repeal the Real Estate Tax Acts of Vancouver Island.

[2nd April, 1867.]

WHEREAS it is expedient to repeal the Real Estate Tax Acts of the lately separate Colony of Vancouver Island and its Dependencies. Preamble.

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

I. "The Real Estate Tax Amendment Act, 1862," is hereby repealed. Repeals "The Real Estate Tax Amendment Act, 1862."
Provided, however, that such repeal shall not have the effect of reviving any Act or Acts repealed by the said Act hereby repealed, and provided that the repeal of the said Act of 1862, shall not affect any liabilities or penalties already incurred under such Act of 1862, but such liabilities and penalties shall still be capable of being inflicted and imposed as if such Act of 1862, were still in force.

II. This Ordinance may be cited for all purposes as "The Real Estate Tax Repeal Ordinance, 1867." Short Title.

Passed the Legislative Council the 29th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 24.

An Ordinance further to extend the time granted to the Harewood Colliery Company, Limited, by "The Harewood Railway Company's Act, 1864," for making and completing a Tramway from the Company's Mines to Departure Bay, Nanaimo.

[2nd April, 1867.]

WHEREAS it is expedient to extend the period now granted to Preamble.
the said Company for completing the line of Tramway required by Section 2 of "The Harewood Railway Company's Act, 1864."

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

I. The Harewood Colliery Company, Limited, in the said Act called the Harewood Railway Company, shall and may make and complete the permanent way of the said line, from the point A. to B. in the "Harewood Railway Company's Extension Act, 1866," more particularly described, with at least a single line of Rails of a gauge not exceeding six feet two inches, with all necessary sidings and other works convenient for the traffic of the line, by the 7th day of January, A. D. 1869. Provided, however, that nothing in this Ordinance contained, except as aforesaid, shall be held to relieve the said Company from the performance of any matters or things mentioned in the said "Harewood Railway Company's Act, 1864." Extends privileges to 7th January, 1869.

II. This Ordinance may be cited for all purposes as "The Harewood Colliery Company's Railway Extension Ordinance, 1867." Short Title.

Passed the Legislative Council the 29th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 25.

An Ordinance to assimilate the Law regulating the Postal Service.

[2nd April, 1867.]

WHEREAS, it is expedient to assimilate the Law regulating the Preamble.
Postal Service to all parts of the Colony of British Columbia;

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

I. From and after the passing of this Ordinance "The Postal Ordinance, 1864," is hereby repealed. Repeals Postal Ordinance, 1864. Provided however that such repeal shall not affect any rights acquired under such Ordinance, or any liabilities or penalties already incurred under such Ordinance, or any remedies or punishments prescribed by such Ordinance for enforcing the same, but such remedies and punishments may still for the purpose of such enforcement, but not further or otherwise, be held to be available and capable of imposition as if such Ordinance were still in force.

II. It shall be lawful for the Governor to establish for the reception and transmission of Letters and other Mail matter, as many Establishment of Post Offices. Post Offices throughout the Colony as he may from time to time deem necessary.

III. It shall also be lawful for the Governor, from time to time to appoint a Postmaster General and such Postmasters in the Colony as he shall deem necessary, 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; and it shall be lawful for the Postmaster General, subject to the directions of the Governor, 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 Appointment of Postmasters. throughout the Colony, as to such Postmaster General (subject as aforesaid) shall seem expedient for the Public service. Regulation of Postal details.

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

V. The Postmaster General, or such other person as may be authorized by the Governor in that behalf, may, with the approval of the Governor, enter into contracts for the conveyance of Mails in the Colony. Mail Contracts.

VI. 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.

VII. In

Postal Ordinance.

Property in Postal matters.

VII. 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.

VIII. Every master or person in charge of any vessel arriving from parts beyond the seas shall be entitled to receive two cents 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 on Letters.

IX. That every letter deposited in or passing through any Post Office in the Colony, and not exceeding half an ounce in weight, there shall be paid a postage according to the following scale, that is to say:

- At or between Victoria or any Post Office in Vancouver Island and New Westminster, or any port in the Colony... 5 Cents.
- Between Vancouver Island or New Westminster and Clinton or Savana's Ferry 12½ Cents.
- Beyond those distances 25 Cents.
- Between any two Post Offices above Yale, Hope, and Douglas 12½ Cents.

And for every additional half an ounce, or fraction of half an ounce beyond the above weight, there shall be paid on each such letter an additional postage according to the foregoing rates.

Rates of Postage on Newspapers.

X. That for every single newspaper deposited in or passing through any Post Office in the Colony there shall be paid a postage of two cents.

Foreign Mail Contracts.

XI. 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.

XII. 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.

XIII. 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.

Unclaimed Letters.

XIV. 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 Postmaster General, who shall advertize the same for the space of one month in the *Government Gazette*. 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 date of such advertisement.

Offences declared felony.

XV. 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 Ordinance, shall be deemed guilty of a felony, and punishable by imprisonment for life by any Court having jurisdiction in that behalf.

XVI. Any

Postal Ordinance.

XVI. 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 rate 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 Twenty-five Dollars or exceeding Two Hundred and Fifty Dollars; 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.

XVII. 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.

XVIII. Any offence under this Ordinance, 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.

XIX. 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.

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

Interpretation clause.

XXI. This Ordinance may be cited for all purposes as "The Postal Ordinance, 1867."

Short Title.

Passed the Legislative Council the 13th day of March, A. D. 1867.

CHARLES GOOD,

Clerk.

ARTHUR N. BIRCH,

Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,

Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 26.

An Ordinance to confirm the expenditure of the sum of One Hundred and Forty-One Thousand Two Hundred and Ninety-Five Dollars and Fifteen Cents, for the Service of the Colony of Vancouver Island, for the Year One Thousand Eight Hundred and Sixty-Six.

[2nd April, 1867.]

MOST Gracious Sovereign: whereas certain Supplies are required to meet the Expenditure for the Year One Thousand Eight Hundred and Sixty-Six, of the late Colony of Vancouver Island and its Dependencies; we do, therefore, most humbly beseech Your Majesty that it may be enacted; and

Preamble.

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

I. That the sum of One Hundred and Forty-One Thousand Two Hundred and Ninety-Five Dollars and Fifteen Cents, 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 late Colony of Vancouver Island and its Dependencies and the General Revenue of the Colony of British Columbia, for the Service of Vancouver Island and its Dependencies, for the Year One Thousand Eight Hundred and Sixty-Six, and the Governor is hereby authorized to pay and apply the same accordingly.

Grant Supply of \$141,295.15.

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,

Governor.

Schedule

*Vancouver Island Appropriation Ordinance.***SCHEDULE.**

For Establishments	\$58,145 53
Pensions	3,274 96
Revenue Services	1,139 25
Administration of Justice	2,326 95
Charitable Allowances	3,000 00
Education	9,787 92
Police and Gaols	7,391 74
Rent.....	708 50
Transport	5 00
Conveyance of Mails.....	10,033 75
Works and Buildings	9,421 44
Roads, Streets, and Bridges	2,066 22
Miscellaneous Services.....	5,487 32
Interest	6,798 03
Drawbacks and Refunds.....	1,593 16
Government Vessels	14,387 60
Light Houses.....	5,727 78



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 27.

An Ordinance to confirm the Expenditure for the services of the year Eighteen Hundred and Sixty-Six not authorised in the grant for that year.

[2nd April, 1867.]

MOST Gracious Sovereign: whereas certain further supplies are required to meet the expenditure for the year Eighteen Hundred and Sixty-Six, not authorised in the grants made for the service of that year, we beseech Your Majesty that it may be enacted and be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble

I. That a supplementary sum of Ninety-Six Thousand Nine Hundred and Eighteen Dollars and Eleven Cents, be granted out of the General Revenue of the Colony of British Columbia, for the services of the year Eighteen Hundred and Sixty-Six, for the following purposes, viz:—

Grants Supplementary Supply of \$96,918.11.

For Establishments	\$8,606 17
Pensions, Retired Allowances, and Gratuities	1,380 00
Administration of Justice, Exclusive of Establishments	509 00
Charitable Allowances	1,760 00
Police and Gaols, Exclusive of Establishments	3,460 00
Rent	60 00
Transport	5,114 00
Conveyance of Mails	24,172 00
Works and Buildings	5,595 00
Roads, Streets, and Bridges	26,015 00
Miscellaneous Services	7,771 94
Interest	10,860 00
Drawbacks and Refund of Duties	317 00
Sinking Fund	464 00
Government Vessels	834 00

And the above expenditure is hereby confirmed and allowed, and is hereby declared to be a charge against the General Revenue of the said Colony.

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 28.

An Ordinance to assimilate and amend the Law prohibiting the sale or gift of Intoxicating Liquor to Indians.

[2nd April, 1867.]

WHEREAS, it is expedient to assimilate the Law prohibiting the sale or gift of Intoxicating Liquor to Indians in all parts of the Colony of British Columbia, and to amend the same; Preamble.

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

I. "The Indian Liquor Act, 1860," of the Colony of Vancouver Island and its Dependencies, and "The Indian Liquor Ordinance, 1865," of the Colony of British Columbia, are hereby repealed. Repeal of preceding Acts and Ordinances, with proviso. Provided however that such repeal shall not have the effect of reviving any Proclamations, Ordinances, or Acts respectively repealed by the said Act or Ordinance hereby repealed or either of them; and provided also that all liabilities and penalties imposed and accruing, due under the said repealed Act and Ordinance or either of them, and all remedies and punishments for recovering and enforcing the same, shall still notwithstanding such repeal remain in full force and effect and be capable of being enforced and inflicted as if such Act and Ordinance were still in force, but not further or otherwise.

II. Any person selling, bartering, or giving, or attempting to sell, barter, or give Intoxicating Liquor to any Indian of the Continent of North America, or of the Islands adjacent thereto, shall be liable on conviction for each such offence, to a fine not exceeding \$500. Imposes a penalty of \$500 for selling liquor to Indians.

III. Any person found in possession of Intoxicating Liquor of any description in the house, tent, or place of abode of any Indian, is liable under this Ordinance to be deemed *prima facie* to be in such house, tent, or place of abode, for the purpose of giving such Intoxicating Liquor to Indians, and shall upon conviction be liable to a fine not exceeding \$500, and imprisonment not exceeding six months. Persons found in Indian dwellings with liquor punishable.

IV. When it shall be proved to the satisfaction of the convicting Justice, that the person charged has been before convicted under this Ordinance, or either of the Act or Ordinance hereby repealed, the Justice may, on conviction, commit such offender to prison for a term not exceeding twelve months with hard labour, without the option of a fine, should such Justice see fit so to do. 2nd offence liable to 12 months' imprisonment with hard labour.

V. In any case where it shall be proved to the satisfaction of the convicting Justice, that the offender has not attained the age of sixteen years, the Justice may order such offender to be once or twice privately whipped; in lieu of or in addition to the aforesaid penalties, at the discretion of the Justice. Offender under 16 years of age may be privately whipped.

VI. Any person holding any wholesale or retail Liquor License in the Colony, who shall be convicted under this Ordinance shall, at the discretion of the convicting Justice, be liable to the forfeiture of Penalties on licensed vendors of liquor infringing this Ordinance.

Indian Liquor Ordinance.

of his License, in addition to the other penalties, and shall not be entitled to a renewal of such License in any part of the Colony, for a term of two years from the date of such conviction.

Vessel, &c., engaged in the traffic to be confiscated.

VII. When it shall be proved before any Justice, that any vessel, boat, canoe, or conveyance of any description, whether on the Coast of British Columbia; or on any river, lake, or stream in the Colony, is employed in carrying Intoxicating Liquor to be supplied to any Indian or Indians, such vessel, boat, canoe, or conveyance so employed, shall be declared forfeited; and every person engaged in the conveyance, sale or distribution of such Liquor in manner aforesaid, on board of such vessel, boat, canoe, or conveyance so employed, shall be liable to all the penalties provided for under this Ordinance, for persons convicted of selling Liquor to Indians.

Giving liquor to Indians when justifiable.

VIII. It shall be lawful, nevertheless, for any Justice before whom any charge is brought under this Ordinance, notwithstanding anything herein contained to the contrary, to acquit any person who has given Intoxicating Liquor to Indians, medicinally or under such other circumstances as may appear justifiable.

One-third of penalty to go to informer.

IX. Any person giving information leading to the conviction of any person under this Ordinance, shall be entitled to receive one-third of any pecuniary penalty inflicted under this Ordinance, at the discretion of the convicting Justice.

Search for liquor on board ship.

X. It shall be lawful for any Officer of Customs, or for any Superintendent or Inspector of Police, or any other Officer specially appointed by the Governor for that purpose, or for any Officer of Her Majesty's Navy on full pay, at his discretion to rummage and search for fermented, spirituous or intoxicating Liquor, any ship, boat, canoe, or other vessel suspected of containing intoxicating Liquor for the use of Indians, and upon reasonable ground in that behalf, to detain and seize the same, and bring her for the purpose of investigation and adjudication to any convenient Port or Place within the said Colony, and every Master of a ship, boat, canoe or other vessel having on board his ship, boat, canoe or other vessel, any fermented, spirituous or intoxicating Liquors not satisfactorily accounted for shall forfeit and pay a penalty not exceeding \$1000, and all such last mentioned fermented, spirituous or intoxicating Liquors shall be forfeited.

On what conditions Liquor may be shipped to the North-west Coast.

XI. No Ship, Boat, Canoe, or other Vessel having Fermented, Spirituous, or Intoxicating Liquors on board shall leave any Port in the Colony of British Columbia for any part of the Coast of the said Colony, or for any Port or Place on the Coast of Russian America, or to the Northward thereof, without the Master of such Ship, Boat, Canoe, or other Vessel, making a declaration in the Form marked 1. in the Schedule to this Ordinance, setting forth the quantities, description, and destination of such Liquors as aforesaid as may be on board, and obtaining from the Officer of Customs at the Port of departure a Permit to carry such Liquors, which Permit may be in the Form marked 2. in the said Schedule. It shall be lawful, however, for the Governor to exempt any Vessel from the operation of this Section of this Ordinance whenever the circumstances shall be such as in the opinion of such Governor to render such exemption expedient and desirable.

Penalty for obstructing officers in the performance of duty.

XII. Every person obstructing any Officer of Customs, or of Her Majesty's Navy on full pay, or any Peace Officer, or other Officer specially appointed by the Governor for the purpose of this Ordinance, or any person lawfully acting under their or any of their orders respectively in pursuance of the powers given under this Ordinance, shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding the sum of \$500.

Penalties.

XIII. Whenever any penalty is imposed for any offence under this Ordinance, the same may, unless otherwise provided, be recovered and inflicted by way of summary proceedings before any single Justice of the Peace, and every such penalty may with costs of conviction be levied by distress and sale of the Goods and Chattels of any offender, and in case such Goods and Chattels shall prove

Indian Liquor Ordinance.

prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending for any term not exceeding twelve calendar months.

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

Interpretation clause.

XV. In case of any summary conviction under this Ordinance no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted, and there be a good and valid conviction to sustain the same.

Warrant of Commitment.

XVI. This Ordinance may be cited for all purposes as "The Indian Liquor Ordinance, 1867."

Short Title.

Passed the Legislative Council the 14th day of February, A. D. 1867.

CHARLES GOOD,

ARTHUR N. BIRCH,

Clerk.

Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,

Governor.

SCHEDULE.

Form 1.

SHIPPING BILL FOR FERMENTED, SPIRITUOUS, OR INTOXICATING LIQUORS.

Name & description of ship, boat, canoe, or other vessel.	Whether British or Foreign; if Foreign the Country.	Master's name.	Port or place of destination.	Quantity and description of Liquors on board.	To whom consigned, or if for ship's use.

I declare the entries in this Bill to be correctly made.

Signed,

Master of the above Ship.

(Station of Clearance).

Dated this

day of

186 .

Form 2.

PERMIT TO CARRY FERMENTED, SPIRITUOUS, OR INTOXICATING LIQUORS.

Name & description of ship, boat, canoe, or other vessel.	Whether British or Foreign; if Foreign the Country.	Master's name.	Port or place of destination.	Quantity and description of Liquors on board.	To whom consigned, or if for ship's use.

The Fermented, Spirituous, or Intoxicating Liquors above described, are hereby permitted to be carried and borne to the destinations and for the purposes above specified.

Signed,

(name and description of Officer).

(Station of Clearance).

Dated this

day of

186 .

NEW WESTMINSTER:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 29.

An Ordinance respecting Harbour and Tonnage Dues, and to regulate the Licenses on the Vessels engaged in the Coasting and Inland Navigation trade.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate and amend the Laws relating to the collection of Harbour and Tonnage Dues and Coasting and Inland Navigation Licenses; Preamble.

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

I. The British Columbia Proclamations of the 15th June, 1859, of the 25th June, 1859, and of the 10th December, 1859, relating to Tonnage Dues, "The Harbour Dues Amendment Ordinance, 1865," together with "The Ports of Entry Act, 1863," "The Harbour Dues Act, 1866," and "The Stock and Carcass Act, 1865," of the former separate Colony of Vancouver Island, are hereby repealed, save as to any sums due on wrongs and penalties recoverable and enforceable under the aforesaid Proclamations, Acts, or Ordinances, or any of them, but no such repeal shall revive any local laws previously repealed by any such Proclamations, Acts, or Ordinances. Repeals previous Acts.

II. From and after the passing of this Ordinance, there shall be levied, collected, and paid, to the use of Her Majesty, Her Heirs and Successors, on all Vessels entering inwards from parts beyond sea, or clearing outwards for parts beyond sea, or engaged in the Coasting Trade of the said Colony or in the navigation of the Rivers and Lakes and Inland Waters of the said Colony, the several sums more particularly described in the Schedule hereto marked A. Entrance and Clearance Fees as in Schedule A.

III. The said sums are hereby made payable to the Collector of Customs of the said Colony, who is hereby authorized by himself and his Officers to demand and enforce payment of the same from the Master of the Vessel in respect of which such moneys are payable, and to give full and complete receipts and discharges for the same. Collection under charge of Collector of Customs.

IV. The Coasting Trade of the Colony of British Columbia shall be deemed to be described, regulated, and restricted by those provisions of the "Customs Consolidation Act, 1853," which refer to the Coasting Trade of the United Kingdom, and the regulations, restrictions, and penalties therein contained shall be deemed and taken to apply to all Vessels and persons engaged in the Coasting Trade of British Columbia as if British Columbia had been expressly named in such provisions in lieu of the United Kingdom. Coasting Trade how regulated.

V. It shall be lawful for the Governor in Council at any time or times, should special circumstances make the granting of such privileges in his opinion desirable, hereafter to license and authorize any Foreign Bottoms to engage in the Coasting Trade or Inland Navigation of British Columbia. Foreign bottoms how licensed for Coasting Trade.

Shipping Ordinance.

Collector of Customs to grant all licenses.

VI. All licenses granted under this Ordinance shall be under the hand of the Collector of Customs, or other Officer duly authorized by the Governor in that behalf, and may be in the form applicable to the particular case contained in Schedule B hereto, and may contain such special provisions of revocation, variation, or otherwise, as to the Governor in Council may seem meet.

Licensed Foreign Vessels how regulated.

VII. In addition to any such provisions, or in the absence thereof, every Foreign Vessel so licensed, and the Master thereof while so licensed, shall be respectively subject to the same regulations and penalties as apply under this Ordinance to British Bottoms similarly engaged, and the Masters thereof, respectively.

Penalty for not taking out license.

VIII. If any Vessel shall proceed on any Coasting Voyage or any Voyage on any River, Lake, or other Inland Waters, without having taken out a License for such Coasting or Inland Trade, the Master of every such Vessel for every such offence shall forfeit a sum not exceeding Five Hundred Dollars.

Disputes about collection how settled.

IX. In case of any dispute concerning any moneys hereby authorized to be levied and paid, or the evasion or attempted evasion of the payment thereof, the amount payable shall be ascertained and recoverable under the provisions of the "Customs Consolidation Act, 1853," so far as such provisions are from local circumstances capable of being applied, in the same manner as if the moneys hereby made payable were Duties of Customs lawfully imposed, and any Vessel in respect of which any such default shall arise may be detained for and during the continuance of such default.

Interpretation of "parts beyond sea."

X. In the construction of this Ordinance and the Schedule hereto, the expression "parts beyond sea" shall include any port or place beyond the limits of the Colony.

Applies part of Merchant Shipping Act, 1854.

XI. So much of Part IV. of the "Merchant Shipping Act, 1854," as refers to the survey and inspection of Vessels, and the prevention of accidents, and from local circumstances is applicable to this Colony, shall extend and apply to Vessels engaged in navigating the Inland Waters of the Colony.

Schedule.

XII. The Schedules hereto shall form part of this Ordinance.

Interpretation clause.

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

Penalties how recoverable.

XIV. Every penalty imposed by or by virtue of this Ordinance, not otherwise herein provided for, may, with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender, and in case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such offender for any term not exceeding Three Calendar Months, and no warrant of commitment upon a conviction under or by virtue of this Ordinance shall be held to be invalid by reason of any defect if it be therein alleged that the offender has been convicted and there be a good and valid conviction to sustain the same.

Short Title.

XV. This Ordinance may be cited for all purposes as the "Shipping Ordinance, 1867."

Passed the Legislative Council the 21st day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,

Governor.

Shipping Ordinance.

SCHEDULE A, ABOVE REFERRED TO.

For all Vessels, other than Vessels holding a Coasting License, entering or clearing at any port, for every such entrance or clearance 4 cents per ton register, Provided, always, that such charges shall not be made upon or exacted from Vessels seeking any Harbour in distress or by reason of stress of weather, or solely for the purpose of supplying themselves with stores and provisions.

- For all River and Coasting Steamers \$1.50 per ton per annum.
- For all Coasting Sailing Vessels \$1 per ton per annum.
- For every Boat plying or let out for hire, under 12 feet, \$2.50 for 6 months.
- Do. do. do. 12 feet and over \$5 for 6 months.
- For every Lighter and Scow, under 7 tons, plying or let out for hire..... \$6 for 6 months ;
- and for every additional ton above 7 tons 25 cents for 6 months.

SCHEDULE B, ABOVE REFERRED TO.

[Royal Arms.]

BRITISH COLUMBIA.

COASTING AND RIVER LICENSE.

Subject to the provisions of the "Shipping License Ordinance, 1867," the "Customs Consolidation Act, 1853," and so much of Part IV. of the Merchant Shipping Act, 1854, as relates to survey, inspection, and prevention of accidents, the _____, [A. B.,] Master, is hereby licensed for the Coasting and River Trade from _____ to _____ 18 .

* _____, Collector, (or other competent Officer).
 Custom House, 18 .

[Royal Arms.]

BRITISH COLUMBIA.

INLAND NAVIGATION LICENSE.

Subject to the provisions of the "Shipping License Ordinance, 1867," and so much of Part IV. of the Merchant Shipping Act, 1854 as relates to survey, inspection, and prevention of accidents, the Steamer [or otherwise as the case may be], _____, Master, is hereby licensed to trade on the Inland Waters of British Columbia from _____ to _____ 18 .

* _____, Collector, (or other competent Officer).
 Custom House, 18 .

* Here insert any special provisions.



BRITISH COLUMBIA.

ANNO. TRICESIMO

VICTORIÆ REGINÆ.

NO. 30.

An Ordinance to assimilate the Laws for the Regulation of Pilotage in all parts of the Colony of British Columbia.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Laws for the Regulation of Pilotage in all parts of the Colony; Preamble.

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

I. "The Pilotage Ordinance, 1866," of the Colony of British Columbia before the Union, and "The Victoria Pilot Act, 1864," of the former Colony of Vancouver Island and its Dependencies, are hereby repealed. Repeals former Acts. Provided however that such repeal shall not affect any rights acquired or any liabilities or penalties already incurred under such Ordinance and Act or either of them, or any remedies or punishments prescribed by such Ordinance and Act or either of them, for enforcing the same, but such remedies and punishments may still for the purpose of such enforcements, but not further or otherwise, be held to be available and capable of imposition as if such Ordinance and Act were still in force. And provided also that such repeal shall not have the effect of reviving any Pilotage Law heretofore repealed.

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

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

- (a) The Establishment, management, and maintenance, of the Pilot Board, its functions and powers;
- (b) The duties and jurisdiction of Pilots;
- (c) The examination, passing, granting or suspension of Certificates and Licenses to Pilots;
- (d) To examine Masters and Mates of Ships or Vessels belonging to the Mercantile Marine, and to grant to them provisional Certificates of competency to act as Masters or Mates, as the case may be, of any such Ships or Vessels;
- (e) The exclusion of unlicensed persons acting as Pilots;
- (f) Declaring, defining, and enforcing the rates of Pilotage and Pilot fees, and the exemptions from Pilotage;
- (g) The

Pilotage Ordinance.

- (g) The Vessels and Ships which shall be subject to Pilotage fees;
 (h) For regulating the persons from whom and to whom Pilotage fees shall be appropriated and paid;
 (i) For regulating the signals and passing and repassing of Steamboats and other Vessels within the waters of the Colony, and the duties of Pilots and Masters in respect thereto;
 (j) For regulating the position and claims of Pilots as between themselves;
 (k) And generally to regulate all such other matters and things whatsoever, in relation to or in connection with Pilots and Pilotage, which the said Governor in Council shall from time to time deem expedient to ordain.

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

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

Penalty for breach of provisions of this Ordinance.

V. Any wilful breach or contravention, by any person whomsoever, of any provision or any part of any provision of this Ordinance, or of any rule, regulation, or by-law to be made in pursuance thereof, shall be punishable summarily, upon information before a Magistrate of the Colony, and upon conviction, by a fine not exceeding for a first offence Two Hundred and Fifty Dollars, and for a second offence not exceeding Five Hundred Dollars.

Penalties how imposed.

VI. Every penalty imposed by this Ordinance may, with the costs of conviction be levied by distress and sale of the goods and chattels of any offender, and in any case such goods and chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such offender for any term not exceeding Three Calendar Months, and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect if it be therein alleged that the offender has been convicted and there be a good and valid conviction to sustain the same.

Interpretation Clause.

VII. In the construction of this Ordinance the word "Governor" shall mean the Governor of this Colony or other person for the time being administering the Government thereof.

Short Title.

VIII. This Ordinance may be cited for all purposes as "The Pilotage Ordinance, 1867."

Passed the Legislative Council the 27th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 31.

An Ordinance respecting Practitioners in Medicine and Surgery.

[2nd April, 1867.]

WHEREAS it is expedient that persons requiring Medical Aid should be enabled to distinguish qualified from unqualified practitioners;

Preamble.

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

I. It shall be lawful for the Governor from time to time to appoint a Registrar of Medical Practitioners within the said Colony.

Power to Governor to appoint Registrar of Medical Practitioners.

II. It shall be lawful for the Governor as occasion shall require to direct the mode and manner in which the Medical Register hereinafter mentioned shall be kept by the said Registrar in such particulars as are not provided for by this Ordinance.

Governor may provide for keeping a Medical Register.

III. It shall be the duty of the said Registrar to keep the said Register correctly, and to erase the names of all registered persons who shall have died, and from time to time to make the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance; and to enable the said Registrar duly to fulfil the duties imposed upon him, it shall be lawful for the said Registrar to write a letter to any registered person addressed to him according to his address on the Register, to enquire whether he has ceased to practise, or has changed his residence, and if no answer shall be returned to such letter within the period of three months from the recording of the letter, it shall be lawful to erase the name of such person from the Register; provided also that the same may be restored by direction of the Governor should he think fit to make an order to that effect or by fresh registration.

Duties of Medical Registrar.

IV. Upon the application of any person being possessed of any diploma, license, or privilege to practise Medicine or Surgery, from any School, College, Society or Faculty of Medicine or Surgery, either in the United Kingdom, or in a Foreign Country, such School, College, Society, or Faculty requiring a compulsory course of study extending over not less than three years, such person shall on payment of a fee of Ten Dollars be entitled to be registered by the Medical Registrar on producing to such Registrar the document conferring or evidencing the qualification or each of the qualifications in respect whereof he may desire to be registered, and producing an affidavit made before a Magistrate, or other person qualified to receive solemn declarations, to the effect that he is the person named in such document of qualification, and that such document of qualification has been duly granted by a School, Society, or College requiring a course of study extending over a period of not less than three years; and that he has not lost the benefit of the same by reason of misconduct, and such register may be amended in respect of any qualification subsequently acquired by any registered person on production and proof of such fresh qualification, and on payment of an additional fee of Ten Dollars for the same. Provided, always, that nothing in this Ordinance shall be so construed as to prevent any one possessing a Diploma who is now practising in this Colony from continuing to practise as heretofore, and to use the distinction heretofore adopted.

Who may be registered.

V. The

Medical Ordinance.

Register open to public.

V. The said Register shall be open for inspection by the Public free of charge, and also as from time to time altered, corrected, and revised by the said Registrar shall be published in the *Government Gazette* of the said Colony at least once in every year.

No legal remedy to Medical Practitioners unless registered, excepting Dentists.

VI. No person shall, after the 1st day of January, 1868, be entitled to recover any charge in any Court of Law for any Medical or Surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he has been registered under this Ordinance. Provided, however, that nothing in this Ordinance contained shall be held to apply to a Dentist or the practice of a Dentist.

Exempts H. M. Medical Officers.

VII. Nothing in this Ordinance contained shall be held to apply to any Medical Officer in Her Majesty's service on full pay, and on active service.

Inflicts penalty on false pretence.

VIII. Any person who shall wilfully and falsely pretend to be or take the name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner, or Apothecary, or any name, title, addition, or description implying that he is licensed and registered under this Ordinance, or that he is recognized by law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine or an Apothecary shall, upon a summary conviction for any such offence, pay a sum not exceeding One Hundred Dollars.

Falsification of Register a misdemeanor.

IX. Any Registrar who shall wilfully make or cause to be made any falsification in the said Register, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be imprisoned for any term not exceeding Twelve Calendar Months.

Fraudulent representation a misdemeanor.

X. If any person shall wilfully procure or attempt to procure himself to be registered under this Ordinance, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person aiding and assisting him therein shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, and shall on conviction thereof be liable to imprisonment for any term not exceeding Twelve Calendar Months.

Penalty how imposed.

XI. Every fine or penalty imposed under the provisions of this Ordinance may be recovered with costs by way of summary conviction, and in default of payment by distress and sale of the goods and chattels of the offender, and in case of the insufficiency of such distress, by imprisonment of the offender for any term not exceeding Three Calendar Months, but no proceedings for the recovery of any such fine or penalty shall be commenced after the period of Six Months from time of the accruing of such fine or penalty; and in case of any summary conviction, no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted, and there be a good and valid conviction to sustain the same.

Application of fines, fees, &c.

XII. All fines, penalties, and fees imposed under the provisions of this Ordinance shall be payable to Her Majesty the Queen, Her Heirs and Successors, for the public uses of the said Colony, and in support of the Government thereof.

Interpretation clause

XIII. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony, or other the person for the time being lawfully administering the Government thereof.

Short Title.

XIV. This Ordinance may be cited for all purposes as "The Medical Ordinance, 1867."

Passed the Legislative Council the 1st day of April, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 32.

An Ordinance to give to Mortgagees certain powers now commonly inserted in Mortgages.

[2nd April, 1867.]

WHEREAS it is expedient that certain powers and provisions Preamble.
should be incident to the Estates of Mortgagees;

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

I. Where any principal money is secured or charged by Deed on any Hereditaments of any tenure, or on any interest therein, the person to whom such money shall for the time being be payable his executors, administrators, and assigns shall at any time after the expiration of Six Months from the time when such principal shall become payable, according to the terms of the Deed, or after any interest on such principal money shall have been in arrear for Three Months, or after any omission to pay any premium on any Insurance which by the terms of the Deed ought to be paid by the person entitled to the property subject to the charge, have the following powers to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely:

1. A power to sell or concur with any other person in selling the whole or any part of the property by Public Auction or Private Contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and resell the property from time to time in like manner. To sell;

2. A power to insure and keep insured from loss or damage by Fire the whole or any part of the property (whether affixed to the Freehold or not), which is in its nature insurable, and to add the premium paid for any such Insurance to the principal money, secured at the same rate of interest. To insure.

II. Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred, shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money. Receipts a sufficient discharge to purchasers.

III. No such sale as aforesaid shall be made until after Three Months notice in writing, given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in:protested exercise of the powers hereby conferred, the Title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such power, or that no such notice as aforesaid had been given; but any person damaged by any such unauthorized exercise of such power shall have his remedy in damages against the person selling. Three months notice of sale to be given.

IV. The

Mortgages Ordinance.

Proceeds of sale how to be applied.

IV. The money arising by any sale effected as aforesaid shall be applied by the person receiving the same, as follows: First, in payment of all the expenses incident to the sale or incurred in any attempted sale; Secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and, Thirdly, in discharge of all the principal moneys then due in respect of such charge, and the residue of such money shall be paid to the person entitled to the property subject to the charge, his heirs, executors, administrators, or assigns, as the case may require.

Mortgagee can become purchaser.

V. If the person exercising the power of sale hereby conferred, or the Mortgagee, his heirs, executors, administrators or assigns in case of an express power of sale existing in the Mortgage Deed, shall be desirous to purchase the property so sold, and to convey or assign to, or vest the same in himself, or themselves, he or they shall be at liberty by petition in a summary way, to apply *ex parte* to any Judge of the Supreme Court sitting in Chambers, for leave to bid either by himself or themselves or any agent at any sale of such property.

Supreme Court to make order and conditions.

VI. The said Court or any Judge thereof, upon being satisfied of the service of notice as provided in Section III, of this Ordinance, or in case of an express power of sale in the Mortgage Deed of the service required by such Deed, shall make such order on the application so made, and shall annex thereto such conditions as to personal notice, notice by advertisement, or otherwise, and from time to time he or another Judge may make such further or other order as shall appear just.

Mortgagee to file affidavit after sale.

VII. Immediately after every sale made by leave of the Court as aforesaid, the Mortgagee, his heirs, executors, administrators, or assigns shall file an affidavit, verifying the facts of the sale, the amount of the purchase money, and any necessary matter connected therewith.

Power to Mortgagee to assign property purchased.

VIII. The person exercising the power of sale hereby conferred, or in the case of a purchase by the Mortgagee under this Ordinance, such person as shall be named in that behalf in any order of the said Supreme Court shall have power by Deed to convey or assign to, and vest in the purchaser, the property sold for all the Estate and interest therein, which the person who created the charge had power to dispose of.

Powers of this Ordinance limited in certain cases.

IX. None of the powers or incidents hereby conferred or annexed to any Estate, shall take effect or be exerciseable if it is declared in the Mortgage Deed, or other Instrument creating the Estate, that they shall not take effect, and where there is no such declaration, then if any variations or limitations of any of the powers or incidents hereby conferred or annexed are contained in such Deed or Instrument, such powers or incidents shall be exerciseable, or shall take effect, subject to such variations or limitations.

Suspending Clause.

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

Short Title.

XI. This Ordinance may be cited for all purposes as the "Mortgages Ordinance, 1867."

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,

Governor



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 33.

An Ordinance to regulate the Solemnization of Marriage.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Laws regulating the Solemnization of Marriage in all parts of the Colony of British Columbia; Preamble.

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

I. "The Act respecting Marriages in the Colony of Vancouver Island and its Dependencies," made and passed in the year of our Lord 1859; and the "Marriages Ordinance, 1865," of the lately separate Colony of British Columbia, are hereby repealed. Repeals former Acts. Provided, however, that all liabilities and penalties imposed and accruing due under the said repealed Act and Ordinance or either of them, and all remedies and punishments for recovering and enforcing the same shall still, notwithstanding such repeal, remain in full force and effect, and be capable of being enforced and inflicted as if such Act and Ordinance were still in force, but not further or otherwise.

II. The Ministers and Clergymen of every church and religious denomination in British Columbia, and the Registrars appointed by the Governor under the provisions of this Ordinance, may celebrate the ceremony of marriage between any two persons neither of whom shall be under a legal disqualification to contract such marriage. Who may celebrate marriage.

III. Such Ministers or Clergymen may celebrate the ceremony of marriage, according to the rites and usages of the Church or denomination to which every such Clergyman or Minister respectively belongs, between any two such persons, when authorized to do so by the usual license under the hand and seal of the Governor as Ordinary, or (if not so authorized) then, except as is hereinafter enacted, by the publication of the banns of such marriage openly and in an audible voice in any Church, Chapel, or place of Public Worship of the congregation or religious community with which the Minister or Clergyman is connected, on three consecutive Sundays during Divine Service, together with the number of such proclamation as being the first, second, or third time of asking. Ministers, by the usual license, or banns.

IV. In the event of any parties objecting to or not being desirous of adopting either of the above modes of marriage, then, and in that case notice in writing must be given to the Registrar of the district where such parties propose to marry, at least fourteen clear days immediately preceding the day of the intended marriage, and a declaration in the form prescribed in Schedule A hereto, of the non-disqualification of the parties, must be made and signed by each of the parties so proposing to marry, at the same time such notice and declaration shall be entered in a book to be kept for that purpose by the Registrar in his office, which shall be open to the inspection of the public. Civil Marriage before a Registrar. Notice.

V. Upon the due compliance of the parties with the provisions of the foregoing clause, the Registrar shall give a certificate of such compliance in the form mentioned in Schedule C hereto. Declaration of non-disqualification.

VI. After Registrar's Certificate.

Marriage Ordinance.

Contract of Civil Marriage.

VI. After the expiration of the said period of fourteen days, marriage may be contracted in the office of the said District Registrar, according to the form in the manner hereinafter mentioned, but not otherwise. Provided, nevertheless, that the marriage shall be contracted with open doors, between the hours of ten a. m. and four p. m., in the presence and in the office of the Registrar of the district, and in the presence of two or more credible witnesses. Provided that, in the presence of such Registrar and witnesses, each of the parties shall declare "I do solemnly declare that I know not of any lawful impediment why I (A. B.) may not be joined in matrimony to (C. D.);" and each of the parties shall say to the other "I call upon these persons here present to witness that I (A. B.) do take thee (C. D.) to be my lawful wedded wife (or husband)." Provided also that there be no lawful impediment to the marriage of such parties.

Without religious ceremony.

VII. Provided, also, that nothing herein contained shall be construed as enabling any religious ceremony of marriage to be solemnized under or by virtue of a civil contract of marriage, made as herein provided through a Registrar, but all persons desirous of being married by religious ceremony can only be so married after the license or publication of banns as aforesaid.

Fee.

VIII. The Registrar of the district shall be entitled for every marriage which shall be contracted under this Ordinance in his presence and office as aforesaid, to receive from the parties married, the sum of Ten Dollars, to the use of Her Majesty, Her heirs and successors.

Witnesses necessary to a Marriage.

IX. All marriages celebrated under the provisions of this Ordinance by any Clergyman, Minister, or Registrar must be in the presence of two or more credible witnesses besides himself, and such ceremony must be performed in a public manner, and with open doors, (save where otherwise permitted by license).

Marriage register.

X. Provided always that all Ministers, Clergymen, and Registrars, shall at the time of each marriage, enter a memorandum of such marriage, in a book to be kept by them for that purpose, and every such registration shall be signed by each of the parties, the Minister, or Registrar, or other duly authorized person officiating at the time, and witnessed by at least two credible witnesses, and shall be kept in the form of Schedule D hereunto annexed, all such registrations shall be open to the inspection of the public, and a certified copy of any registration shall be given to any person demanding the same, on payment of One Dollar, and certified copies of such register books shall be sent by each Minister, Clergyman, Registrar, or other authorized person aforesaid, twice in each year, viz: on the first day of January, and on the first day of June, to the Registrar General to be kept by him open for public inspection and to be copied as aforesaid, upon payment of the said fee.

Registrar's Certificate evidence.

XI. Every certificate or copy of any registration or document under this Ordinance certified by the Clergyman or Minister, Registrar General, or Registrar extracting the same, shall be *prima facie* evidence of all the matters and things therein contained.

Quakers' and Jews marriages.

XII. Nothing in this Ordinance shall be construed as in any way preventing the people called Quakers, or those professing the Jewish religion, from celebrating marriage where both the parties shall be of the people called Quakers, or persons professing the Jewish religion respectively, according to the rites and ceremonies of their own religion or creed; provided, always, that all such Quakers and Jews shall, before marriage give the notice, and make and sign the declaration of non-disqualification by this Ordinance prescribed, and comply with all the requirements as to registration above mentioned.

False statement perjury.

XIII. Any person who shall knowingly or wilfully make any false declaration or statement, or sign any false notice or certificate for the purpose of procuring any marriage, and every person who shall forbid the publication of banns, or the issue of the ordinary license herein, or of any Registrar's certificate, by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall suffer the penalties of perjury.

XIV. Any

Marriage Ordinance.

XIV. Any Minister, Clergyman, or Registrar who shall wilfully and knowingly celebrate the marriage of persons, either of whom may not be legally qualified, or who shall knowingly and wilfully marry persons in any other mode than one of those proscribed by this Ordinance, (except in the case of Quakers and Jews, as herein before mentioned) shall be guilty of felony. Penalty on performing illegal marriages.

XV. The registrations made by such Ministers, Clergymen, and Registrars shall be in the Form prescribed in Schedule D hereto, and the notice and declaration to be given to the Registrar in the cases in this Ordinance mentioned shall be in the Form prescribed in Schedule B hereto. Form of registration

XVI. Any person on payment of Two Dollars and Fifty Cents, may enter a Caveat with the Registrar of the District, against the issue of a certificate for the marriage of any person named therein, and if any Caveat be entered with the Registrar, and such Caveat being duly signed by or on behalf of the person who entered the same, together with his or her place of residence, and the ground of objection on which his or her Caveat is founded, no certificate shall issue or be granted until such Registrar shall have examined into the matter of the Caveat, and is satisfied that it ought not to obstruct the grant of the certificate for the said marriage, or until the Caveat be withdrawn by the party who entered the same. Caveats.

XVII. Provided, always, that in case of doubt, it shall be lawful for the Registrar to refer the matter to the Registrar General, and in the event of the Registrar deciding against the person entering the Caveat, such person may appeal to the Registrar General on giving notice of such intention within two clear days after such decision, and on giving bonds, satisfactory to such Registrar, for security of costs within four days of such decision. Any person authorized to enter a Caveat shall, in addition to making such Caveat, write the word "forbidden" across the notice of marriage in the marriage notice book, and sign the same with his name. Appeal from District Registrar.

XVIII. All marriages celebrated from and after Three Calendar Months after the passing of this Ordinance in any other manner than those allowed by this Ordinance shall be void. Three months' notice of Ordinance.

XIX. Provided, always, that in all matters relating to the mode of celebrating marriages, or the validity thereof, and the qualification of parties about to marry, and the consent of guardians or parents, or any person whose consent is necessary to the validity of such marriage, the law of England shall prevail, subject always to the provisions of this Ordinance. In matters not heretofore provided for, the law of England to prevail.

XX. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow; or if the father shall be dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of them; and in case there shall be no such guardian or guardians, then the mother of such party if unmarried; and if there shall be no mother unmarried, then the guardian or guardians of the person appointed by the Court of Chancery, if any, or one of them, shall have authority to give consent to the marriage of such party; and such consent is hereby required for the marriage of such party so under age, unless there shall be no person authorized to give such consent. Who may give consent.

XXI. That in case the father or fathers of the parties to be married, or one of them, so under age as aforesaid, shall be *non compos mentis*, or beyond the seas, or the guardian or guardians, mother or mothers, or any of them whose consent is made necessary as aforesaid to the marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the seas, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper marriage, then it shall and may be lawful for any person desirous of marrying in any of the before mentioned cases, to apply by petition to a Judge of the Supreme Court of Civil Justice, who shall judicially declare the same to be so; and such judicial declaration shall be deemed and taken to be as good and effectual to all intents and purposes as if the father, guardian or guardians, or mother of the person so petitioning had consented to such marriage. If consent unduly refused.

XXII. Whenever

Marriage Ordinance.

Banns, license, and certificate unused, void after 3 months.

XXII. Whenever a marriage shall not be had within Three Calendar Months after the date of the Governor's license, or the complete publication of banns, or the issuing of a Registrar's certificate of compliance with the provisions of this Ordinance, such banns, license, or certificate shall be absolutely void from the expiration of such Three Months, and the application for authority to marry will have to be made afresh, in manner prescribed by this Ordinance.

Schedule.

XXIII. The Schedules hereto shall be part of this Ordinance.

Interpretation Clause.

XXIV. Whenever in this Ordinance any act, deed, matter, or thing is required or permitted to be done, performed, or executed by the Governor, the same may be done, performed, or executed by the Governor of the Colony of British Columbia, or other the person for the time being lawfully administering the Government of the said Colony; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include, and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Short Title.

XXV. This Ordinance may be cited for all purposes as "The Marriage Ordinance, 1867."

Passed the Legislative Council the 14th day of March, A. D. 1867.

CHARLES GOOD, Clerk.

ARTHUR N. BIRCH, Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR, Governor.

SCHEDULE A.

DECLARATION.

I do solemnly declare that I know of no lawful impediment of kindred or alliance, or other lawful hindrance why I, (A. B.) may not be joined in matrimony to (C. D.)

SCHEDULE B.

NOTICE OF MARRIAGE.

To the Registrar of the District of in the Colony of British Columbia.

I hereby give you notice that a Marriage is intended to be had on the day of between me and the other party described and named herein.

Name. | Condition. | Rank or Profession. | Age | Dwelling place.

Witness my hand this day of 18

Signed, A. B.

SCHEDULE C.

REGISTRAR'S CERTIFICATE.

I, Registrar of the District of in the Colony of British Columbia, do hereby certify that on the day of notice was duly entered in the Marriage Notice Book of the said District, of the Marriage intended between the parties therein named and described, delivered under the hand of one of the parties, that is to say:

Name. | Condition. | Rank or Profession. | Age. | Dwelling place.

Date of notice entered 18 } The issue of this certificate has not been forbidden by any person authorized to forbid the issue thereof.

Date of certificate given 18 } Witness my hand at this day of 18

Signed, Registrar of the District.

This certificate will be void unless the Marriage be celebrated on or before the day of 18

SCHEDULE D.

MARRIAGE CERTIFICATE.

Marriages solemnized in the District of

No. | When married. | Name and surname. | Age. | Condition. | Rank or profession. | Residence. | Place of birth. | Father's name and surname. | Rank or profession of father.

Married at according to the rites and ceremonies of [here Church or denomination to be inserted] by [banns or license]. or, Married at by civil contract, by A. B., Registrar of the District as the case may be.

This Marriage was solemnized between us } A. B. In the presence of us } E. F. } G. H. (Signature of the Minister, Clergyman, or Registrar, as the case may be).



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 34.

An Ordinance to amend the Laws relating to Gold Mining.

[2nd April, 1867.]

WHEREAS it is expedient to amend and assimilate the Laws relating to Gold Mining in this Colony; Preamble.

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

I. From and after the passing of this Ordinance "The Gold Mining Ordinance, 1865," and the Proclamations, Rules, and Regulations, and Ordinances, repealed thereby, are hereby repealed; provided however that such repeal shall not in any manner affect any rights acquired, or any liabilities or penalties incurred thereunder, or any remedies or punishments prescribed thereby, but such remedies and punishments may still for the purposes of such enforcement, but not further or otherwise, be available and capable of imposition. Repeals former Acts.

II. In the construction of this Ordinance the following expressions shall have the following interpretations respectively, unless there be something inconsistent or repugnant thereto in the context. Interpretation clause.

The words "Her Majesty" or "The Crown" shall mean Her Majesty, Her Heirs and Successors. Her Majesty, the Crown.

The word "Governor" shall mean and include any person administering the Government of this Colony. Governor.

"Gold Commissioner" shall include Chief Gold Commissioner, Assistant Gold Commissioners and others lawfully acting as Gold Commissioners, either under special authority or the authority of this Ordinance. Gold Commissioner.

The word "Mine" shall mean any locality in which any vein, stratum, or natural bed of auriferous earth or rock shall be mined; and the verb "to mine" shall include any mode or method whatsoever of working the same for the purpose of obtaining gold therefrom. Mine.

The word "Claim" shall mean the personal right of property or interest in any mine; and in the term "Mining Property" shall be included every claim, mine, ditch, or water privilege used for mining purposes, and all other matters and things thereto belonging, or used in the working thereof. Claim.
Mining property.

"Bar Diggings" shall mean every mine over which a river extends when in its flooded state. Bar Diggings.

"Dry Diggings" shall mean any mine over which a river never extends. Dry Diggings.

The mines on benches shall be known as "Bench Diggings," and shall for the purpose of ascertaining the size of claims therein be excepted out of the class of "Dry Diggings." Bench Diggings.

"Streams and Ravines" shall include water-courses, whether usually containing water or not, and all rivers, creeks, and gulches. Streams and Ravines.

"Hill Claims" shall include all claims located on the surface of any hill. Hill Claims.

"Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes. Ditch.

"Ditch Head" shall mean the point in a natural water-course or lake where water is first taken into a ditch. Ditch Head.

"Free Miner" shall mean a person named in, and lawfully possessed of a valid existing Free Miner's Certificate, and no other. And words in the singular number shall include the plural, and the masculine gender shall include the feminine gender. Free Miner.

The words "Record," "Register," and "Registration," as hereinafter used shall be synonymous. Record, &c.

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Ordinance divided into twelve parts.

- III. This Ordinance shall be divided into Twelve Parts:—
- The First Part relating to the Appointment of Gold Commissioners and their Jurisdiction;
- The Second Part to Free Miners and their Privileges;
- The Third Part to the Registration of Claims and Free Miners' General Rights;
- The Fourth Part to the Nature and Size of Claims;
- The Fifth Part to Bed-Rock Flumes;
- The Sixth Part to the Drainage of Mines;
- The Seventh Part to Mining Partnerships and Limited Liability;
- The Eighth Part to Administration;
- The Ninth Part to Leases;
- The Tenth Part to Ditches;
- The Eleventh Part to Mining Boards and their Constitution;
- The Twelfth Part to the Penal and Saving Clauses.

PART I.

APPOINTMENT OF GOLD COMMISSIONERS AND THEIR JURISDICTION.

Gold Commissioner to be appointed by the Governor.

IV. The Governor may from time to time appoint such persons as he shall think proper to be Chief Gold Commissioner and Gold Commissioners either for the whole Colony, or for any particular districts therein, and from time to time in like manner fix and vary the limits of and subdivide such districts, and make and revoke all such appointments.

Mining Court in each District.

V. Within every such district or districts there shall be a Court to be called the "Mining Court," in which the Gold Commissioner of the district shall preside as Judge thereof.

Jurisdiction of Gold Commissioner.

VI. Such "Mining Court" shall have original jurisdiction as a Court of Law and Equity, to hear and determine all mining disputes arising within its district, and shall be a Court of Record with a specific Seal; and in determining suits or actions brought therein the Gold Commissioner may render such judgment, or make such order or decree, as he shall deem just, and for the purposes thereof and for enforcing the same he shall have and exercise, save as hereinafter excepted, the same powers and authority legal and equitable as are now exercised in the Supreme Court of Civil Justice of British Columbia, by any Judge thereof. Provided, however, that the Gold Commissioner shall if desired by both parties to a cause in cases of liquidated damages, or if desired by either party to a cause in case of unliquidated damages, summon a Jury of from three to five Free Miners to assess the amount of such damages.

Same powers as Judge of the Supreme Court in enforcing decision.

Prescribed forms unnecessary.

VII. No prescribed forms shall be necessary, provided that the substance of the matter complained of be properly expressed in writing and embodied in a summons to be issued from the Court, and served on the opposite party, or as may be directed, and such summons may by leave of the Gold Commissioner be amended, if requisite, by either party upon such terms as he may impose, and the sum of Ten Dollars shall be charged for every Summons so issued.

Jurisdiction beyond district in certain cases.

VIII. Where disputes arise concerning mining property, portions whereof are situated in adjoining or different districts, the Gold Commissioners of either of such districts before whom the dispute is first brought shall determine it.

Mining Surveyor.

IX. The Gold Commissioner may, in cases of disputed boundaries or measurements, employ a Surveyor to mark and define the same, and cause the reasonable expense thereof to be paid by either or both of the parties interested therein.

Laying over claims.

X. He shall also have the power to lay over any or all claims within his district, for such period and under such circumstances as he may think proper.

Protection against dangerous works.

XI. He shall have power to order any mining works to be so carried on as to ensure the safety of the public, or protect the interests of claim holders or bed-rock drains: and any abandoned works may by his order be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence then upon such terms as he shall deem expedient.

Plots for Traders and gardens.

XII. It shall be lawful for him, upon being so requested, to mark out for business purposes or gardens, on or near any mining ground, a plot of ground of such size as he shall deem advisable; subject, however, to all the existing rights of Free Miners then lawfully holding such mining ground, and their assignees. And any building erected, or improvements made thereon for any such purposes, shall in every such case be erected and made at the risk of the persons erecting and making the same; and they

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they shall not be entitled to any compensation for damage done thereto by such Free Miners so entitled in working their claims *bona fide*.

XIII. It shall be lawful for him, upon being so requested, to mark out for business purposes or gardens, on or near any mining ground not previously pre-empted, a plot of land of such size as he shall deem advisable, to be held subject to all the rights of Free Miners to enter upon and use such lands for mining purposes, upon reasonable notice to quit being given to the occupier, such notice to be subject to the approval of the Gold Commissioner; and further upon the payment of due compensation for any crops thereon, and for the buildings and improvements erected on such plots; such compensation to be assessed by the Gold Commissioner previous to entry, with or without a jury of not less than three.

Compensation how allotted.

A monthly rent of Five Dollars shall in every such case be payable by the grantees of such plot, or their assignees, to the Gold Commissioner.

Rent for same.

XIV. Any Judge of the Supreme Court of Civil Justice of British Columbia may, with the advice and consent of the Gold Commissioner of any particular district, from time to time make, repeal, and alter any rules or regulations for the conduct of the business before such Gold Commissioner, and for the costs incident thereto.

Forms of proceeding costs, &c.

XV. Where any mining cause, wherein the sum of damages sought to be recovered shall be less than Two Hundred and Fifty Dollars, is brought in the first instance before the Supreme Court of Civil Justice of British Columbia, it shall be lawful for the Court after issue joined to direct the cause to be tried before any particular Gold Commissioner, upon such terms as the Court shall think fit.

Causes under \$250.

XVI. All jurors and witnesses summoned under and by virtue of the powers contained in this Ordinance shall be entitled for their attendance to receive such compensation as the Court may direct.

Jurors' and witnesses' fees.

XVII. When in civil cases the subject matter in any mining dispute is in value more than Two Hundred and Fifty Dollars, an appeal shall, save as hereinafter excepted, lie from the decision, ruling, judgment, order, or decree of the Gold Commissioner to the Supreme Court of Civil Justice of British Columbia; provided, however, that the decision of the Gold Commissioner, or of a jury summoned under the provisions of this Ordinance, upon all matters of fact shall be final and conclusive, and no appeal shall lie therefrom. No appeal shall be allowed in any cause, unless notice thereof be given in writing to the opposite party, or his Attorney, within four days after the decision complained of, and also security be given, to the approval of the Gold Commissioner, for the costs of the appeal, and the amount (if any) payable under the judgment. And the said Court of Appeal may make such order as it shall think fit. Such appeal may be in the form of a case settled and signed by the parties, their Counsel, or Attornies.

Appeal in civil cases over \$250.

PART II.

WHO MAY BE FREE MINERS, AND THEIR PRIVILEGES.

XVIII. Every person over but not under sixteen years of age shall be entitled to hold a claim. Minors who shall become Free Miners shall as regards their mining property and liabilities contracted in connexion therewith be treated as adults.

Who may be a Free Miner.

XIX. Every Gold Commissioner, upon payment of the sums hereinafter mentioned, shall deliver to any person applying for the same, a Certificate to be called a Free Miner's Certificate, which may be in the following form:

Free Miners under age to be treated as adults.

Miners' Certificate.

BRITISH COLUMBIA.

FREE MINER'S CERTIFICATE.

Date, _____ NOT TRANSFERABLE. _____ No.
Valid for _____ years.
This is to certify that A. B. of _____ has paid me this day the sum of _____, and is entitled to all the rights and privileges of a Free Miner, for _____ year from the date hereof.

(Signed) G. B.,
Chief Gold Commissioner, } as the case
or Gold Commissioner, } may be.

XX. Such Free Miner's Certificate shall, at the request of the applicant, be granted and continue in force for a period of one year or three years from the date thereof, upon payment by such applicant to the use of Her Majesty of the sum of Five Dollars for one year, and Fifteen Dollars for three years. Such Certificate shall not be transferable, and only one person shall be named therein. And every holder of a Certificate shall have three clear days after the expiration thereof, and no longer, to renew the same.

Certificate for one, or three years.

Three days grace to renew certificate.

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- Lost Certificate.** XXI. If any Free Miner's Certificate shall be accidentally destroyed or lost, the same may, upon evidence thereof and upon payment by the applicant of Two Dollars and Fifty Cents, be replaced by a true copy thereof, signed by the Gold Commissioner of the district wherein the original Certificate was issued. Every such new Certificate shall be marked "Substituted Certificate." And unless some material irregularity be shewn in respect thereof every original or substituted Free Miner's Certificate shall be evidence of all the matters therein contained.
- Right to enter and mine.** XXII. Every Free Miner shall during the continuance of his Certificate and no longer, have the right to enter and mine upon any of the waste lands of the Crown, not for the time being occupied by any other person.
- Compensation to prior occupants.** XXIII. In the event of such entry being made upon lands already lawfully occupied for other than mining purposes, previously to entry full compensation shall be made to the occupant or owner for any loss or damages he may sustain by reason of any such entry; such compensation to be determined by the nearest Stipendiary Magistrate or Gold Commissioner, with or without a jury of not less than five.
- Must be a Free Miner in certain cases.** XXIV. No person shall be recognized as having any right or interest in or to any mining 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.

PART III.

REGISTRATION OF CLAIMS AND FREE MINER'S GENERAL RIGHTS.

- Registration of claim** XXV. Every Free Miner locating a claim, must record the same at the Office of the Gold Commissioner of the district within which the same is situated, within three days after the location thereof, if located within ten miles of the said Office. One additional day shall be allowed for such record for every additional ten miles or fraction thereof. Such record shall be made in a book to be kept for the purpose, in which shall be inserted the name of the claim, the name of each locator, the number of his certificate, the locality of the mine, the date of his recording the same, and such other matters and things as may be deemed requisite by the Gold Commissioner.
- Re-registration.** XXVI. All claims must be re-recorded annually; but any Free Miner shall upon application be entitled to record his claim for a period of two or more years, upon payment of the sum of Two Dollars and Fifty Cents for each and every year included in such record; and such record shall without renewal, and for and during the time therein mentioned, but for no further period, have the same force and effect as if the same had been recorded annually.
- Production of certificate prior to registration.** XXVII. It shall be lawful for the Gold Commissioner to demand from any miner applying to record a claim, the production of his certificate, and upon his neglect or refusal to produce the same, to refuse to record such claim or interest therein.
- Priority of rights recognized according to priority of registration.** XXVIII. In case of any dispute, the title to claims will be recognized according to the priority of registration, subject to any question which may be raised as to the validity of the record itself, and subject further to the terms, conditions, and privileges, contained in Clause XXV.
- Transfers must be in writing & registered.** XXIX. No transfer of any claim, or of any interest therein, shall be enforceable, unless the same, or some memorandum thereof, shall be in writing, signed by the transferrer, or by his lawfully authorized agent and registered with the Gold Commissioner.
- General fee on recording mining matter.** XXX. For every record made, and leave of absence granted, or any other matter or thing whatever relating to mining for which a special fee shall not have been provided, the Gold Commissioner shall charge a registration fee of Two Dollars and Fifty Cents, as herein defined.
- Fee for search.** XXXI. The books of record shall, during reasonable hours, be open to public inspection; and the sum of One Dollar, and no more, shall be charged for every search made therein.
- Certified copy of any record to be evidence.** XXXII. Every copy of, or extract from, any record or register kept under this Ordinance, and certified to be a true copy or extract under the hand of the Gold Commissioner, or other person entrusted to take and keep such record or register, shall, in the absence of the original register, be receivable in any judicial proceeding as evidence of the matters and things therein contained; and the sum of One Dollar and Twenty Five Cents, shall be charged for each copy of a record so certified.
- Charge therefor.** XXXIII. Every

XXXIII. Every

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XXXIII. Every Free Miner shall be allowed to hold at the same time any number of claims acquired by purchase, but only two claims by pre-emption in the same locality, save as hereafter provided, viz: one quartz claim and one other claim, subject however to the laws as to record, occupation, and otherwise for the time being in force. And every Free Miner may sell, mortgage, or dispose of the same. He shall also be entitled, in addition to the above, to hold a pre-emption claim on each (but not on the same) hill, creek, ravine, or bench.

Free Miner may hold any number of claims by purchase, and two by pre-emption, and more than two by pre-emption in certain cases.

XXXIV. The interest which a Free Miner has in a claim shall be deemed and taken to be a chattel interest equivalent to a lease, for such period as the same may have been recorded, renewable at the end thereof, and subject to the conditions as to forfeiture, working, representation, registration and otherwise, for the time being in force with respect to such claim.

Miners' interest in mining property a chattel.

XXXV. Every Free Miner shall, during the continuance of his Certificate, have the exclusive right of entry upon his own claim for the minerlike working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom, provided that his claim be duly registered, and faithfully and not colourably worked; but he shall have no surface rights therein.

Definition of a Miner's right in a claim.

Provided, also, that the Gold Commissioner may, upon application made to him, allow adjacent claim holders such right of entry thereon as may be absolutely necessary for the working of their claims, and upon such terms as may to him seem reasonable.

Right of entry to adjacent claim-holders.

XXXVI. 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.

One record covers not only the claim, but a fair share of the necessary water to work it.

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

Claims recorded in close season when laid over.

XXXVIII. A claim shall be deemed to be abandoned and open to the occupation of any Free Miner when the same shall have remained unworked by the registered holder thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shewn; Sundays, and such holidays as the Gold Commission may think fit to proclaim, are to be omitted in reckoning the time of non-working.

Claims when deemed abandoned.

XXXIX. Every full sized claim, as defined in this Ordinance, shall be represented and *bona fide* worked by the owner thereof, or by some person on his behalf.

Full-sized claims must be worked.

XL. The Gold Commissioner shall have the power to regulate the number of miners who shall be required to work in prospecting a claim, or set of claims, until gold in paying quantities is found.

In prospecting leave granted to work with less than full complement.

XLI. Every forfeiture of a claim shall be absolute, any rule of law or equity to the contrary notwithstanding.

Forfeiture absolute

XLII. Where any undivided mining interest in a Company shall be claimed by any Free Miner, by reason of any defect in the title or representation thereof, which defect shall be first established to the satisfaction of the Gold Commissioner, the Company shall be bound

Undivided interest in a Company when not represented Company must either

Either to admit the claimant, as a member of the Company, to the extent of such defective interest,

Admit claimant as a member,

Or to stake off, to the separate use of the claimant, any portion of ground in the joint ground of the Company, equal in extent to such defective interest. In such latter event the claimant shall not be entitled to any interest whatever in the remaining ground of the Company, or be considered a member thereof, by reason of such appropriation.

Or stake off claim for him.

In either case the Company shall pay all costs and expenses incurred by reason of allowing the non-representation aforesaid. The Gold Commissioner may make such order as to costs as he may deem just.

Company to pay costs, except otherwise ordered.

PART IV.

NATURE AND SIZE OF CLAIMS.

XLIII. From and after the date hereof, the size of claims shall be as follows: For "Bar Diggings" a strip of land 100 feet wide, at high water mark, and thence extending into the river to its lowest water level.

Size of claim. Bar Diggings.

XLIV. For "Dry Diggings" one hundred feet square.

Dry Diggings.

XLV. "Creek

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Creek Claims.

LV. "Creek Claims" shall be one hundred feet long, measured in the direction of the general course of the stream, and extending in width from base to base of the hill on each side. Where the bed of the stream or valley is more than 300 feet in width, each claim shall be only 50 feet in length, extending 600 feet in width. Where the valley is not 100 feet wide, the claims shall be 100 feet square.

Bench Diggings.

LVI. "Bench Claims" shall be 100 feet square.

LVII. The Gold Commissioner shall have authority, in cases where benches are narrow, to mark the claims in such a manner as he shall think fit, so as to include an adequate claim.

Hill Claims.

XLVIII. Every claim situated on the face of any hill, and fronting on any natural stream or ravine, shall have a base line or frontage of 100 feet, drawn parallel to the main direction thereof. Parallel lines drawn from each end of the base line, at right angles thereto, and running to the summit of the hill, shall constitute the side lines thereof. Posts of the legal size shall be planted, 100 feet apart, on both the base line and the side lines. The whole area included within such boundary lines shall form a "Hill Claim."

Tunnelling under hills.

XLIX. In tunnelling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of such hills, so as to interfere with parties tunnelling from the main frontage.

Gold Commissioner may refuse to record certain tunnel claims.

L. 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 one hundred feet of any gulch or tributary of such creek.

Forfeiture of claim involves tunnel, &c.

LI. Tunnels and shafts shall be considered as appurtenant to the claim to which they are annexed, and be abandoned or forfeited by the abandonment or forfeiture of the claim itself.

LII. For the more convenient working of back claims on benches or slopes, the Gold Commissioner may, upon application made to him, permit the owners thereof to drive a Tunnel through the claims fronting on any creek, ravine, or watercourse, and impose such terms and conditions upon all parties as shall seem to him expedient.

Quartz Claims.

LIII. Quartz Claims shall be 150 feet in length, measured along the lode or vein, with power to follow the lode or vein and its spurs, dips, and angles, anywhere on or below the surface included between the two extremities of such length of 150 feet, but not to advance upon or beneath the surface of the earth more than 100 feet in a lateral direction from the main lode or vein, along which the claim is to be measured.

Regulation for working.

LIV. In Quartz Claims and reefs, each successive claimant shall leave three feet unworked, to form a boundary wall between his claim and that of the last previous claimant, and shall stake off his claim accordingly, not commencing at the boundary peg of the last previous claim, but three feet further on. If any person shall stake out his claim contrary to this rule, the Gold Commissioner shall have power to remove the first boundary peg of such wrong doer three feet further on, notwithstanding that other claims may then be staked out beyond him; so that such wrong doer shall then have but one hundred and forty-seven feet. And if such wrong doer shall have commenced work immediately at the boundary peg of the last previous claim, the Gold Commissioner may remove his boundary peg six feet further on than the open work of such wrong doer; and all such open work, and also the next three feet of such space of six feet, shall belong to and form part of the last previous claim, and the residue of such space of six feet shall be left as a boundary wall. Every such boundary shall be deemed the joint property of the owners of the two claims between which it stands, and may not be worked or injured, save by the consent of both owners.

Discoverer's Claim.

LV. If any Free Miner, or party of Free Miners, shall discover a new mine, and such discovery shall be established to the satisfaction of the Gold Commissioner, the first discoverer, or party of discoverers if not more than two in number, shall be entitled to a claim double the established size of claims in the nearest mines of the same description, (i. e. dry, bar, or quartz diggings.) If such party consist of three men, they shall collectively be entitled to five claims of the established size on such nearest mine; and if of four or more men, such party shall be entitled to a claim and a half per man, in addition to any other claims legally held by pre-emption or otherwise. A new stratum of auriferous earth or rock, situated in a locality where the claims are abandoned shall, for this purpose, be deemed a new mine, although the same locality shall have been previously worked at a different level. And dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and *vice versa*. A discoverer's claim shall for all purposes be reckoned as one ordinary claim.

Claims how marked.

LVI. All claims shall be as nearly as possible in rectangular forms, and marked

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marked by four pegs, at least four inches square, standing not less than four feet above the surface, and firmly fixed in the ground. No boundary peg shall be concealed, moved, or injured without the previous permission of the Gold Commissioner. Any tree may be used as a stake, provided that it be cut down to at least the legal height, and the stump squared as above.

LVII. In defining the size of claims, the same shall be measured horizontally, Measurement. irrespective of inequalities on the surface of the ground.

LVIII. The Gold Commissioner may, where deemed desirable, mark out a space in the vicinity for deposits of leavings and deads from any tunnel, claim, Deposit of leavings. or mining ground whatsoever, upon such terms and conditions as he may impose.

PART V.

BED-ROCK FLUMES.

LIX. It shall be lawful for the Gold Commissioner, upon the application Grant for not more than 5 years. hereinafter mentioned, to grant to any Bed-rock Flume Company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying, and maintaining Bed-rock Flumes.

LX. Three or more Free Miners may constitute themselves into a Bed-rock Flume Company, and every application by them for such grant shall be in writing, and shall state the names of the applicants, and the nature and extent of the privileges sought to be acquired. Ten clear days' notice thereof shall be given between the months of June and November, and between the winter months of November and June one month's notice shall be given, by affixing the same to some conspicuous part of the ground, and a copy thereof upon the walls of the Gold Commissioner's Office of the district. Prior to such application, the ground included therein shall be marked out by posts of the legal size, placed at intervals of 150 feet along the proposed main line or course of the Flume, with a notice affixed thereto stating the number of feet of ground claimed on either side of such main line. And it shall be competent to any Free Miner to protest before the Gold Commissioner within such times as aforesaid, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of One Hundred and Twenty-five Dollars, which shall be refunded if the application be refused, and if the application shall be entertained then such sum of One Hundred and Twenty-five Dollars shall be retained and paid into the Colonial Treasury for the use of Her Majesty, whether the application be afterwards abandoned or not.

LXI. Every such grant shall be in writing, signed by the Gold Commissioner. Grant to be in writing.

LXII. Bed-rock Flume Companies shall, upon obtaining such grant, be entitled to the following rights and privileges, that is to say:

a. The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground One Hundred Feet wide and Two Hundred Feet long in the bed thereof, to each individual of the Company.

b. The rights of way through and entry upon any river, creek, gulch or ravine worked by miners for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, One Hundred Feet in width, and one-quarter mile in length, for each individual of the Company.

c. And no person heretofore or hereafter locating unworked or abandoned ground within the limits of the said Company's ground, after the notice hereinbefore mentioned has been given, shall be held to have or to have had any right or title as against such Company to any ground so taken up by them.

d. The words "Abandoned ground" shall be construed to mean all new and unworked ground, and ground not legally held and represented within the meaning of this Ordinance.

e. Such rights of way through and entry upon any rivers, creeks, and ravines discovered within the two years next preceding the date of their application before mentioned, and upon any portions of which Four or more Free Miners are legally holding and *bona fide* working claims, as to the Gold Commissioner may seem advisable.

f. The rights of way through and entry upon all claims, which are at the time of the notice of application hereinbefore mentioned *bona fide* and not colourably worked by any Free Miner or Miners for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining, and repairing the flume as may be necessary. Provided that the owners of such last mentioned claims shall be entitled to take and receive the gold found in the cut or channel so made, but where any advantage equivalent to the cost of making the cut may accrue to the individual claim holder by reason of such flume being laid through the claim, the Bed-rock Flume Company shall be entitled to the actual cost of making such cut to the bed-rock.

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- Right to use of unappropriated water.** g. The use and enjoyment of so much of the unoccupied and unappropriated water of the stream 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 they shall have their 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 ditches or flumes through or over their ground.
- Gold in the Flume.** h. The right to all the gold in their flumes.
- Claim-holders upon giving ten days' notice may construct their own Flume.** LXIII. The holders of claims through which the line of the proposed flume of such Company runs may, upon giving at least ten days' notice in writing of such their intention to the Bed-rock Flume Company, put in a Bed-rock Flume to connect with that of the Bed-rock Flume Company, but they shall maintain the like grade, and build their flume as thoroughly and of as strong materials as are used by such Company.
- Where so constructed and abandoned.** LXIV. Claim-holders so constructing their own flumes at their own expense, through their respective claims shall also keep their flume clear of obstruction, and they shall be entitled to all the gold found therein, but they 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, as may be adopted by such Bed-rock Flume Company; and such claim-holders 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 claims and flume with the ground and flume of the Company, and taking an interest proportionate to that which they shall cede to the Company, or should they so desire, they may abandon their claims and flume, and such abandonment shall enure to the use and benefit of the Bed-rock Flume Company.
- Number of feet to be completed within certain times.** LXV. Every Bed-rock Flume 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 entitled to use Flume for tailings.** LXVI. Any Free Miner or Miners lawfully working any claims where a Bed-rock Flume may be constructed, shall be entitled to tail their sluices, hydraulics, and ground sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders, or otherwise.
- Registration of grant.** LXVII. All Bed-rock Flume Companies shall register their grant when obtained, and a registration fee of Twenty-five Dollars shall be charged therefor; and they shall also pay an annual rent of Twelve Dollars and Fifty Cents for each quarter of a mile of right of way legally held by such Company. No re-registration of a grant shall be necessary.
- Bed-rock Flumes chattels.** LXVIII. 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.

PART VI.

DRAINAGE OF MINES.

- Gold Commissioner may grant rights of way through Mining ground for Drains.** LXIX. It shall be lawful for the Gold Commissioner to grant to any Free Miner, Company of Free Miners, or Joint Stock Companies for any term not exceeding ten years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing a Drain or Drains for the drainage thereof.
- Application to be in writing.** LXX. Every application for such grant shall be in writing, and shall state the names of the applicants, the nature and extent of the proposed Drain or Drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired.
- Ten clear days notice to be given.** LXXI. Upon such application a notice similar to that required upon application for the right of way for Bed-rock Flumes shall be given.
- Deposit of \$125.** LXXII. Every application for such grant shall be accompanied by a deposit of One Hundred and Twenty-five Dollars, which shall be refunded in case the application shall be refused by the Government, and if the application shall be entertained, then such sum of One Hundred and Twenty-five Dollars shall be retained and paid into the Treasury of the Colony, to the use of Her Majesty, whether the application be afterwards abandoned or not.
- Grants to be in writing.** LXXIII. Such grants shall be made upon such conditions as the Gold Commissioner shall deem reasonable, and shall be embodied in writing.
- Covenants.** LXXIV. The rights of way and entry above mentioned, the power to assess, levy, and collect tolls (not exceeding in amount that mentioned in the application) from all Free Miners using such Drain or benefitted thereby, shall be given to the grantees. The grantees shall also covenant therein as follows:
a. That they will construct such Drain or Drains of sufficient size to meet all requirements, within a time (if any) therein named.

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b. And have and keep the same in thorough working order and repair, and free from all obstructions, and in default thereof that the Gold Commissioner for the time being may order all necessary alterations or repairs to be made by any Free Miners, other than the grantees, at the cost and expense of the latter, such cost and expense to be levied by sale (subject however to the conditions of the grant) of all or any part of the Drainage works, materials, and tolls.

c. That they will within a reasonable time construct proper Tap Drains from or into any adjacent claims, upon being required so to do by the owners thereof, and in default thereof suffer such parties to make them themselves, in which case such parties 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.

d. That they will not in the construction and maintenance of such Drains and Tap Drains in any way injure or damage the property of adjacent claim holders, and in the event thereof that they will make good any damage so sustained.

LXXV. In the construction of Drains to be used as Tap Drains only, three Tap Drains. days' notice given as above shall only be necessary.

LXXVI. 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. Damages.

LXXVII. Such grant shall be duly registered as hereinbefore provided, and the sum of Five Dollars shall be charged therefor, save when such grant gives the grantees the power and right of collecting tolls, in which case the sum of Twenty-five Dollars shall instead of Five Dollars be paid as a registration fee. No registration of any such grant shall be necessary. An annual rent of Twenty-five Dollars for each quarter mile and fraction thereof, shall be paid by Drain Companies collecting tolls to the Gold Commissioner; such rent to commence from the date of their grant. Registration.

PART VII.

MINING PARTNERSHIPS.

LXXVIII. 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. Co-partnership rules if no articles are drawn up.

LXXIX. 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. Partnership to continue for one year.

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

LXXXI. 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 the extent and manner of levying assessments to defray the expenses incurred by the company. Such majority may also choose a foreman or local manager, who shall represent the company, and sue and be sued in the name of the company for assessments and otherwise; and he shall have power with the consent of a majority of the company, to bind them by his contracts; and the partnership or company name must be inserted in the record of the company's claims. Any co-partner, or his duly authorized agent, shall be entitled to represent his interest in the co-partnership property to the extent thereof by work and labour, and so long as such work and labour shall be done and performed to the satisfaction of the foreman. In the event of such workman being discharged by the foreman, the Gold Commissioner upon application to him may summon the foreman before him, and upon hearing the facts, may make such order as he shall deem just. Majority of the partners govern. Foreman.

LXXXII. During the time of working, all assessments when levied shall be payable within five days thereafter. Assessments when leviable.

LXXXIII. In default of payment within such time, the debtor after having received any notice specifying the amount due by him, shall upon such amount being ascertained by the Gold Commissioner to be correct, be personally liable to the company therefor, and his interest in the company, if so ordered, shall be sold by the Sheriff in the usual way, for the payment of the debt and costs, and should the amount realized be insufficient to meet the same, the Gold Commissioner shall have the power to issue an order, directed to the Sheriff, to sell such other personal property (if any) belonging to the debtor, as may be sufficient therefor. Penalty for default.

LXXXIV. Notices of sale of such debtor's mining or other property, or such part thereof as shall suffice to pay the debt and costs, shall be conspicuously posted up ten clear days prior to the day of sale, in the vicinity of such mining or Notice of sale, and mode of sale.

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or other property, and at the Court-House nearest thereto. Such sale shall be by public auction, and the bidder offering to pay the amount due for the smallest portion of the mining or other property, shall be entitled to such portion. The purchaser on payment of the purchase money, shall acquire therein all the right and title of the debtor, and shall be entitled to the immediate possession thereof. A bill of sale of the mining property so sold, signed by the Gold Commissioner and duly recorded, shall confer a good legal title thereto upon the purchase.

Notice of abandonment to be given.

LXXXV. After a notice of abandonment in writing shall have been served on the foreman of the company, by any member thereof, such abandonment shall be considered absolute, and operate as a discharge against all debts contracted by the company after such notice has been given, and no such member shall be deemed to have abandoned such interest without having served such notice as aforesaid.

LIMITED LIABILITY.

LXXXVI. Any mining company composed of two or more Free Miners, may limit the liabilities of its members, upon complying with the requirements following, that is to say:

Requirements.

Upon filing with the Gold Commissioner of the District a declaratory statement containing the name of the company, the area of the ground claimed, the location of the claim, and the particular interest of each member of the company; and also placing upon a conspicuous part of the claim, in large letters, the name of the company, followed by the word "Registered." After such conditions have been complied with, no member of such company shall be liable for any indebtedness accruing thereafter, exceeding an amount proportioned to his interest in the company.

Not less than $\frac{1}{4}$ of full interest may be held.

LXXXVII. No person shall locate, purchase, hold, or enjoy less than one-fourth of one full interest of One Hundred Feet in any company so constituted. This Section shall not apply to Gold Quartz Mining Claims.

Accounts of companies, how to be kept.

LXXXVIII. All mining companies so constituted shall keep a correct account of its assets and liabilities, together with the names of the shareholders, and the interest held by each, and shall make out a monthly balance sheet showing the names of the creditors and the amounts due to each, and file the same among the papers of the company, and such balance sheet and all books of the company shall be open to the inspection of creditors of the company at all reasonable hours.

Cessation of individual liability.

LXXXIX. No member of such company shall, after a bill of sale conveying his interest or some portion thereof has been duly recorded, or after notices of abandonment in writing of his interest shall have been left with the foreman of the company and the Gold Commissioner, be liable for any indebtedness of the company accruing thereafter.

When dividend may be declared.

XC. No such company shall declare any dividend until all liabilities due shall have been paid.

Foreman only liable for debts.

XCI. No such company shall be liable for any indebtedness contracted by any member thereof, other than its foreman or agent duly authorized.

Penalty for non-compliance herein.

XCII. If any such company fail to comply with any of the foregoing provisions, such company shall be liable to a fine of not less than Twenty-five Dollars, nor more than One Hundred and Twenty-five Dollars.

Declaratory statements, how filed.

XCIII. The Gold Commissioner in each Mining District shall keep a book exclusively for the purpose, in which he shall record all declaratory statements filed in his office, and another book in which he shall record all notices of abandonment.

Fee for filing.

XCIV. There shall be paid to the Gold Commissioner, for the use of Her Majesty, upon the filing of each declaratory statement the sum of Two Dollars and Fifty Cents; and upon the filing of each notice of abandonment the sum of One Dollar and no more.

When in force.

XCV. All other matters not herein provided for shall, as far as is practicable, be governed by the provisions of the "Mining Joint Stock Companies Act, 1864," but nothing in the nine preceding Sections contained shall be construed so as to repeal or vary any of the prior or subsequent Sections of this Ordinance.

When persons not Free Miners may hold interests in companies.

XCVI. In the case of any Mining Joint Stock Company duly registered in this Colony, under the provisions of the "Mining Joint Stock Companies Act, 1864," and not under this Ordinance, every shareholder of such company, though not a Free Miner, shall be entitled to buy, sell, hold, or dispose of any mining shares therein, anything to the contrary notwithstanding herein contained.

PART VIII.

ADMINISTRATION.

Deceased Miners' interest.

XCVII. In case of the death of any Free Miner, while registered as the holder of any mining property, his claim shall not be open to the occupation of any other person

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person for non-working or non-representation, either after his decease or during the illness which shall have terminated in his decease.

CVIII. The Gold Commissioner shall in all such cases take possession of the mining property of the deceased, and may cause such mining property to be represented or dispense with the same at his option, and he shall sell and dispose of the same by private sale, or upon giving ten days' notice thereof by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred therein. Power of Gold Commissioner.

CI. The Gold Commissioner shall take into his custody and safe keeping, or order some person so to do, all the property of deceased miners until letters of administration be obtained. Custody of property of deceased Miner.

PART IX.

LEASES.

C. All grants under this Ordinance for any mining ground, ditch privileges, or otherwise, shall be in writing, in the form of a lease to be signed by the Gold Commissioner, and by the grantees or lessees. All grants to be in writing.

CI. Save where the contrary is expressed in this Ordinance, the following clauses shall apply: Except otherwise expressed in this Ordinance.

Applications for leases, accompanied by a plan of the proposed undertaking, are to be sent in duplicate to the Gold Commissioner of the district wherein the ground desired to be taken is situated, who shall immediately forward it, with his report, to the Governor for his sanction, excepting in cases where the lease does not exceed 5 years, but the ground shall be secured to the applicant until the Governor's decision has been received. Prior to such application, the ground applied for shall be marked out by posts of the legal size, and a written notice of application, signed by the applicant, shall be affixed to any post nearest to mining claims then being worked. A copy of such notice shall also be put up at the Gold Commissioner's Office. Applications must be in duplicate.
Ground must be marked out and notices posted up.

CII. Every application for a lease shall be accompanied by a deposit of One Hundred and Twenty-five Dollars, which shall be refunded if the application be refused; and if it be entertained such sum of One Hundred and Twenty-five Dollars shall be retained and paid into the Treasury of the Colony, for the use of Her Majesty, whether the application be afterwards abandoned or not. Deposit of \$125.

CIII. Leases will not in general be granted for a longer term than ten years, or for a quantity of ground greater than that herein prescribed, that is to say: Leases for 10 years.

In Dry Diggings, ten acres.

Dry Diggings.

In Bar Diggings, unworked, half a mile in length along the high water mark.

Bar Diggings

In Bar Diggings, worked and abandoned, one mile and a half in length along the high water mark.

In Quartz Reefs, unworked, half a mile in length.

Quartz Reefs unworked.

In Quartz Reefs, worked and abandoned, one mile and a half in length.

Quartz Reefs abandoned.

With liberty in the two last cases to follow the spurs, dips, and angles on and within the surface for two hundred feet on each side of the main lead or seam.

CIV. Leases as above will not in general be granted of any land, alluvium or quartz, which shall be considered to be immediately available for being worked by Free Miners as holders of individual claims. Nor will such a lease be granted in any case where individual Free Miners are in previous actual occupation of any part of the premises unless by their consent.

CV. Every such lease shall without expressing the same, be understood to contain a reservation of all rights of the Crown, and all reasonable provisions for securing to the public, rights of way and water, save in so far as shall be necessary for the minerlike working of the premises thereby demised. The premises demised shall be granted for mining purposes only, and it shall not be competent to the lessee to assign or sub-let the same or any part thereof, without the previous license in writing of the Gold Commissioner. Every such lease shall contain a covenant by the lessee to mine the said premises in a minerlike way, and also, if it shall be thought fit, to perform the works therein defined within a time therein limited. And it shall also contain a clause by virtue whereof the said lease may be avoided, provided that the lessee shall refuse or neglect to observe and perform all or any of the covenants therein contained. Reservation of rights of the Crown understood, also public ways, &c.
Grant to mine only.

Covenants to lessee.

PART X.

DITCHES.

CVI. It shall be lawful for the Gold Commissioner, upon the application hereinafter mentioned, to grant to any person for any term not exceeding five years, the right to divert and use the water from any creek, stream, or lake, at any particular part thereof, and the rights of way through and entry upon any mining ground in his district, for the purpose of constructing ditches and flumes to convey such water. Gold Commissioner may grant ditch privileges for 10 years.

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- Notice to be given.** CVII. Ten days' notice thereof shall be given, by affixing the same to some conspicuous part of the ground, and a copy thereof upon the walls of the Gold Commissioner's Office of the district, and it shall be competent to any Free Miner to protest before the Gold Commissioner within such ten days, but not afterwards, against such application being wholly or partially granted.
- Deposit of \$125 to be paid.** CVIII. Every application for a grant of water exceeding 300 inches shall be accompanied by a deposit of One Hundred and Twenty-five Dollars, which shall be refunded in case the application shall be refused by the Government; and if the application be entertained, then such sum of One Hundred and Twenty-five Dollars shall be retained and paid into the Colonial Treasury, for the use of Her Majesty, whether the application be afterwards abandoned or not.
- Application to be in writing.** CIX. Every application for such rights shall be in writing, and shall state the names of the applicants, the name of the stream or lake to be diverted, the point of diversion or ditch head, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged to Free Miners or others for the use of such water, and the time necessary for the completion of the ditch.
- Gold Commissioner may refuse or modify grant.** CX. The Gold Commissioner, upon protest being entered or for reasonable cause, shall have power to refuse or modify such application or grant.
- Grants to be subject to Free Miner's rights.** CXI. Every grant of a ditch or water privilege in occupied creeks shall be subject to the right of such registered Free Miners as shall at the time of such grant be working on the stream above or below the ditch head, and of any other person or persons whatsoever who are then in any way lawfully using such water for any purpose whatsoever.
- Damages when to be paid.** CXII. If after the grant aforesaid has been made any Free Miner locate and *bona fide* work any mining claim below the ditch head on any stream so diverted, he shall upon paying to the owner of the ditch, and all other persons, compensation equal to the amount of damage sustained, be entitled to such quantity of water to work his claim as he may require. And in computing such damages, the expense of the construction of the ditch, the loss or damage sustained by any claim or claims then using and depending upon the water conveyed in the said ditch, and all other losses reasonably sustained shall be considered.
- Grants not to be made in certain cases.** CXIII. No person shall be entitled to any grant of the water of any stream mined for the purpose of selling the water to present or future claimholders on any part of such stream. The Gold Commissioner may, however, in his discretion grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream; provided that the rights of Free Miners then using the water so applied for be in all such cases protected.
- Gold Commissioner may regulate size, &c., of Ditches** CXIV. The Gold Commissioner shall have power, whenever he may deem it advisable, to order the enlargement or alteration of any ditch or ditches, and to fix what (if any) compensation shall be paid by the parties to be benefited by such alteration or enlargement.
- Waste of water not permitted.** CXV. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water granted and taken by him. And if any such owner shall wilfully take and waste any unreasonable quantity of water, he shall be charged with the full rent as if he had sold the same at a full price. And it shall be lawful for the Gold Commissioner, if such offence be persisted in, to declare all rights to the water forfeited.
- Water how to be distributed by grantee.** CXVI. It shall be lawful for the owner of any ditch or water privilege to distribute for use the water conveyed by him to such persons, and on such terms as he may deem advisable, within the limits mentioned in their application. Provided, always, that the owner of any ditch or water privilege shall be bound to supply water to all applicants being Free Miners, in a fair proportion, and shall not demand more from one person than another, except where the difficulty of supply is enhanced.
- Rent of \$5 per annum on 50 inches of water.** CXVII. Unless otherwise specially arranged, an annual rent of Five Dollars shall be paid for every fifty inches of water used for mining purposes when not sold, and when sold the rent to be paid for any water privilege shall be in each month one average day's receipts from the sale thereof, to be estimated by the Gold Commissioner, with the assistance if he shall so think fit of a Jury.
- General regulations.** CXVIII. Any person desiring to bridge across any stream, or claim, or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied by any other person, may in proper cases do so with the sanction of the Gold Commissioner. In all such cases the right of the party first in possession whether of the mine or of the water privilege is to prevail, so as to entitle him to compensation and indemnity if the same be just.
- Rules for measuring water.** CXIX. In measuring water in any ditch or sluice, the following rules shall be observed:—The water taken into a ditch shall be measured at the ditch head with

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with a pressure of seven inches. No water shall be taken into a ditch except in a trough placed horizontally at the place at which the water enters it. The aperture through which the water passes shall not be more than ten inches high. The same mode of measurement shall be applied to ascertain the quantity of water running out of any ditch into any other ditch or flume.

CXX. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or to dig or loosen any earth or rock, within four feet of any ditch not belonging solely to the registered owner of such claim, three days' notice in writing of such intention shall be given before entering or approaching within four feet of such other property. Notice of entering registered claim to be given.

CXXI. Any person heretofore or hereafter engaged in the construction of any road or work may, with the sanction of the Gold Commissioner, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the said Commissioner shall direct. Rules for diverting or crossing ditches.

CXXII. The Gold Commissioner shall order what (if any) compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works damaged or affected by such interference as aforesaid, shall be replaced by flumes or otherwise repaired, and in what manner, by the person or persons inflicting any such damage. Gold Commissioner to settle compensation therefor,

CXXIII. Upon compliance with the requirements aforesaid, the Gold Commissioner shall certify in writing under his hand that the person or persons named therein were duly authorized to create the damage or interference aforesaid, and have duly fulfilled the requirements herein mentioned, and have also duly satisfied and discharged all damages by him or them occasioned to any persons whatsoever, in respect of the damage or interference referred to. and to give certificate of authority

CXXIV. Every such certificate shall be recorded by the said Gold Commissioner, in a book to be kept by him for that purpose at his office, and shall be at all times open to inspection upon payment of a fee of One Dollar for every inspection. to be recorded.

CXXV. Every such certificate so recorded shall be sufficient evidence in any Court of Judicature in the Colony of all matters and things therein contained or referred to, and shall discharge the person or persons to or for whom the same is granted from all liability with respect to the damage or interference therein mentioned. and to be sufficient in Law Courts.

CXXVI. The Gold Commissioner shall, upon the application of any party interested therein, and after notice as hereinafter mentioned to all whom it may concern, inquire into and decide all matters arising out of or connected with any such damage or interference as aforesaid, and such decision or judgment shall be final and without appeal; in all cases where such decision or judgment shall be given in respect of any sum or matters at issue, the amount or value whereof, which shall be stated in the decision, shall not exceed Five Hundred Dollars. Gold Commissioner to decide disputes.

CXXVII. In cases where such amount or value shall exceed Five Hundred Dollars any party aggrieved by such decision may appeal against the same to the Supreme Court of Civil Justice, upon giving written notice of such intention to the Gold Commissioner within four days of such decision, and upon giving within such four days to the Gold Commissioner whose decision is appealed against a good and sufficient bond or mortgage, the amount of which shall be fixed by the Commissioner, from the party or parties appellant, for the prosecution of the appeal and for the payment of all such costs as may be awarded by the said Supreme Court. Appeal may be made in cases over \$500 to the Supreme Court.

CXXVIII. The owners of any ditch, water privilege, or mining right, shall, at their own expense, construct, secure, and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege, or right, except in cases where a natural stream or river applicable or sufficient for the purpose exists in the immediate vicinity. Security of waste water in ditches to be at expense of owners.

CXXIX. The owners for the time being, not being the Government, of any ditch or water privilege, shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair, to the satisfaction of the Gold Commissioner, and so that no damage shall occur during their ownership thereof to any road or work in its vicinity, from any part of the works of such ditch, water privilege, or right, giving way by reason of not being so as aforesaid constructed, secured, or maintained. Ditches to be constructed in a secure manner.

CXXX. The owners, of any ditch, water privilege, or right, shall be liable and shall make good, in such manner as the Gold Commissioner shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege, or right giving way as aforesaid, and the same may be recovered before a Magistrate in a summary manner. Damages to be made good by grantees.

CXXXI. The publication of any written notice to the party intended to be affected thereby, in two consecutive numbers of the *Government Gazette*, or any newspaper Notice to be given in *Government Gazette*.

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newspaper circulating in the Colony, or by affixing the same for ten days on some conspicuous part of any premises referred to in such notice, and also at the office of the Gold Commissioner, shall be deemed good and sufficient notice for all purposes under this Ordinance.

Saves public rights. CXXXII. Nothing herein contained shall be construed to limit the right of the Chief Commissioner of Lands and Works to lay out from time to time the public roads of the Colony across, through, along, or under any ditch, water privilege, or mining right, in any unsurveyed Crown Land without compensation, doing as little damage as conveniently may be in laying out the same.

PART XI.

MINING BOARDS AND THEIR CONSTITUTION.

Constitution of Mining Boards. CXXXIII. Upon petition signed by not less than One hundred and one Free Miners in any district, it shall be lawful for the Gold Commissioner acting for such district to constitute therein a local board, to be called "The Mining Board."

Their number and election. CXXXIV. The Mining Board shall consist of nine members who shall retire annually, and shall be elected by the votes of the inhabitants of the District who are Free Miners at the time of the election.

Member's qualification. CXXXV. No Free Miner or other person shall be eligible as a candidate, unless he shall have been a registered owner of a mining interest in the District for at least three months previous to the election.

Voters qualification. CXXXVI. Each voter shall have nine votes, but shall not be allowed to give more than one vote to each candidate.

Gold Commissioner to be returning Officer. CXXXVII. The votes of the electors shall be given in person by the voter, and the Gold Commissioner of the District shall act as the Returning Officer, and shall decide all questions as to qualification and disqualification of the members elect. The first election shall take place on such day as the Gold Commissioner may appoint.

Vacancy of Membership. CXXXVIII. If any member shall cease to be a registered Free Miner in the district, or shall be convicted of any misdemeanor, or felony, or of any wilful and malicious contravention of this Ordinance, or of any By-Law in force in the district, he shall *ipso facto* vacate his seat in each case and not be re-eligible, save that a member vacating his seat only by reason of ceasing to be a registered Free Miner shall be again eligible at any time upon his becoming a registered Free Miner.

Absence from meeting. CXXXIX. Whenever any member shall absent himself from three or more consecutive meetings of the Board, whether regular or adjourned meetings, he shall, upon a resolution passed by the Board to that effect, be considered to have vacated his seat therein.

Vacancies in the Board. CXL. The Gold Commissioner shall fill by appointment all vacancies which may arise in the said Board, when the same may occur, and such appointees shall hold office until the next general election.

Power to make by-laws &c., which must be approved by the Governor. CXLI. The Mining Board shall, subject to the provisions hereof, have power by resolution to make By-Laws, which shall be submitted for the approval of the Gold Commissioner, (any By-Laws so approved by the Gold Commissioner shall be immediately posted in the Gold Commissioner's Office), and also from time to time to suggest any alteration or repeal of existing laws for regulating the size of claims and sluices, the mode in which claims may be worked, held, and forfeited, and all other matters relating to mining in the district, and any By-Laws so made shall be binding in such district until the same shall have been disapproved by the Governor.

Majorities. CXLII. Any resolution of such Mining Board may be passed by a bare majority of the members of such Board. The Gold Commissioner shall within seven days after the receipt of the copy of any such resolution signed by the Chairman of the Board, concerning any By-Law or general regulation which he shall on any grounds deem expedient to lay before the Governor, make and send a fair copy thereof signed by such Gold Commissioner, with his opinion thereon.

Mining Board meetings. CXLIII. 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 and so often as in his opinion occasion shall require to call together such Mining Board.

Votes or. I. CXLIV. The votes on all resolutions of the Mining Board shall be given by the members personally and by word of mouth.

Mode of conducting the proceedings. CXLV. All questions of order and of the time and manner of conducting the business at such Mining Board, and of the times and places of meeting after the first meeting thereof, may be decided by the majority of the said Mining Board,

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either from time to time as any question shall arise, or by any fixed rules and others as may be thought advisable.

CXLVI. It shall be lawful for the Governor, by an order under the Public Seal of the Colony, at any time to declare the Mining Board in any district dissolved, at a day to be named in such order, and if no day be therein named in that behalf, then as from the date of such order. Power to the Governor to dissolve any Mining Board.

PART XII.

PENAL CLAUSES AND CLAUSES OF INDEMNITY.

CXLVII. Any person wilfully or unlawfully acting in contravention of this Ordinance, or of any By-Law, Rule, or Regulation to be established by virtue of this Ordinance, or refusing to obey any lawful order of the Gold Commissioner, shall, on being summarily convicted before any Justice of the Peace or Gold Commissioner, be liable to a fine not exceeding Two Hundred and Fifty Dollars, or to an imprisonment not exceeding three months. Summary power in cases disobedience.

CXLVIII. All penalties imposed under this Ordinance may be recovered forthwith, or at such reasonable interval after conviction and non-payment as shall be allowed, by distress and sale of any mining or other personal property of the offender. Penalties how recovered.

CXLIX. All fines and fees whatsoever payable under this Ordinance, except otherwise expressly appropriated, shall be paid into the Treasury of the Colony as portion of the Revenue thereof, to the use of Her Majesty, Her Heirs and Successors. All fines and fees to be paid into the Treasury.

CL. Any person convicted and sentenced to any term of imprisonment beyond thirty days, or to pay any fine beyond One Hundred Dollars over and above the costs of conviction, may appeal to the Supreme Court of Civil Justice, provided that such person do, within forty-eight hours after such conviction, enter into recognizance with two sufficient sureties, conditioned personally to appear to try such appeal, and to abide the further judgment of the Court, and to pay such costs as shall be by such last mentioned Court awarded. And the convicting Gold Commissioner may bind over any witness or informant under sufficient recognizances to attend and give evidence at the hearing of such appeal. Appeal to the Supreme Court in criminal and summary cases.

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

CLII. Any person who shall wilfully damage, destroy, or alter any Free Miner's Certificate, or who shall falsely pretend that he is the person named therein, or who shall wilfully destroy or falsify any of the records and registers hereby directed to be kept shall be guilty of felony, and being duly convicted thereof shall be liable, at the discretion of the Supreme Court of Civil Justice, to penal servitude for not more than ten years. Certain offences.
Felony.

CLIII. Any person who shall steal, or sever with intent to steal, any gold or gold dust from any claim or from any ground comprised in any lease granted under this Ordinance shall be guilty of felony, and being convicted thereof shall be liable to be punished in the same manner as in cases of larceny. Stealing gold dust from claim Felony.

CLIV. Any person who shall, with intent to defraud his co-partner (or in cases of agency his principal), in any claim secrete, keep back, or conceal any gold found in such claim shall be guilty of felony, and upon conviction thereof shall be punished in the same manner as if he had feloniously stolen the same. Defrauding co-partner or principal Felony.

CLV. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the passing of this Ordinance; and all rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held, subject to the rights of Her Majesty, Her heirs and successors, and to the public rights of way and water of this Colony. Saves existing mining rights.

CLVI. This Ordinance may be cited for all purposes as the "Gold Mining Ordinance, 1867." Short Title.

Passed the Legislative Council the 19th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.

NEW WESTMINSTER:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.



BRITISH COLUMBLA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 35.

An Ordinance to regulate Excise in all parts of the Colony.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Law of Excise in all parts of the Colony; Preamble.

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

I. The British Columbian "Distillers' Excise Act, 1861," and "The Distillers' Ordinance, 1865," are hereby repealed, but such repeal shall not affect any rights acquired or penalties or liabilities incurred under such Act or Ordinance, but the same shall be respectively held enforceable and recoverable as if such repeal had not taken place. Repeals former Acts.

II. No person, other than a person licensed in the manner hereinafter provided, shall act as a Distiller in British Columbia, or shall distil, manufacture, rectify, or make therein any Spirits from vegetable or saccharine matter, under a penalty of Fifty Dollars for each day on which any such offence is committed, and on pain also of forfeiting, over and above the penalty aforesaid, all Spirits distilled, brewed, manufactured, or made in contravention to this Ordinance, and every still, mash-tub, fermenting-tun, or other vessel, machinery, or utensil of any kind used by him or in his possession, or on his premises. Distillers to take out a license.

III. Any establishment or place used for the rectifying of Spirits, by any process, shall be deemed a Distillery within the meaning of this Ordinance. Definition of a Distillery.

IV. Every Stipendiary Magistrate in British Columbia may issue a License to act as a Distiller in some certain premises situate at some certain place, to be approved by such Magistrate, within such Magistrate's District, and to be described in the license, to any person or partnership of persons requiring the same, and being residents or having his or their place of business in such district, and having previously complied with the requirements of this Ordinance in that behalf; and each such license shall remain in force for one year from the date thereof, and no longer. License to be for one year at a place certain.

V. The party in whose favor a license to act as Distiller is granted shall, on requiring such license, pay to the Magistrate issuing the same the sum of Twenty-five Dollars as a duty to Her Majesty upon such license. License fee.

VI. No license to act as a Distiller shall be granted to any party except on a written requisition addressed to the Magistrate and signed by the party requiring such license, or, if it be required by a partnership, then by one of the partners. Application for license to be signed by applicant.

VII. No

Excise Ordinance.

Security to the extent of \$1,000 to be taken by bond with sureties.

VII. No such license shall be granted to any party until such party has jointly and severally, with two good and sufficient sureties to the satisfaction of the Magistrate issuing the license, entered into a bond to Her Majesty, Her Heirs and Successors, in the sum of One Thousand Dollars, and such bond shall be taken before the said Magistrate, and shall be conditioned for the rendering of all accounts, and the payment of all duties and penalties which the party to whom the license is to be granted will become liable to render or pay under the provisions of this Ordinance, and that such party will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties, and penalties as to all other matters and things provided by this Ordinance whatsoever.

Duration of the bond to be until full satisfaction of all accounts, duties, and penalties.

VIII. The bond aforesaid shall remain in force as long as any duties upon any Spirits distilled, manufactured, or made, while the license to which the bond relates is in force, or any penalty incurred during the said time by any breach of the conditions of the bond remain due and unpaid by the party to whom such license was granted.

New bond with fresh license.

IX. Whenever any new license is granted to any party, a new bond shall likewise be entered into with reference to such new license.

New bond on death, insolvency, or bankruptcy of any surety.

X. A new bond shall also be given whenever, during the period for which the license to which it relates is in force, either of the sureties dies, becomes insolvent, or removes permanently out of the Colony; in any of which cases the license shall become void from the time the party is required by the Magistrate to enter into a new bond until the time when such new bond is given, during which time the party neglecting to enter into such new bond shall be held to be without a license.

Name and calling of Distiller to be publicly exhibited.

XI. Every party licensed as a Distiller shall have his name and calling as such inscribed in legible characters and exposed on some conspicuous part of the front of the building or premises in which such calling is exercised, under a penalty not exceeding Fifty Dollars for each day on which he exercises such calling without complying with the requirements of this Section.

Duty of \$1 per gallon on spirits.

XII. All such Spirits as aforesaid lawfully distilled, manufactured, or made within the Colony shall be respectively subject to the duty to Her Majesty hereinafter mentioned, that is to say: on every gallon, imperial measure, of Spirits of any kind, not exceeding the strength of proof by Syke's Hydrometer, and so in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon, One Dollar; and such duty shall be computed and charged upon the quantity of Spirits to be ascertained after the first process of rectification, and shall be paid by the party distilling, manufacturing, or making such Spirits, to the Magistrate, in the manner hereinafter mentioned.

Book detailing the products used and the spirits obtained by distillation.

XIII. Every person or party licensed as a Distiller shall keep a book or books (in a form to be approved by the Collector of Customs) and to be open at all reasonable hours to the inspection of any Magistrate, or Customs or Excise Officer, or of any person authorized by a Magistrate to inspect such book, in British Columbia, wherein such Distiller shall enter from day to day the quantities of grain or other vegetable production or other substance put by him into the mash-tub, or otherwise used by him for the purpose of producing Spirits, or otherwise disposed of; and also the quantity of Spirits by him distilled, manufactured, or made, showing the quantity produced at each separate time if there have been any distinct set or sets of operations by reason of which duties have become payable. And for any wilful false entry, or any wilful neglect to make any entry hereby required, the Distiller shall incur a penalty not exceeding Two Hundred and Fifty Dollars, and the Magistrate, Customs or Excise Officer, or other authorized person, may at all times demand to be shown all the stock of such grain, vegetable production, or other substance as aforesaid, then on the premises mentioned in the license.

Accounts to be rendered to the Magistrate.

XIV. Every party licensed to act as a Distiller and acting as such shall, within ten days after the first day of each of the months in each year, render to the nearest Magistrate a just and true account in writing, extracted from the books to be kept by such person as aforesaid, and signed by such party, or his agent, or chief clerk, showing:

1. The total quantity in gallons of each kind of Spirits (with the strength thereof) on which a duty is payable, by him distilled, manufactured, or made.
2. The quantity produced at each separate time, if there have been any distinct set or sets of operations, by reason of which duty became payable.
3. The quantities of each kind of grain or other vegetable production or substance used by such party in his business as a Distiller.

4. And

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4. And such account shall be attested by the person signing the same by an affidavit in the following form:

"I, _____, do solemnly swear that the account above written, to which I have also subscribed my name, contains a true account of the total quantity of every kind of Spirits or Strong Waters, or Spirituous Liquors, distilled, manufactured, or made by me (or by _____ as the case may be) within the time mentioned in the same account, and on which duty is payable, and of the quantities of each kind respectively, and the strength thereof; and also of the quantities produced at each separate time therein mentioned by a distinct set of operations, and also of the quantities of all grain or other vegetable production or substance consumed by me (or by the said _____) during the same time, so help me God."

XV. Such affidavit shall be made before the said Magistrate, and shall be delivered with such account to the said Magistrate, who may put to the person making it such question as he may deem necessary to the elucidation and full understanding of the account, and for ascertaining whether such person has had the means of knowing the same to be correct, and may require his answers to be sworn to before him, and may reject the account if such account or the answers so given are insufficient according to the true intent and meaning of this Ordinance.

Affidavit to be made before the Magistrate who may interrogate on affidavit.

XVI. And any wilfully false statement in any affidavit or answer to a question required by this Ordinance, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Wilfully false statement to be perjury.

XVII. Every licensed Distiller shall, at the time of rendering such account as aforesaid to the Magistrate, pay over to that officer the amount of duties which by such account appear to be payable, other than such duties which may be payable in respect of Spirits deposited in a bonded or certified warehouse as hereinafter mentioned.

Sums due to be paid in to the Magistrate.

XVIII. If any licensed Distiller refuses or neglects to render such account or to pay over such duties as aforesaid, according to the true intent and meaning of this Ordinance, he shall by such refusal or neglect in either case incur a penalty not exceeding Two Hundred and Fifty Dollars, and the Magistrate may also at his discretion cause a notice to be inserted in one or more of the local papers, or the *Government Gazette*, declaring the party so refusing or neglecting to have forfeited his license as a Distiller, and such license shall be forfeited accordingly, and shall be null and void from and after the date of such notice, nor shall any new license be granted to the defaulter until after the debt and penalty aforesaid have been paid and satisfied.

Penalty for neglect.

XIX. Any Spirits subject to duty under this Ordinance may be deposited in a bonded or certified warehouse as hereinafter mentioned.

Bonded and certified warehouses.

XX. A certified warehouse shall be some place approved by the Magistrate within his district for the storage of Spirits on which the duty is unpaid.

Certified warehouse.

XXI. The key to the certified warehouse shall be kept by the said Magistrate, and he or his agents may at any time, either in the day or night, enter therein and inspect the Spirits therein contained, and may test and examine the same, and take such other steps for the protection of the Revenue as in his absolute discretion he may think proper.

Magistrate to have the key and may enter at all hours.

XXII. No Spirits shall be removed from a certified warehouse after having been placed therein without the presence either of the Magistrate or of some person nominated by him in that behalf, and the amount of duty after the rate aforesaid shall be payable on the Spirits so removed on the next monthly settlement of account.

Magistrate or person by him nominated to be present at the removal of Spirits from a certified warehouse.

XXIII. Any person entering into a certified warehouse without the consent of the Magistrate shall be liable to a penalty not exceeding Two Hundred and Fifty Dollars, and any person removing any Spirits from a certified warehouse except in the presence of the Magistrate or person nominated by him shall be liable to a penalty not exceeding Five Hundred Dollars.

Penalty on persons entering a certified warehouse without the consent of the Magistrate.

XXIV. The Collector of Customs may, with the approval of the Governor, make such regulations as to him may seem necessary relative to the warehousing of Spirits under this Ordinance.

Collector of Customs may make regulations with regard to warehousing.

XXV. Every licensed Distiller shall, on being thereunto required by a Magistrate or by any person authorized by a Magistrate, produce to him at any reasonable time and hour, and shall allow him to take copies and extracts from such books and accounts as are requisite to enable him

Magistrate may inspect books.

to

Excise Ordinance.

to verify any account rendered as aforesaid, and shall at all times and hours allow the Magistrate, or any person employed by him, free access to the buildings and premises in which such Distiller exercises his calling as such, under a penalty of Twenty-five Dollars for each neglect or refusal to comply with the requirements of this Section.

Place of production to be on the business premises.

XXVI Except that no Magistrate or other person shall require any such book or account to be produced to him elsewhere than at the place where such Distiller carries on his business as such.

Notice to Magistrate previously to working the distillery.

XXVII. No Distiller shall work his Distillery at any time unless he has given at least twenty-four hours previous notice in writing to the nearest Magistrate of his intention to work the same at such time, and such notice shall not extend to a longer period than thirty days from the delivery thereof to the said Magistrate.

Meaning of working a distillery.

XXVIII. Any use made of any still, mash-tub, or fermenting-tun, for the purpose of distillation, mashing, or fermentation, shall be deemed to be a working of the Distillery and an acting as a Distiller within the meaning of this Ordinance.

Penalty for working without a notice.

XXIX. If any Distiller works his Distillery at any time for which he has not given notice of his intention to work the same, he shall for each day on which he so works such Distillery incur the same penalty and forfeiture as if he had worked the same without a license.

Distiller to furnish lights, ladders, measures, &c., for the purpose of inspection.

XXX. Every licensed Distiller shall at all times furnish the Magistrate or his assistant, or other authorized person, with lights, ladders, measures, and other things requisite to enable him properly to examine, inspect, measure, or gauge any still, auxiliary vessel, mash-tub, fermenting-tun, or other vessel, or any grain, vegetable, or other substance or matter as aforesaid on the premises of such Distiller or any part of such premises under a penalty of Twenty-five Dollars for any refusal or neglect to comply with the requirements of this Section.

Magistrate may enter.

XXXI. The Magistrate and any person or persons acting under him or by his directions may, at any hour of the day or night, enter any premises referred to in any license granted under this Ordinance, and may make all necessary enquiries and searches therein for the purpose of ensuring the execution of this Ordinance according to its true intent and meaning, subject to the restrictions hereinbefore mentioned.

Spirits may be bonded in the Colony, and exported in bond under certain restrictions.

XXXII. It shall be lawful for any Distiller to bond any Spirits manufactured under this Ordinance in this Colony, and to export the same in bond from the Colony, nevertheless with, under, and subject to all such regulations and restrictions for the protection of the Revenue, as shall from time to time be prescribed by the Collector of Customs in that behalf.

Recovery of duties.

XXXIII. Any duties payable under this Ordinance shall be recoverable at any time after the same ought to have been accounted for and paid, whether on account of the quantity of Spirits as aforesaid on which they are payable has or has not been rendered as aforesaid, but in the case last mentioned the party by whom such duties are payable shall incur a penalty not exceeding the sum of Two Hundred and Fifty Dollars and the amount of duties for his neglect to render the accounts relative to the same as hereinbefore required, in addition to any other penalty incurred by him by such neglect; and all such duties shall be recoverable with full costs of suit in favor of Her Majesty.

Payment of penalty not to affect the payment of duties.

XXXIV. The payment of any penalty imposed by this Ordinance shall not discharge the party paying the same, or his sureties, from the obligation to pay all duties due by such parties, and the same shall be paid and may be recovered as if such penalty had not been paid or incurred, and all such duties shall be recoverable with full costs of suit, as a debt due to Her Majesty.

Stock in trade and utensils, &c., to be liable for duties.

XXXV. And without any prejudice to the liability of any other property of the debtor or his sureties, the stock in trade, stills and mash-tubs, fermenting-tuns, and other machinery and utensils, whether so fixed as to form part of the real or immovable property or not which are on the premises mentioned in the license at the time any such duties become due, shall be liable for such duties and for any penalty incurred by the Distiller on whose premises they are by special privilege and lien in favour of the Crown; and may be seized and sold in satisfaction of the same under any Warrant of Distress or Writ of Execution and removed by the purchaser, to whomsoever the same might otherwise belong, or into or in whose lands or possession soever the same have passed or are found, and notwithstanding any claim to the same, or privilege, or lien thereon in favor of any other person or party whomsoever; and if the same be forfeited under the provisions of this Ordinance for any contravention thereof, they may be seized by the Magistrate or any person acting under his authority, at any time after the commission of the offence for which they are forfeited, and marked, detained, or secured until condemned or released by competent authority, and shall

Excise Ordinance.

shall not while under seizure be used by the offenders, and if condemned they shall be removed or sold or otherwise dealt with in such manner as the Magistrate shall direct.

XXXVI. The penalty or forfeiture incurred for any offence against the provisions of this Ordinance and the duties payable hereunder may be sued for and recovered before the Magistrate of the District in which the offence was committed or the premises used as a Distillery is situate; and any such penalty or duty may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Magistrate, or the said Magistrate may in his discretion commit the offender to Gaol, until the penalty with the costs of prosecution shall be paid. Summary procedure

XXXVII. Provided always that any pecuniary penalty or any forfeiture imposed by this Ordinance, whatever may be the amount thereof, may be sued for and recovered with costs, on the oath of any competent witness, in any Court having Civil Jurisdiction to the amount of such penalty or forfeiture, by Her Majesty's Attorney General, or by any other person or officer thereunto authorized by the proper authority; and such penalty or forfeiture shall belong to Her Majesty. General jurisdiction

XXXVIII. No person making any seizure under this Ordinance shall be liable to damages if such seizure be declared not valid, providing the Court or Magistrate declaring it not valid certify that there was probable cause for making it. Saving of persons who may seize with probable cause.

XXXIX. Any person refusing or neglecting to appear before any Magistrate or any Court to give evidence when summoned, concerning any alleged offence against the provisions of this Ordinance, shall for such refusal or neglect incur a penalty of not more than Two Hundred and Fifty Dollars, to be recovered in the manner hereinbefore provided for the recovery of other penalties of like amount. Penalty on witnesses refusing to appear and answer.

XL. When any act, deed, matter, or thing is required or permitted to be done, performed, or executed by any Public Officer by virtue of his Office, the same may be done, performed, or executed by any person for the time being lawfully acting or empowered to act in such office, and in particular where any act, deed, matter, or thing is required or required to be done, performed, or executed by the Governor, the same may be done, performed, and executed by the person for the time being lawfully administering the Government. Powers of temporary Public Officers.

XLI. Whenever in describing or referring to any person or party, matter, or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction. Interpretation clause.

XLII. This Ordinance may be cited for all purposes as "The Excise Ordinance, 1867." Short Title.

Passed the Legislative Council the 26th day of March, A. D. 1867.

CHARLES GOOD,

Clerk.

ARTHUR N. BIRCH,

Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,

Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 36.

An Ordinance to assimilate the Laws for the regulation of Harbours in all parts of the Colony of British Columbia.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Laws for the regulation of Harbours in all parts of the Colony of British Columbia; Preamble.

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

I. "The Harbour Regulation Ordinance, 1865," of the Colony of British Columbia before the Union, and "The Harbour Regulation Act, 1863," of the former separate Colony of Vancouver Island and its Dependencies, are hereby repealed. Repeals former Acts. Provided however, that all liabilities and penalties imposed and accruing, due under the said repealed Ordinance and Act or either of them, and all remedies and punishments for recovering and enforcing the same shall still, notwithstanding such repeal, remain in full force and effect and be capable of being enforced and inflicted as if such Ordinance and Act were still in force, but not further or otherwise.

II. The Harbour Master of every Harbour or Port in the Colony of British Columbia shall give directions for regulating the time at which and the manner in which every Vessel shall enter into, go out of, or to, or be in any Harbour, Pier, or Wharf within the jurisdiction of such Harbour Master; and the position, mooring or unmooring, placing and removing of every Vessel whilst therein; for removing unserviceable Vessels and other obstructions from the Harbour, Pier, or Wharf, and keeping the same clear; and for regulating the use of fires and lights within or upon the Vessels in the Harbour, or in or at any Pier or Wharf. Harbour Master to make general Harbour Regulations.

III. The Master of every Vessel within any Harbour, or at any Pier or Wharf, shall regulate such Vessel according to the directions of the Harbour Master, made in conformity with this Ordinance. Any Master or other person in charge of any Vessel who, after notice of any such direction by the Harbour Master served upon him, shall not forthwith regulate such Vessel according to such directions, shall be liable to a penalty not exceeding One Hundred Dollars. Penalties for non-conformity therewith.

IV. In the event of the Harbour Master not finding the Master or Officer in charge of any Vessel on board to obey his instructions, when the service is required without delay, or in the event of such Master or other person neglecting to satisfactorily conform to such direction, it shall be lawful for the said Harbour Master, or any person acting under his authority, to employ a sufficient number of persons to perform the required service, and to recover the amount of the same from the Owner or Master of such Vessel, in a summary manner before any Justice of the Peace, and in case of refusal or neglect Charges incurred by Harbour Master when to be levied by distress.

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neglect of payment of such charge for the space of seven days after conviction, the Harbour Master may levy such charge by distress and sale of such Vessel, or the tackle or furniture thereof; and the said Justice shall issue his warrant accordingly. Provided, that the levy aforesaid shall in nowise affect any penalties to which such Master or other person shall have rendered himself liable.

Rules for discharging coals, ballast, and loose material.

V. Every Master or person in charge of any vessel, previously to loading or unloading, or discharging ballast, coals, cinders, stones, bricks, tiles, or any other loose matter of a like nature, shall be, and is hereby required to fasten canvass or a cloth, or a sheet from the Vessel, extending to the Wharf, Quay, or Vessel, to or from which such ballast or other loose material shall be conveyed, so as to prevent any part thereof from dropping into the Harbour, and shall place the same at such distance or point from or near the edge of every Quay or Wharf in which the same shall be placed to be loaded or discharged, as such Harbour Master shall order, and in default of so doing every such Master or other person shall be liable for every such offence to a penalty not exceeding One Hundred Dollars.

Removal of tar, pitch, gunpowder, &c., &c.

VI. Every person being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, gunpowder, or other combustible thing which shall be upon any Quay or Wharf, or on the Deck of any Vessel within any Harbour, or at or near any Wharf or Pier, shall cause the same to be removed to a place of safety, or otherwise secured or rendered safe, within two hours after being required so to do, by notice in writing under the hand of the Harbour Master, and in default of so doing shall be liable to a penalty not exceeding Twenty-five Dollars for every hour such combustible thing shall remain in any such place aforesaid, after the expiration of two hours from the service of such notice.

Penalty for throwing rubbish into Harbours.

VII. Every person who shall throw or put any ballast, earth, stones, ashes, rubbish, or other material, into any Harbour, or shall knowingly permit the same to be so thrown or put, shall, unless he shall have obtained permission in that behalf in writing, under the hand of the Harbour Master, with the sanction of the Governor for the time being, be liable to a penalty not exceeding Two Hundred and Fifty Dollars for every such offence, and on such offence being proved, one-half of the said penalty may, at the discretion of the Justice before whom the complaint shall be made, be paid to the informer or informers thereof.

Penalty for mooring on buoys.

VIII. No Master, Commander, or Pilot, having charge of any Vessel or Ship, shall moor or in any way make fast any such Vessel or Ship to any Buoy or Beacon not being a Mooring Buoy or Beacon, or make use of the same for warping, under a penalty not exceeding Five Hundred Dollars.

Vessels to be trimmed as Harbour Master may order.

IX. Every Master, Commander, Pilot, or other person having charge of any Vessel or Ship, shall, when required so to do by the said Harbour Master, or by any person acting under his authority, peak their yards, place sprit sail yard fore and aft, run jib-boom in, get their anchors on the fore-castle deck, rig in main and mizen booms and stern and quarter davits.

Penalty for false information as to draught of water.

X. Any Master or other person having the command of any Vessel, who shall give false information of the draught of water of any such Ships shall be liable to a penalty of not exceeding Ten Dollars.

Penalty for injuring buoys, beacons, &c.

XI. Any Master or other person who shall remove, or wilfully or through negligence injure or destroy, or permit a Vessel to strike, any Light-Ship, Beacon, Buoy, Light-House, or Land-Mark belonging to the Colony, and within the jurisdiction thereof, shall, for each such offence be subject to a penalty of not exceeding Five Hundred Dollars, in addition to the amount of the damage done, the amount of such damage to be ascertained in a summary manner before any Justice of the Peace, and in default of payment to be levied by distress and sale of the goods of the offender, of the vessel doing the damage, or of the tackle or furniture thereof; provided that the offender may be arrested and detained in custody until the return of

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of the warrant of distress, and in case of the insufficiency of such distress he may be committed to prison for three calendar months, or until payment of the amount for the time being remaining due of such penalty, damages, and all costs incurred in carrying out the provisions of this Ordinance.

XII. No Master, Commander, Pilot, or other person in charge of any Vessel or Ship, shall be allowed to smoke any such Vessel or Ship for rats or vermin, without the authority of the said Harbour Master. Vessels not to be smoked unless by Harbour Master's permission.

XIII. No pitch, tar, or other combustible matter, shall be heated or melted on board of any Vessel or Ship, or on the Wharves, within the precincts of any of the Harbours of British Columbia, by any Master, Commander, or Pilot, in charge of any Vessel or Ship, without the consent of the Harbour Master. Pitch and oil not to be melted unless by Harbour Master's permission.

XIV. No person or persons shall let go, cut, or unfasten any rope, chain, or other fastening to or from any Vessel or Buoy, Anchor, Mooring, Dolphin, or Wharf, or other place connected with any Ship or Vessel in any Harbour of British Columbia, unless authorized so to do by the said Harbour Master, or by some person acting under his orders, or by the Pilot, Master, or Commander of any Vessel or Ship which may be in the act of mooring, unmooring, or removing. Moorings not to be cut.

XV. Masters, Commanders, or Crews of Vessels or Ships, shall not impede the said Harbour Master, or any person acting under his orders, or in the execution of their duties. Harbour Master not to be impeded in his duties.

XVI. Any person infringing any provisions of this Ordinance shall be liable to a penalty not exceeding Twenty-five Dollars for each and every such offence, unless otherwise herein specially provided for. Penalties.

XVII. Wherever in this Ordinance any pecuniary penalty is imposed for any offence the same may, unless otherwise provided, be recovered by way of summary proceedings before any single Justice of the Peace having jurisdiction in the locality in which the offence was committed, and every such penalty may with costs of conviction be levied by distress and sale of the Goods and Chattels of any offender, and in case such Goods and Chattels shall prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending for any term not exceeding three calendar months. Penalties how recovered.

XVIII. In case of any summary conviction under this Ordinance no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted, and there be a good and valid conviction to sustain the same. Warrant of commitment.

XIX. The word "Harbour" shall include all Ports, Inland Places, and Waters to which the provisions of this Ordinance may be applied or from time to time varied by any Proclamation of the Governor to that effect. Interpretation clause.

XX. This Ordinance may be cited for all purposes as the "Harbour Ordinance, 1867." Short Title.

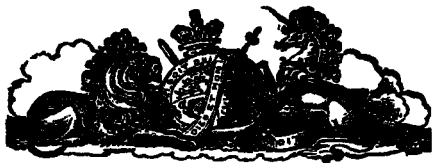
Passed the Legislative Council the 26th day of March, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 37.

An Ordinance to assimilate the Law regarding Aliens in all parts of the Colony of British Columbia.

[2nd April, 1867.]

WHEREAS it is expedient to assimilate the Law regarding Aliens in all parts of the Colony;

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

I. "The Aliens' Act, 1859" of British Columbia before the Union, and "The Act to enable Aliens to hold Real Estate, 1861," and "The Alien Act, 1861," of the former Colony of Vancouver Island, are hereby repealed; but such repeal shall not affect or prejudice any rights acquired or things *bona fide* done thereunder. Repeals former Acts.

II. All Aliens who shall have been heretofore duly naturalized, either in that portion of British Columbia heretofore called the Colony of Vancouver Island and its Dependencies or the remainder of the present Colony of British Columbia, shall be deemed and taken to have been duly naturalized and entitled to hold and transmit all and singular the rights, benefits, and privileges, of and from naturalization as British-born Subjects, and therewith connected, as and from the date of their naturalization in either of such respective portions of this Colony, as if they had been duly naturalized at such last mentioned date in and for the whole of the Colony. Rights of Aliens naturalized before Union.

III. Every Alien now residing, or who may hereafter come to reside in the said Colony with intent to settle therein, and who shall have actually resided therein for a continuous period of one year, without having been, during any portion of that time, a stated resident in any Foreign Country out of Her Majesty's dominions, shall be entitled to procure himself to be naturalized in manner hereinafter described. Alien may be naturalized after one year's residence.

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

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

VI. It

Alien Ordinance.

Proceeding before
Supreme Court.

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

Women naturalized
by marriage.

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

False statement
perjury.

VIII. The declarations hereinbefore referred to (the Forms whereof are set forth in the Schedule hereunto) shall be deemed to be made in accordance with the Act 5 and 6, William IV., c. 82, for the abolition of unnecessary oaths; and any wilful false statement made therein shall be deemed perjury, and shall expose every person making such false statement or procuring the same to be made to all the penalties of perjury; and in addition to all such penalties, it shall be lawful for the said Court, on motion by the prosecutor, on any trial for perjury or subornation of perjury in respect of any such declaration, to declare null and void the naturalization based upon such false declaration; and thereupon all such steps shall be taken as shall be thought fitting by the said Court. Provided, nevertheless, that nothing shall affect the rights of any other person, derived under the person whose naturalization is so annulled, unless such other person shall have been cognizant of the perjury at the time of acquiring the right.

Penalty.

Fees to be paid.

IX. There shall be paid to the Justice of the Peace before whom such declarations and oaths as aforesaid shall be taken and subscribed, the sum of One Dollar and no more for each such declaration and for such oath respectively, and to the Registrar of the said Court for reading and recording the said Certificate and documents, the sum of One Dollar and Fifty Cents and no more; and for every copy of such documents the same amount as for an office copy of any judgment of the said Court; and all such fees shall be applied as any other fees payable to Justices and Registrars are applicable by law or custom.

Rights of Aliens to
hold Real Estate.

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

Short Title.

XI. This Ordinance may be cited for all purposes as "The Aliens Ordinance, 1867."

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.
Schedule.

Alien Ordinance.

THE SCHEDULE BEFORE REFERRED TO.

FORM A.

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

(Signed) M. N.

Declared and subscribed by the said M. N., before me, in pursuance of an Act of the Imperial Parliament of the United Kingdom, 5 and 6, William IV., c. 62, and of "The Aliens' Ordinance, 1867." And I hereby certify that to the best of my knowledge and belief, the said A. B. has complied with the requisite formalities specified in such Ordinance, entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed) J. P.

J. P. for _____, residing at _____, this _____ day of _____, 18 .

FORM B.

I, A. B., do solemnly declare that I have resided One year in this Colony, with intent to settle in this Colony, and without having been during that time a stated resident in any Foreign country. And I make this solemn declaration conscientiously believing the same to be true, and in compliance with the provisions of the Statute made and passed in the Session of Parliament, held in the 5th and 6th years of the Reign of the late King William IV., intituled "An Act for the abolition of unnecessary Oaths."

(Signed) A. B.

Declared and subscribed before me, in pursuance of an Act of the Imperial Parliament of the United Kingdom, 5 and 6, William IV., c. 62, and of "The Aliens' Ordinance, 1867." And I hereby certify that to the best of my knowledge and belief, the said A. B. has complied with the requisite formalities specified in such Ordinance, entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed) J. P.

J. P. for _____, residing at _____, this _____ day of _____ 18 .

FORM C.

OATH OF ALLEGIANCE.

I, A. B. do solemnly promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors. So help me God.

(Signed) A. B.

Sworn and subscribed by the said A. B., before me, this _____ day of _____ 18 . And I hereby certify that to the best of my knowledge and belief, the said A. B. has complied with "The Aliens' Ordinance, 1867," entitling him to be naturalized as a British subject, and I know of no reason why he should not be so naturalized.

(Signed) J. P.

J. P. for _____, residing at _____, this _____ day of _____ 18 .



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 38.

An Ordinance to Incorporate the City of Victoria.

[2nd April, 1867.]

WHEREAS, it is expedient that the inhabitants of the tract of land commonly known as Victoria Town should be Incorporated; Preamble.

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

I. From and after the passing of this Ordinance, the inhabitants of the tract of land specified in the first part of the Schedule hereto shall be Incorporated under the style and Title of "The Corporation of the City of Victoria," and may sue and be sued by that Corporate name. Incorporates City of Victoria.

II. The City shall be divided into three Wards;—The Johnson Street Ward, the Yates Street Ward, and the James Bay Ward. Creates three Wards.

The Johnson Street Ward shall include the tract of land specified in the second part of the Schedule hereto.

The Yates Street Ward shall include the tract of land specified in the third part of the said Schedule.

The James Bay Ward shall include the tract of land specified in the fourth part of the said Schedule.

III. The Government of the said City shall, subject to the provisions of this Ordinance, be placed under the control of a Municipal Council. Such Council shall consist of a Mayor and six Municipal Councillors, possessed of the qualifications and subject to none of the disqualifications hereinafter specified. Constitution of Council.

IV. The qualification for a Mayor or Municipal Councillor shall be as follows: Qualification of Mayor and Councillors.

Being a male British subject of full age.

Having resided within the Colony of British Columbia for a space of six calendar months previous to the election;

Being at and having been for the three calendar months next preceding the time of election, rated on the Municipal Assessment Roll of the same City in respect of freehold to at least the value of Five Hundred Dollars, or in respect of leasehold to at least the yearly rental of One Hundred Dollars.

V. The disqualification for a Mayor or Municipal Councillor shall be as follows: Disqualification of Mayor and Councillors.

Being a Minister of any Religious Denomination.

Being a Sheriff, or a Sheriff's Officer.

Being a Bankrupt, Insolvent Debtor, or Outlaw, or having been convicted of Felony.

Having directly or indirectly any contract with the Corporation.

Being a Naval or Military Officer on full pay, or being in receipt of any allowance from the Corporation.

VI. The candidate for the Mayoralty (being duly qualified therefor), who shall obtain the greatest collective number of votes, shall be Mayor. Mayor how elected.

VII. There shall be two Municipal Councillors elected in manner hereinafter mentioned in each of the said Wards. Municipal Councillors how elected

VIII. The

Victoria Municipal Ordinance.

- By what votes. VIII. The two Candidates in each Ward (duly qualified) who shall obtain the greatest number of votes in the Ward for which they stand shall be Municipal Councillors.
- Who may vote. IX. Every person possessed of the qualifications and under none of the disqualifications hereinafter mentioned concerning Voters of the said Corporation, shall have one vote in the election of a Mayor, and shall, in addition, have two votes in the election of Municipal Councillors for each Ward wherein he has qualification, but in voting for Municipal Councillors he shall only vote once in the same Ward, and may split his vote between any two of the candidates or vote for one candidate only, and if he shall vote for one his vote shall only count one.
- Voting open, and not by proxy. X. The voting for Mayor and Councillors shall be open, and no one shall vote by proxy.
- Term of election. XI. The Mayor and Municipal Councillors shall be elected for one year, provided always, that if the Mayor, or any of the Municipal Councillors, or any person on his or their behalf, or any person in partnership with him or them, shall enter into or obtain any interest directly or indirectly, in any contract entered into by or with the Corporation, such Mayor or Municipal Councillor having any interest in any contract or having become disqualified as aforesaid, shall immediately be disqualified from continuing to be Mayor or Municipal Councillor as the case may be.
- Forfeit of \$2,500. Provided always, that if any Mayor or Municipal Councillor shall vote at any meeting of the Municipal Council, or shall not resign his office within the space of one calendar month from the time when he shall have entered into or obtained any interest in any such contract as aforesaid, such Mayor or Municipal Councillor shall forfeit to the Corporation a sum of Two Thousand Five Hundred Dollars, and as to the said sum the same may be recovered by action, to be brought in the name of the Corporation of the City of Victoria; but all votes given under such circumstances shall be valid.
- Fixes day of nomination. XII. The nomination shall be on the 8th day of November, in each year, and the polling (if any) on the day following; provided that, if either of the said days shall fall on a Sunday, the nomination or polling shall take place on the following day.
- Place of poll. XIII. The poll shall be held in such place as shall be in that behalf appointed by the outgoing Municipal Council, who shall give at least seven days' notice of the place of nomination and poll in each Ward by advertisement thereof, in one or more newspapers published in the City.
The vote for Mayor shall be given in Yates street Ward and no other.
- Returning officers. XIV. The outgoing Municipal Council shall appoint the Returning Officers previous to any ensuing election.
- Duties of Returning officers. The Returning Officer of Yates Street Ward shall on the day of nomination, at noon, nominate such persons as shall be put in nomination, in that behalf, by some duly qualified voter, as candidates for the office of Mayor, or Municipal Councillor, as the case may be; a show of hands shall then take place, and the Returning Officer shall thereupon declare which of the candidates has or have been elected by the show of hands.
Any candidate, or voter on his behalf, may thereupon demand a poll, which shall be taken on the day of polling, and the Returning Officer shall, within twenty-four hours after the close of the poll, publicly declare the number polled for each candidate, and who has or have been elected by the greatest number of votes.
In case of a poll being demanded, the poll books and lists of voters for each Ward shall be supplied by the outgoing Municipal Council to the Returning Officers.
The polls shall be kept open between the hours of eight o'clock a. m. and four o'clock p. m. The Returning Officers shall immediately after the declaration of the poll deliver to the Clerk of the Municipal Council the poll books sealed; and such Clerk shall permit any reasonable inspection thereof by any duly qualified voter, and if required, furnish a certified copy thereof, upon payment of Twenty-five Cents per Hundred words.
In the election of Mayor or Municipal Councillors, if there be an equality of votes, the Returning Officer shall have a casting vote, to be given at the time of the declaration of the poll.
All expenses attendant upon any election under this Ordinance shall be borne by the candidates in equal proportion; such expenses in any Ward shall not exceed the sum of Fifty Dollars.
- Qualification of voters. XV. The qualification of voters shall be as follows:
Being a Male of full age.
Having resided in the Colony of British Columbia for the three calendar months next preceding the election at which he tenders his vote.
Being at the time of tendering his vote, rated on the Municipal Assessment Roll

Victoria Municipal Ordinance.

Roll of the said City, and having paid all Assessments due up to the time of voting.

XVI. The disqualification of Voters shall be as follows:
Being a Bankrupt, Insolvent Debtor, or Outlaw, or having been convicted of Felony. Disqualification of voters.

XVII. Every person tendering his vote at the election of a Mayor or Municipal Councillor shall before voting, if required by any duly qualified Voter so to do, answer such of the following questions as shall be put to him. Voters may be questioned.

1. Are you the same person whose name appears in the Municipal List of Voters for the City of Victoria as [A. B.]?

2. Have you already voted during this election for Mayor or Municipal Councillors in this Ward?

3. Have you paid all Municipal Taxes due from you up to this date?

Any such person who shall untruly answer either of the above questions shall be deemed to have been guilty of a misdemeanor, and be liable to be punished as for perjury. Penalty for untruth.

XVIII. At the nomination, or at any time before the close of the poll, any duly qualified voter may require the oaths hereinafter mentioned to be administered to any candidate. Administration of oaths.

If such candidate shall not be present, the Returning Officer shall forthwith cause a notice to be left at the usual place of abode of such candidate calling upon him to take the oath hereinafter mentioned; and in default of such candidate taking such oath within twenty-four hours after the personal receipt of such requisition, or in default of such candidate taking such oath within five days, at all events, all votes given for such candidate shall be null and void.

I, A. B., do hereby swear, that I am a British Subject and that I am possessed of the property qualification required by and subject to none of the disqualifications mentioned in the "Victoria Municipal Ordinance, 1867," with respect to a Municipal Councillor (or Mayor, as the case may be), and that the said property is situated at

XIX. The Returning Officer, or Clerk of the Municipal Council, shall have power at elections to administer the Oaths and put the questions required by this Ordinance. By whom administered.

XX. The Clerk of the Municipal Council shall within three days after the election or declaration of the Poll, file a certificate in the Supreme Court of Civil Justice of the result of such election or poll. Result of poll to be filed in Supreme Court.

XXI. The Returning Officers shall, before entering upon their respective duties, severally take the oath following, before some Justice of Peace of British Columbia, or before three duly qualified Voters: Oath of Returning officers.

I solemnly swear that I will faithfully fulfil the duties of my office without fear or favor, and that I have not received, nor will receive, any bribe to influence my conduct.

XXII. Every person who shall have presented himself for nomination, and who shall have been elected Mayor or Municipal Councillor, must serve, or in default pay a sum of Two Hundred and Fifty Dollars towards the Municipal Revenue, such sum with costs to be recoverable by the said Clerk aforesaid, summarily before any Justice of Peace aforesaid, and every Mayor and Municipal Councillor shall, within six days after election, and before taking his seat, take the following oath, before some Judge of the Supreme Court of Civil Justice of British Columbia, or before a Justice of Peace: Penalty of \$250 on elected Mayor or Councillor not serving.

I am a British Subject, possessing the requisite property qualification, which is (statement of qualification), and subject to none of the disqualifications mentioned in the "Victoria Municipal Ordinance, 1867," and have not, nor will have while holding office, any interest directly or indirectly in any contract connected with the Corporation. Oath to be taken by Mayor and Councilors.

I have not, by myself, or any other person, knowingly employed any bribery, corruption, or intimidation, to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters.

Every member of the Municipal Council shall, before taking his seat at the Municipal Council, produce a certificate from a Judge of the Supreme Court of Civil Justice of British Columbia, or a Justice of Peace, stating that the necessary oaths have been taken by such member.

XXIII. In case of the death, bankruptcy, insolvency, resignation, or permanent absence for the space of three consecutive calendar months from the City, of the Mayor for the time being, or in case the Mayor shall decline to accept office or neglect to take the necessary oaths, the Municipal Councillor who shall be selected by the Municipal Council for that purpose, shall preside at the meetings of the Municipal Council, and shall have the same powers, duties, and privileges, and be subject to the same liabilities and responsibilities which the Mayor would have had, and been subject to, if presiding, until the next day of election. Provisions for non-fulfilment of office of Mayor;

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- of Councillors.** In case of the death, bankruptcy, insolvency, resignation or permanent absence of any one or more of the Municipal Councillors, or in case of a Municipal Councillor filling such vacancy in the office of Mayor as aforesaid, an election of a Municipal Councillor or Councillors shall take place in the usual manner to fill the vacant office or offices until the next annual election.
- Re-election of Councillors.** XXV. The Mayor or presiding Municipal Councillor shall within six days from such vacancy, fix the day for the nomination and election of such new Municipal Councillor or Councillors, and the nomination and polling shall be held in manner aforesaid.
- Validity of elections how to be tried.** XXV. The validity of all contested elections shall be tried before any Judge of the said Supreme Court, in manner following: Any voter or candidate may present a petition to the said Supreme Court, praying that the election of any Mayor or Municipal Councillor may be avoided on either of the following grounds: by reason of bribery, intimidation, or undue influence; by reason of such Mayor or Municipal Councillor not having obtained a majority of the votes of the duly qualified electors; by reason of such Mayor or Municipal Councillor not possessing the requisite property qualification, or being under some disqualification as aforesaid.
- Security, &c.** The petitioner shall in each case give such security for costs as the Court shall direct.
The order of the Judge on the said petition shall be final and conclusive, and may contain all necessary directions for the holding new elections or otherwise as may be requisite.
Such Judge may from time to time make rules for regulating the trial of such petitions and the matters and things connected therewith.
- Council meetings public.** XXVI. The Municipal Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct. A special meeting may be open or closed, as in the opinion of the Municipal Council, expressed by resolution in writing, the public interests require.
- Council when to be summoned.** XXVII. The Mayor (or in his default the Clerk of the Municipal Council) shall, within seven days from the day of election, summon the Municipal Council to meet on a day not more than fourteen days after the day of election, at some place to be mentioned in such summons.
- Four a quorum.** XXVIII. All Acts, whatsoever, authorized or required by virtue of this Ordinance, to be done by the Municipal Council, and all questions of adjournment, and others that may come before the Municipal Council, may, save where otherwise expressed, be done and decided by the majority of the members of the Municipal Council who shall be present at any meeting held in pursuance of this Ordinance, the whole number of members present at such meeting not being less than four; at such meeting the Mayor, if present, shall preside, and the Mayor (or in the absence of the Mayor such Municipal Councillor as the members of the Municipal Council then assembled shall choose to be the Chairman of that meeting) shall have a casting vote in all cases of equality of votes; the minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the Mayor or Municipal Councillor presiding at such meeting, and the said minutes shall be open to the inspection of any person, who may make copies thereof and extracts therefrom, at all reasonable times, on payment each time of a fee of twenty-five cents.
- Mayor or Chairman a casting vote.** XXIX. Previous to the introduction of any business at any meeting of the Municipal Council, a notice in writing of any business proposed to be brought forward by any member, shall be publicly exhibited for twenty-four hours previously to such meeting, in some public place to be agreed upon by the Municipal Council.
- Notice of business to be made public.** XXX. Previous to any meeting of the Municipal Council, other than adjourned meetings, a notice of the time and place of such intended meeting shall be given twenty-four hours at least before such meeting, by fixing a copy of the said notice at the Municipal Council Chambers, and such notice shall be signed by the Mayor, who shall have power to call a meeting of the Municipal Council as often as he shall think proper.
- Notice of meeting to be made public.** XXXI. In case the Mayor shall refuse or neglect to call a meeting within twenty-four hours after a requisition for that purpose, signed by three members of the Municipal Council at the least, shall have been presented to him, it shall be lawful for the said three members to call a meeting of the Municipal Council by giving such notice as is hereinafter declared in that behalf; such notice to be signed by the said three members, instead of the Mayor, and stating therein the business proposed to be transacted at such meeting, and in every case a summons to attend the Municipal Council, specifying the business proposed to be transacted at such meeting, signed by the Mayor or the members, as the case may be, shall be left at the usual places of abode of every member of the Municipal Council, or at the premises in respect of which he is placed on the Municipal Assessment Roll, three clear days at least before such meeting, and no business shall

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shall be transacted at such meeting other than the business which is specified in the notice.

XXXII. The Municipal Council may, out of their own body, from time to time, appoint such and so many Committees, and consisting of such members as they may think fit, for any purposes which in the discretion of the Municipal Council would be better regulated and managed by means of such Committees, but all proceedings of such Committees shall be subject to the approval of the Municipal Council. Sub-Committee may be appointed.

XXXIII. The Municipal Council shall, on or before the first Monday in January in each year, cause an estimate to be prepared of the expenditure required and proposed for the service of the ensuing year, and for the purpose of raising a revenue to meet such expenditure, may thereafter by By-Law or By-Laws, passed and confirmed as hereinafter provided, annually levy and assess a rate or rates upon all owners of Real Estate in respect of such estate (including the improvements thereon) within the City limits, not exceeding in any one year the one-fourth of one per cent. on the market value thereof, and may also annually levy and assess a rate or rates on Estimate for the year to be prepared. Rates leviable.

- Persons carrying on any Trade or Business by wholesale, not exceeding \$20 per annum.
- Persons carrying on any other Trade, Business, or Calling, not exceeding \$5 per annum.
- The owners of all Dogs running at large, for each Dog, not exceeding \$2 per annum.
- Persons keeping Horses for private use, for each Horse, not exceeding \$2.50 per annum.

XXXIV. The following Real Estate shall be exempted from all taxation which may be imposed under this Ordinance, that is to say: Certain estate exempt from Municipal taxation.

1. All Real Estate vested in or held in trust for Her Majesty or for the public uses of the Colony, or vested in or in trust for the Corporation, and either occupied or unoccupied by some person in an official capacity.
2. All property vested in any person or body corporate in trust for or for the use of any tribe or body of Indians.
3. Every place of Public Worship, Churchyard, Burying Ground, Public School-house, Public Roadway, Square, Town or City Hall, Gaol, House of Correction, Lock-up House, and Public Hospital, with the land absolutely requisite for the due enjoyment thereof.

XXXV. The Municipal Council shall have power to make By-Laws for any of the following purposes: For what purposes By-Laws may be made.

1. The prevention and removal of nuisances within the City.
2. The regulation of the traffic within the City, and for preventing immoderate riding or driving.
3. To regulate the maintenance, repair, and construction of the highways, foot-paths, public wharves and bridges, situated within the said City.
4. To provide for the inspection of all cattle, meats, poultry, fish, and vegetables, offered or exposed for sale, and to prevent the sale or exposure of diseased or unwholesome food.
5. To accept, purchase, and hold such Real Estate as may be required for corporate purposes, and to erect such buildings thereon as may be requisite for corporate purposes.
6. To establish and regulate public markets.
7. To regulate and provide for the drainage and sewerage of the said City.
8. To make regulations with regard to the preservation of the said City and the safety of individual houses from fire, and to regulate all matters affecting the liability of the said City to fire.
9. To regulate the public lighting of the said City, and to regulate the public lights in the said City.
10. To establish and maintain land marks in the said City.
11. To establish a general grade for the streets in the said City.
12. To regulate the sanitary condition of the said City.
13. To regulate the construction, cleansing, and disinfecting of drains, cesspools, and privies.
14. To prevent indecent inscriptions or placards.
15. To prevent persons causing water, rubbish, or noxious, offensive, or unwholesome matter or substances to collect or accumulate on or in front of their premises, and to prevent the deposit or throwing of broken glass, or other matters or things dangerous to traffic, on the public highways or in open places.
16. To prevent and regulate shows and public exhibitions.
17. To appoint an Inspector of gas-meters.
18. To regulate the sale, storage, carriage, and disposal of gunpowder or any other combustible matter in and through the said city, and the working and inspection of steam engines.
19. To accept, purchase, hold, sell, and dispose of land for public cemeteries beyond the City limits, and to provide for the regulation of cemeteries.

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20. To provide for taking census of the Inhabitants of the City.
21. To prevent cruelty to animals.
22. To kill dogs running at large.
23. To settle height of fences and regulate division fences.
24. To prevent the growth of weeds.
25. To prevent destruction of trees.
26. To prevent destruction of sign-boards.
27. To suppress houses of ill-fame.
28. To prevent and regulate horse racing.
29. To prevent and regulate public bathing.
30. To regulate the sale of animals.
31. To regulate hucksters.
32. To regulate vehicles exposing articles for sale.
33. To prevent and regulate slaughter houses
34. To prevent and regulate manufactories of combustibles and storage of combustible matter.
35. To regulate the construction of chimneys.
36. To regulate people at fires.
37. To regulate the erection of wooden buildings notwithstanding any Act or Law in that behalf in force in the Colony.
38. To give aid to charitable institutions.
39. To compel removal of snow, ice, and dirt, and to provide for removal in case of default.
40. To regulate the width of new streets.
41. To establish and regulate Pounds.

Confers powers on seven-tenths of the owners to have property improved.

XXXVI. If the owners of seven-tenths in value of lots in or abutting on any street or any portion thereof, in the City of Victoria, shall sign a requisition calling upon the Municipal Council to grade, macadamise, pave, fence, drain, water, light, sweep, lay down side-walks or otherwise improve the said street or portion thereof, or if the occupiers of seven-tenths of the lots abutting on any street or portion of any street, shall sign a requisition calling upon the Municipal Council to light, water, sweep or lay down side-walks in any such street or portion of such street (as the case may be), the said Municipal Council shall be empowered after giving in such manner as they alone shall deem expedient, not less than seven days notice of such intention to each of the owners or occupiers (as the case may be) of the remaining three-tenths as shall not have signed the requisition, to levy, assess, and collect, a rate (not to exceed the amount to be estimated and mentioned in that behalf in such requisition) upon the owners or occupiers (as the case may be) of the lots in and abutting on such street or portion of street, in order to carry out such improvements, and may apply the rate when collected according to the prayer of such requisition, the Municipal Council approving such requisition in such manner as they may appoint by By-Law, and such By-Law when finally passed by the Municipal Council shall become law from the date of such final passing, and shall be exempt from being referred to the Governor for confirmation, disallowance or other action as is hereinafter provided in respect of other By-Laws.

Notice to be given thereof.

Provided that previous to enforcing such By-Law the Municipal Council shall give a further notice to such of the said owners or occupiers (as the case may be) as shall not have signed the requisition, by affixing a notice under the hand of the Clerk of the Municipal Council, to some conspicuous part of the premises the owners or occupiers (as the case may be) whereof are intended to be affected thereby, or in lieu thereof the Municipal Council may advertise the said By-Law in any newspaper published in the said City, for at least seven days before the same shall be enforced, either of which mode of giving notice shall be good and sufficient notice to all persons and for all purposes whatsoever.

By-Laws when operative.

XXXVII. Every By-Law, other than those referred to in Section XXXVI. of this Ordinance, passed by the Municipal Council, shall be reconsidered not less than three days after the original passage, and if adopted by the Municipal Council, and subsequently confirmed or left to its operation by the Governor, or confirmed by the Municipal Electors, as hereinafter provided, shall come into effect and be binding on all persons after seven days from the publication of the same, in some one or more of the newspapers published in the City, unless otherwise postponed in such By-Law.

By-Laws to be passed by at least three Councillors.

XXXVIII. Every By-Law other than those referred to in Section XXXVI. of this Ordinance shall be passed by the vote or resolution of at least three members of the Municipal Council, and at a meeting where at least four members of the Municipal Council shall be present.

Penalty for infraction of By-Law.

XXXIX. The penalty by which any By-Law may be sought to be enforced, may be stated therein, and if no penalty is therein mentioned, the breach of any By-Law shall be punished in a summary way by a fine not exceeding Fifty Dollars, or by imprisonment for any term not exceeding One Month, at the discretion of any Justice or Justices of the Peace, having jurisdiction within the Municipality.

Provides for absence of specific penalty in By-Law.

XL. In the event of any By-Law being passed wherein no specific penalty is inserted, or in case a specific penalty is inserted, and no means for its recovery specified, any Justice or Justices as aforesaid, may in case of a fine adjudge that such offender shall pay the same either immediately, or within such period as the

Victoria Municipal Ordinance.

said Justice or Justices shall think fit, and in case such sum of money shall not be paid at the time so appointed, the same may be levied by distress or sale of the Goods and Chattels of the offender, and for want of sufficient distress such offender may be imprisoned as aforesaid, at the discretion of such Justice or Justices, in the common jail, for any term not exceeding One Month, the imprisonment to cease upon payment of the fine and costs.

XLII. The Mayor shall be deemed one of the Municipal Council, and the head and Chief Executive Officer of the Corporation, and shall, *ex officio*, be a Justice of the Peace, and have precedence over all Justices of Peace, and it shall be his duty to cause the Law for the improvement of the City to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be prosecuted and punished, and to communicate from time to time to the Municipal Council all such information, and recommend all such measures as may tend to the improvement of the finances, health, security, cleanliness, and comfort of the City; but the Mayor shall not hold a separate Court apart from that of the Stipendiary Magistrate of the said City. Status of Mayor.

XLIII. The jurisdiction of the Municipal Council shall be confined to the Municipality, except where authority beyond the same is expressly given. Jurisdiction of Municipal Council.

XLIII. The Municipal Council may make regulations not specially provided for in this Ordinance, and not contrary to the provisions hereof, and not contrary to Law, for governing the proceedings of the Municipal Council and the conduct of its members. Municipal Council may make regulations for government.

XLIV. The Municipal Council may, by resolution passed in manner hereinafter provided, devote any portion of the Municipal Revenue not exceeding in the course of the year one-third part, towards defraying the ordinary expenditure of the Corporation in the conduct of its general business, and by a resolution passed as aforesaid, may devote the unappropriated portion of the said revenue, and any accumulations of past revenue, to any of the purposes for which the Municipal Council is authorized to pass By-Laws. Expenses of Corporation how defrayed.

XLV. A copy of every By-Law, other than By-Laws created under any of the provisions of Section XXXVI. of this Ordinance, shall be transmitted to the Governor by the Clerk of the Municipal Council, within forty-eight hours after the final passage of the same, signed by the said Clerk, and countersigned by the Mayor or presiding Municipal Councillor. By-Laws to be transmitted to Governor for confirmation.

XLVI. Every resolution devoting any portion of the Municipal Funds to any of the purposes aforesaid, shall be passed by the vote of at least four members present at a meeting where at least five members shall be present, such resolution shall be afterwards confirmed by a like vote at some meeting summoned after the lapse of seven days from, and before the expiry of one calendar month at least from the original meeting, and summoned also for the specific purpose of confirming the resolution. Expenditure, to be voted by at least four members.

XLVII. The Municipal Council, save as hereinafter mentioned, shall have no power to incur any personal liability, or any liability beyond the Municipal Revenue for the current year. No power to incur liability.

XLVIII. The Municipal Council shall be a Court of Revision. The Court of Revision, or the Presiding Member for the time being, shall have power to take and enforce the production of evidence, and administer oaths at any sitting of such Court, and in and upon any matter or thing coming within the purview of such Court. The wilful infraction of any oath so administered shall be deemed a misdemeanor, and infer the penalties of perjury. Court of Revision. Powers thereof.

XLIX. It shall be the duty of such Court to try and determine all complaints with regard to assessments or omissions; and to make such order thereupon as shall seem to them just, and every such order shall be final and the Assessment Roll shall be amended, and every such amended amount enforced accordingly. Duties thereof.

L. The Court of Revision shall give such notice of the time and place for holding their sittings, and the periods during which appeals may be received as in their discretion shall seem reasonable. Notice of sittings to be given.

LI. The Municipal Council shall in each By-Law creating a tax or rate, fix a specific day and place after the completion of the Assessment Roll for the payment of such tax or rate, and shall as soon as conveniently may be, publish a notice of such time and place in the *Government Gazette*, and one or more newspapers published or circulating in the said City. Provisions for collecting Municipal taxation.

If such tax be not paid within Two Calendar Months after the specific day so fixed for such payment as aforesaid, interest after the rate of twelve per cent. per annum on the amount so due in each case, shall attach and be payable from the day of default, that is to say: from the day of the expiration of such Two Calendar When and what interest may be charged.

Victoria Municipal Ordinance.

dar Months, until such tax and interest and the costs thereon, including the cost of registration and interest, shall have been fully paid off and satisfied, and until so paid off shall be a primary lien as hereinafter mentioned on the Real Estate in respect of which the tax shall have been imposed.

Provisions for sale of Real Estate.

After the expiration of five years from such last mentioned day of default, it shall be lawful for the High Sheriff or his Deputy in and for the district in which the said City is situate, under a resolution of the Municipal Council, directing such Sheriff in that behalf and after three calendar months notice of such intention in the *Government Gazette* and one or more public newspapers published or circulating in the said City, to sell the Real Estate in respect of which such tax or rate has been imposed and default made, or such portion thereof as shall be named in that behalf in such resolution, by Public Auction, with power to buy in and rescind any contract for sale and to resell.

Corporation may be purchasers.

It shall be lawful for the Corporation at any such open sale to become the purchasers of any Real Estate so exposed to sale for default of payment of taxes.

Upon every such purchase the Corporation shall hold the Real Estate so purchased by them at Public Auction as Corporate property.

High Sheriff to convey Real Estate sold for taxes.

At and after any and every such sale, the High Sheriff of British Columbia, or any his Deputy duly appointed in and for the district within which the said City shall for the time being be situate, shall convey such Real Estate so sold to the purchaser for all the estate and interest which the person upon whom the tax or rate was imposed held therein at the time of the imposition thereof.

Surplus how applied.

The surplus (if any) of the proceeds arising from any and every such sale after the payment of all arrears, interest, and costs, including the costs incurred in and about such sale and conveyance, and a reasonable commission to the Sheriff on the sale, to be fixed by resolution of the Municipal Council, shall be forthwith paid into the Treasury of the Colony, to an account to be intitled "Real Estate Municipal Tax Sales Account Lots (as the case may be) Victoria;" and such moneys may be paid out by order of any Judge of the Supreme Court of Civil Justice, to the person or persons in the opinion of such Court entitled to receive the same.

Corporation may extend term of sale,

Provided that it shall be lawful for the Corporation under special circumstances, to extend the period at which any such sale on default shall take place beyond the said five years after the day of default.

and postpone payment.

Provided also that in special cases of a charitable nature, such as prolonged illness, extreme poverty, accident or the like, it shall be lawful for the Corporation to postpone or remit the payment of any rates or taxes as may to them seem warranted by the peculiar hardship of each particular case brought before them.

Sales not vitiated by informality.

No informality shall vitiate any such sale or conveyance notwithstanding any irregularity in any such sale of Real Estate for default or non-performance of any condition precedent to such sale, (into which matters respectively no purchaser shall be bound to enquire), the High Sheriff or Deputy Sheriff presiding at each such sale, shall convey to the purchaser an indefeasible title to the Real Estate so purporting to be conveyed, and for all the Estate and interest legal and equitable therein of the person who held the same at the time of the imposition of the first rate or tax in arrear as aforesaid, and that free from all incumbrances whatsoever.

Taxes recovered before competent Courts.

Concurrently with the remedies given by this Ordinance for the collection of Municipal taxes hereunder, the taxes payable by any person hereunder may be recovered, with interest after the rate of twelve per centum per annum, from the day of default aforesaid, on all such arrears of taxes and registration fees until paid, together with costs, as a debt due to the Corporation, in a competent Court in this Colony; and the production of a copy of so much of the Assessment Roll as shall relate to the taxes payable by such person, purporting to be certified as a true copy by the Clerk of the Municipal Council, shall be *prima facie* evidence of the debt. The taxes and costs accrued or to accrue on any Real Estate under this Ordinance, shall be a special lien on such land, having preference over any claim, lien, or incumbrance of any party except the Crown.

Lien on Real Estate to be registered.

It shall be the duty of the Municipal Council yearly, and at least once in every year, to register the said lien in the books of any Land Registry Office in the Colony, as a charge on such Real Estate, taking precedence as aforesaid.

Cost of the same how defrayed.

The cost of such registration shall form part of the debt as a further advance made on the day of registration, carrying the same rate of interest as the principal.

Registration how discharged.

Upon the payment of such debt and costs, including the cost of registering and discharging the registration of such liability, the Municipal Council shall order the registration of such charge to be discharged or satisfaction of the debt to be registered.

By-Laws to be allowed or disallowed by Governor.

LII. All By-Laws other than those referred to in Section XXXVI. of this Ordinance shall be subject to confirmation or disallowance by the Governor (or the Officer for the time being administering the Government); provided, always, that the Governor may, if he think fit, refer any By-Law, or portion of a By-Law, to the Municipal vote, which shall be taken in the manner hereinafter provided, and the result of such vote shall be final; provided further, that if such confirmation

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confirmation or disallowance by the Governor be not signified to the Municipal Council, or the By-Law be not referred to the Municipal vote within six weeks after the passing of the By-Law then such By-Law shall be left to its operation and shall become law, and have the same force and effect as if it had been duly confirmed by the Governor as aforesaid.

LIII. Every By-Law other than those referred to in Section XXXVI. of this Ordinance, or portion of a By-Law, referred as aforesaid to the Municipal vote, shall receive the confirmation of the Municipal Electors in manner following: By-Laws how to be confirmed by Municipal electors.

(a.) The Municipal Council shall, by public notice, fix the day, hour, and place in Yates Street Ward for taking the votes of the electors thereon, at every place in the City at which the election of the members of the Municipal Council is held, and shall also name a sufficient number of Returning Officers to take the votes at every such place, and such day shall not be less than seven nor more than twenty-one days after the second passage by the Municipal Council, of the proposed resolution.

(b.) Every voter shall have a vote either confirming or negating the said By-Law, or portion of a By-Law, in each Ward where he has a vote for a Municipal Councillor.

(c.) The Municipal Council shall, for at least six clear days before the voting day, publish a copy of such proposed By-Law, or portion of a By-Law, in some newspaper published within the Municipality, and also post up a copy thereof, in at least one public place within each Ward.

(d.) Appended to each copy so published and posted, shall be a notice, signed by the Clerk of the Municipal Council, to the effect following:

Take notice, that the above is a true copy of the proposed By-Law, or portion of a By-Law, upon which the vote of the Municipality will be taken at (place, day, and hour of the day).

(e.) The poll shall be taken on the question, *AYE*, or *NO*, whether the By-Law, or portion of a By-Law, shall be confirmed, and the poll shall be kept open on the day named, between 8 o'clock A. M., and 4 o'clock P. M.

(f.) Every Returning Officer shall, immediately after the closing of the polls, return his poll book to the Clerk of the Municipal Council, sealed and verified, and a solemn declaration annexed, that the poll book contains a true statement of the votes.

(g.) The Clerk of the Municipal Council shall unseal the poll book at the next sitting, and in the presence of the Municipal Council add up the number of votes for and against the By-Law, or portion of a By-Law, and shall certify to the Municipal Council under his hand whether the majority have approved or disapproved of the proposed By-Law or portion thereof, and shall keep the poll books among the records of his office.

LIV. In case any proposed By-Law, or portion of a By-Law, shall be negated by the votes of the electors, no such By-Law, or portion of a By-Law, or one of a similar nature shall be brought forward or considered, during the same Municipal year. By-Law negated cannot be considered in same year.

LV. The poll books shall be open to inspection on payment of a fee of twenty-five cents to the Clerk of the Municipal Council. Poll books open to inspection.

LVI. The Municipal Council shall be capable of holding Real Estate, and have entire control of all Corporate property. Power of Council to hold Real Est. etc.

LVII. The Municipal Council shall upon such time or at such times as shall seem to them fit, prepare an Assessment Roll containing the names of every person liable to pay Municipal Taxes under the provisions of this Ordinance, and defining the property, business, calling, matter or thing in respect of which each person is so liable, and the said Municipal Council shall, by public advertisement for fourteen days in one or more of the newspapers published in the said City, give notice of the completion of the said Roll, and of the place where it may be open for inspection, and all persons shall be permitted to inspect the same at all reasonable times free of any charge whatsoever; and the said Municipal Council shall further notify each person liable to pay taxes of the amount at which he is assessed, either by notice left at his usual place of abode, or affixed to the premises in respect of which the tax is due, or by publication in one or more of the newspapers published within the said City; and should any person feel himself aggrieved at the amount at which he or any other person may be assessed in the said Roll, he may within twenty-one days from the first publication of the notice aforesaid, appeal to the Court of Revision aforesaid, against such assessment. Assessment Roll how to be prepared.

LVIII. The Municipal Council may appoint such officers, not being a Magistrate or Police Officer, as may be absolutely required for the conduct of the Corporate business, and may pay the same out of the Corporate Revenue set apart for the ordinary expenditure of the Corporation. Council may appoint proper officers,

Provided that it shall be incumbent upon the Municipal Council to appoint a Clerk to such Municipal Council. and a Clerk.

All officers shall, however, give security, in such manner as the Municipal Council shall determine, for the due performance of their services. Officers to give security.

LVII. The

Victoria Municipal Ordinance.

Council to have a Corporate Seal.

LIX. The City of Victoria shall have a Corporate Seal, and the Municipal Council shall enter into all contracts under the same Seal, which shall be affixed on all contracts by virtue of an order of the Municipal Council.

Power of Council to lease Corporate lands.

LX. The Municipal Council may absolutely lease any of the Corporate property for any term not exceeding fourteen years, receiving thereupon the best rent that can reasonably be obtained, and without taking any fine or premium, or other money in the nature of a fine or foregift, provided always, that every lease made by the Corporation shall be executed under the Corporate Seal, and there shall be therein contained a proviso for the re-entry on non-payment of the rent, or non-observance, or non-performance of any of the covenants and provisos therein contained.

Acts done under "Victoria Incorporation Act, 1862," cannot be called in question.

LXI. It shall not be competent for any person to call in question, before any Court of Law or Equity in British Columbia, any act, matter, or thing *locna fide* done or made under the "Victoria Incorporation Act, 1862."

Date of operation of Ordinance.

LXII. This Ordinance shall come into force on the 8th day of November next, and the "Victoria Incorporation Act, 1862," shall on that day become null and void, except that such repeal shall not affect or extend to the "Victoria City Aid Ordinance, 1867," or the By-Law thereby confirmed, or to any moneys due or accruing due, liabilities, or penalties incurred under the said Act, Ordinance or By-Law, or either of them, but the same may be recovered, enforced, and inflicted respectively as if this Ordinance had not been passed.

Election of Mayor and Councillors on 8th Nov. 1867 to be held under "Victoria Incorporation Act, 1862."

LXIII. Provided, nevertheless, that the election of Mayor and Municipal Councillors, to be holden on the 8th day of November, next, shall be held according to the provisions of the said "Victoria Incorporation Act, 1862," save in this respect, that the persons entitled to vote thereat shall be such persons as shall, at the time of election, have paid all Municipal Rates and Taxes then due by them. Immediately upon such election taking place all the provisions of this Ordinance shall be applicable to the Mayor and Municipal Council, and shall govern their proceedings in the same manner as if they had been elected under the general provisions of this Ordinance.

Short Title.

LXIV. This Ordinance may be cited for all purposes as the "Victoria Municipal Ordinance, 1867."

Passed the Legislative Council the 1st day of April, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,
Governor.

SCHEDULE TO "VICTORIA MUNICIPAL ORDINANCE, 1867."

FIRST PART OF SCHEDULE.

CITY BOUNDARIES.

Commencing from the point where the eastern boundary line of Constance Street intersects with the shore line of Rock Bay, being the north-western corner of Lot 1364;

Thence following the southern shore line of Rock Bay south-easterly to the point where it is intersected by the north boundary line of Pembroke Street;

Thence easterly along the north side of Pembroke Street, until it intersects the east side of the Street running past the east side of Lot 19, Block O, on the Official Map of the City of Victoria;

Thence southerly along the east side of that Street to the Northern boundary line of the Street running along five acre Lots 1, 6, 11, and 16;

Thence easterly along the northern boundary line of the said Street, to the south-western corner of Lot 68, Spring Ridge;

Thence southerly along the eastern side of the Street bounding Lots 67, 52, 51, 36, 35, 23, and 22, Spring Ridge, to the northern boundary line of Lot 14, on Spring Ridge, being the southern side of a continuation of Johnson Street;

Thence westerly along the northern boundary line of the said Lot 14, to the north-western corner of the said Lot, being the north-eastern corner of Town Lot 1046;

Thence in a right line along the eastern boundaries of Town Lots 1046, 1056, 1066, 1076, 1086, 1096, 1106, and 1533, crossing successively Yates Street, View Street, Fort Street, Meares Street, and Beecher Street, to a point on the south side of Beecher Street, being the north-east corner of Lot 1, in the Fairfield Estate;

Thence westerly along the northern boundary of the said Lot 1, to Cook Street;

Thence along the eastern side of Cook Street southerly crossing Richardson Street and Labouchere Street, to the south-east corner of Pakington Street;

Thence along the south side of Pakington Street, to the south-eastern end of Vancouver Street;

Thence.

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Thence southerly along the east boundary line of the Public Park to the Sea-shore, at the south-east corner of Public Park;

Thence westerly along the sea-shore to the south-west corner of the Public Park;

Thence northerly along the west boundary line of the Public Park, to the point when the north side line of St. James Street intersects it;

Thence along the north side of St. James Street, to the south-west corner of the Government Buildings Lot, to the point therein when the south boundary line of Block 39 intersects it;

Thence westerly along the said south boundary line of Block 39, across Oswego Street, and along south boundary lines of Blocks 40 and 42;

Thence southerly along the east side of Montreal Street, to the sea-shore;

Thence following the shore line (including all Wharfs, Jetties, and Buildings abutting on the said shore line), to the place of commencement.

SECOND PART OF SCHEDULE.**JOHNSON STREET WARD.**

All that tract of Land lying between the northern boundary line of the City and the centre of Yates Street, and coloured yellow on the Plan hereunto annexed.

THIRD PART OF SCHEDULE.**YATES STREET WARD.**

All that tract of Land lying between the centre of Yates Street and the centre of Fort Street, and coloured red on the Plan hereunto annexed.

FOURTH PART OF SCHEDULE.**JAMES BAY WARD.**

All that tract of Land lying between the southern boundary line of the City and the centre of Fort Street, and coloured green on the Plan hereunto annexed, including the Public Park.

L. S.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 39.

An Ordinance to amend and assimilate the procedure of the County Courts in all parts of the Colony of British Columbia.

[17th September, 1867.]

WHEREAS it is expedient to amend and assimilate the procedure of the County Courts in all parts of the Colony of British Columbia; Preamble.

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

I. "The County Court Ordinance, 1866," and "The County Court Jurisdiction Ordinance, 1866," of the Colony of British Columbia before the Union, and "The District Court Act, 1866," of the former Colony of Vancouver Island, are hereby repealed, and all Rules and Orders of the Supreme Court of Civil Justice of the former Colony of Vancouver Island and its Dependencies heretofore made, and relating to the Inferior or Summary Court of Civil Justice of Vancouver Island, are hereby repealed and discharged, save as hereinafter enacted; but such repeal shall not be held to affect any rights acquired or liabilities and penalties already incurred or accruing due under, or the remedies prescribed by, such Act, Ordinance, Rules, and Orders, or any of them, for enforcing such liabilities or penalties; but such remedies may still, for the purposes of such enforcement, but not further or otherwise, be held to be available as if such Act and Ordinances, Rules and Orders were still in force; and provided, also, that such repeal and discharge shall not cause to revive any Proclamation, Act, or Ordinance, Rule, or Order repealed by the said Act and Ordinances, Rules or Orders hereby repealed, or any of them. Repeals former Acts, saving previously acquired rights and penalties incurred.

II. So much of the following enactments of the Imperial Parliament of the United Kingdom, viz: the 9^o and 10^o Victoria, chapter 95; 13^o and 14^o Victoria, chapter 61; 14^o and 15^o Victoria, chapter 52; 15^o and 16^o Victoria, chapter 54; and 19^o and 20^o Victoria, chapter 108, as are applicable to this Colony, are hereby adopted and enacted as the Law of this Colony, subject to the provisions hereinafter contained. Brings in force certain Imperial Acts.

III. Notwithstanding anything in the said Imperial Statutes, or any of them, contained, it shall be lawful for the Governor or Officer Administering the Government of British Columbia, by any writing under his hand, to appoint any Stipendiary Magistrate or Justice of the Peace of and in the Colony to be County Court Judges, either for the whole Colony or for such parts thereof as he shall from time to time in that behalf direct or appoint. Governor may appoint County Court Judges.

IV. The amount recoverable before any County Court Judge of British Columbia shall be any sum not exceeding Five Hundred Dollars. Jurisdiction not exceeding \$500.

V. A Summons may be made returnable in three days from the service thereof, by leave of the Court, upon affidavit or other proof upon oath satisfactory to any County Court Judge that the party about to be summoned is about to abscond, or defraud, or delay payment of a debt due to any of his creditors. Summons returnable in three days.

VI. In addition to the service by the proper Officer of the Court, the service of a Summons by any person, whether interested or not in the suit, if specially authorized in writing by the County Court Judge in that behalf, shall be deemed a good service. Court may authorize any one to serve summons.

VII. It shall be lawful for the Judge of any County Court, upon the *ex parte* application of the Judgment Creditor, and upon affidavit of himself or others stating that judgment has been recovered and is still unsatisfied, Garnishee.

County Court Ordinance.

satisfied, and to what amount, and that any other person is indebted to the Judgment Debtor, and is within the jurisdiction, to order that all debts owing or accruing from such third person to the Judgment Debtor shall be attached to answer the judgment debt; and such third person or garnishee may, by the same order, be required to appear before the Judge of the Court to shew cause why he should not pay the Judgment Creditor the amount due by him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the judgment debt

Appeal on point of law to Supreme Court.

VIII. If either party, in any cause of the amount to which jurisdiction is given to the County Court Judges under this Ordinance, shall be dissatisfied with the determination or direction of any such Judge in point of law, or upon the admission or rejection of any evidence, such party may appeal from the same, to the Supreme Court of Civil Justice of British Columbia; and it shall be lawful for any Judge of the Supreme Court of Civil Justice of British Columbia to hear and determine all such appeals. Provided, always, that such Supreme Court shall be held in Vancouver Island to hear and determine Appeals on cases brought in any County Court in the said Vancouver Island.

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

Judge of Supreme Court may act as County Court Judge.

IX. Any Judge of the Supreme Court of Civil Justice may, if he shall think fit, act as Judge of the County Court of, or any County Court in, British Columbia, and shall have power to sit either with or without the Judge of such Court or concurrently with him, and dispose of the Business from time to time pending in any such County Court.

Questions of fact may be tried by Jury.

X. The County Court Judge may, upon being satisfied that only questions of fact are at issue, order a cause to be tried by a Jury in the first instance.

Writ of Capias may be issued on security being given.

XI. Any County Court Judge of British Columbia shall have and be possessed of the same powers as are now possessed and exercised by any Judge of the Supreme Court of Civil Justice of British Columbia, in respect of the issue of a Writ of Capias *ad respondendum*, and such County Court Judge may, at his discretion, grant such Writ under the Seal of his Court, and on application, at his discretion, discharge the same; and it shall be lawful for such Judge, whenever he shall think fit, to require Security to be given by the Plaintiff, to the satisfaction of such Judge, to pay to the Defendant the Costs and Damages consequent on Arrest under such Order, should the Plaintiff have obtained such Order without reasonable and probable cause.

Clerk of Court.

XII. The duties of the Clerk of the Court shall be performed by the County Court Judge himself, or by some one appointed by him.

High Bailiff.

XIII. The duties of the High Bailiff, other than the exceptional service of documents hereinbefore otherwise provided for, shall be performed by the High Sheriff of British Columbia, or by any Deputy Sheriff thereof.

Judge of Supreme Court to make Rules of County Court.

XIV. The Judge or Judges of the Supreme Court of Civil Justice of British Columbia shall from time to time frame, alter, revoke, or re-establish Rules and Orders for the Procedure and Practice of the said County Courts; and also regulate the scale of Fees to be taken in such Courts; which Rules, Orders, and Regulations shall be of full force when confirmed by the Governor or Officer Administering the Government of British Columbia; and in the meantime, and until the making and confirmation of any such Rules, Orders, and Regulations, the practice in such Courts, and the fees to be taken therein, shall in all things as nearly as may be conform to the practice, fees, and other matters as established in and regulating County Courts in England in A. D. 1858.

Merger.

XV. If any County Court having, or having exercised, Jurisdiction over Small Debts now, or hereafter lawfully established, shall be merged in any other Court or in the County Court of any other District or denomination in the Colony, it shall be lawful for the Court acquiring jurisdiction to entertain and determine all plaints and other proceedings whatsoever lawfully commenced in the Court which shall be so merged, in the same manner in all respects as if such plaints or other proceedings had originally been commenced in the Court acquiring such new or extended or additional jurisdiction.

Fees paid into Treasury.

XVI. All Fees under this Ordinance, other than office copies and Sheriff's fees, shall from time to time be paid into the Treasury, to the use of Her Majesty, Her Heirs and Successors.

Short Title.

XVII. This Ordinance may be cited for all purposes as "The County Court Ordinance, 1867."

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHEARLES GOOD,

Clerk.

ARTHUR N. BIRCH,

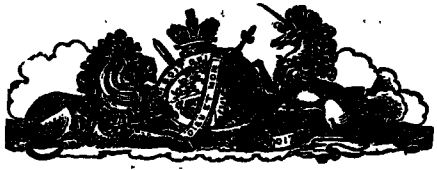
Presiding Member.

Assented to, in Her Majesty's name, this 17th day of September, 1867.

FREDERICK SEYMOUR,

Governor.

L. S.



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 40.

An Ordinance to provide for the settlement of all outstanding questions relating to the Sale of Land for Taxes in Vancouver Island.

[17th December, 1867.]

WHEREAS the Real Estate Tax Acts of the years 1860 and 1862 of the lately separate Colony of Vancouver Island and its Dependencies have been repealed; Preamble.

And whereas in presumed compliance with the provisions of the said Real Estate Tax Acts certain sales of Land for and in respect of the non-payment of Taxes under the said Acts have been from time to time made, which said sales have not as yet been fully completed; and whereas doubts have arisen as to the legality of these sales, and the conditions precedent to the offering of such Lands for sale, which were and ought to have been done, performed, and fulfilled by the Sheriff of the late Colony of Vancouver Island, in respect thereof; and whereas it is expedient that such Lands should be redeemed in the interest of the persons originally owning the same, upon reasonable compensation being made to the supposed purchasers of the same or any portion thereof at such forced sales;

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

I. All and all manner of Land sales heretofore made or contracted to be made for or in respect of the non-payment of Taxes under the said Real Estate Tax Acts and each and every of them are hereby set aside and declared to be null and void. Land Tax Sales null and void.

II. The Treasurer of this Colony, or such other person as may be appointed in that behalf by the Governor, shall repay to all purchasers of Land at such Land sales as aforesaid, on application and on due proof of identity and the fact of purchase, their respective purchase money, together with Interest on the same at the rate of Twenty-four per centum per annum, from the time of the payment of such purchase money respectively, until repayment. Purchase money with Interest how recoverable.

III. The sums repaid by the Treasurer or such other person as aforesaid, and all arrears of Taxes for Land under the provisions of the Real Estate Tax Acts of the said Colony of Vancouver Island and its Dependencies, shall be charged on the Real Estate in respect of which such sums were paid, or such Taxes were and are due, and the Treasurer or other person as aforesaid is hereby authorized and required to enter such sum as charges with the Registrar of Titles to Real Estate in Vancouver Island, by giving him notice thereof, which notice may be in the Form I, in the Schedule to this Ordinance annexed, and thereupon such charges shall be registered in the same way as other charges affecting Real Estate. Sums so paid a charge on the Real Estate.

IV. The sums and Taxes so due and so registered as charges as aforesaid, shall be primary charges on the Real Estate in respect of which the same are due, and shall take precedence of all charges not due or chargeable in favour of the Crown, and such charges may be levied by way of distress or sued for by the Crown, and recovered from the owner for Charge how to be registered.
To form primary charge on the Estate.

Tax Sale Repeal Ordinance.

for the time being of the Land in respect of which such sums and Taxes shall be charged, or the occupier of such Lands, as to the Crown shall seem fit.

Tax Lists to be published.

V. It shall be lawful for the Governor at any time and from time to time hereafter, to cause a List to be made out of Taxes and sums due and chargeable on Real Estate in respect of the said Real Estate Tax Acts or of this Ordinance, and cause the same to be published in the *Government Gazette* of the Colony, once a month, in three successive months, and after the lapse of three months from the first publication thereof, the Governor may, unless the sum and Taxes due in respect of Lands shall be duly paid and satisfied, order the Lands in respect of which such sums and Taxes are due and payable as aforesaid, to be entered on by the Crown, and thereupon the same may be respectively entered on for and on behalf of the Crown, and such right of entry shall be thereupon registered with the said Registrar of Titles, by notice, which notice may be in the Form 2, in the said Schedule.

Property to become demesne Lands of the Crown.

VI. On due registration of such last mentioned notice, the Real Estate in respect of which such entry is made or deemed to be made shall be held to have passed by operation of Law into the possession of the Crown, as demesne Lands of the Crown, and thereupon all other persons shall be deemed to be lawfully dispossessed of their Title thereto, and the Crown may thereupon enter upon such Lands and hold the same until all Taxes and sums due shall be repaid out of the profits and proceeds thereof, and after full repayment thereof may reconvey such Real Estate by reconveyance, which may be in the Form 3, in the said Schedule.

When Land can be sold.

VII. In case the sum and Taxes due in respect of any Real Estate shall not be fully paid and satisfied out of any profits or proceeds thereof, within two years from the date of notice of entry with the Registrar of Titles as aforesaid, the Governor may, after notice published in the *Government Gazette* of the Colony, once a month, in six successive months, and after the lapse of six months from the first publication thereof, cause such Real Estate to be offered for Sale by Public Auction, and the same shall be sold, not by way of undivided shares, but the whole in one or more Lots.

Method of conveyance.

VIII. After such Sale a conveyance shall be given, which may be in the Form 4, in the said Schedule, and the proceeds of such Sale shall be held by the Crown for the owner thereof, subject to deduction in respect of Taxes and sums due to the Crown. In such conveyance as last aforesaid, the Crown shall be deemed to have good Title to convey, and such Real Estate shall be held to be vested in the Crown for the purpose of such reconveyance, and no purchaser shall be bound to see to the application of any purchase money in respect of such Sale; nor shall any such Sale be liable to be set aside in favour of the real owner, but such owner shall have recourse only to the proceeds of the purchase money by application to the Crown.

Interpretation Clause.

IX. In the construction of this Ordinance the words "the Crown" shall be held to mean Her Majesty the Queen, Her Heirs and Successors; the word "Governor" shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Short Title.

X. This Ordinance may be cited for all purposes as "The Tax Sale Repeal Ordinance, 1867."

Passed the Legislative Council the 2nd day of April, A. D. 1867.

CHARLES GOOD,
Clerk.

ARTHUR N. BIRCH,
Presiding Member.

Assented to, in Her Majesty's name, this 17th day of December, 1867.

FREDERICK SEYMOUR,

Governor.

Schedule

Tax Sale Repeal Ordinance.

SCHEDULE.

FORM 1.

Tax Sale Repeal Ordinance, 1867.

Description of Land.	Owner, or supposed owner, and description.	Amount due to the Crown by way of taxes, or sum paid, with dates and particulars.
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The above charges are required to be registered according to the particulars here given.

Dated the day of 186 . (Signed) ———, Treasurer.

FORM 2

Tax Sale Repeal Ordinance, 1867.

Description of Land.	Owner, or supposed owner, and description.	Amount due to the Crown by way of taxes, or sum paid, with dates and particulars.
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Notice is hereby given that the Crown claims right of entry into the lands above described, and such right of entry is hereby required to be registered.

The day of 186 . By order, (Signed) ———

FORM 3.

Tax Sale Repeal Ordinance, 1867.

THIS INDENTURE made the day of , 18 , Between Her Most Gracious Majesty the Queen of the one part and of the other part. Whereas entry by the Crown into the land and hereditaments hereinafter described hath been heretofore made for the purpose of recovery of certain sums and taxes due under the "Real Estate Tax Act, 1862." and "The Tax Sale Repeal Ordinance, 1867," which said sums and taxes are now fully paid and discharged. This Indenture witnesseth that Her said Most Gracious Majesty doth hereby grant and convey to heirs and assigns (or otherwise according to the requirements of the case) All that (describe the land reconveyed), together with (add such general words as are applicable), and all the estate right and title of the Crown thereto, To have and to hold the said lands and hereditaments hereby granted and conveyed unto the said heirs and assigns (or otherwise according to the requirements of the case) to the use of the said heirs and assigns (or otherwise as before), free and discharged of and from all sums and taxes due under the Real Estate Tax Act and Tax Sale Repeal Ordinance, above referred to.

For the Crown, [L.S.]
(insert signature and description of officer executing.)

FORM 4.

Tax Sale Repeal Ordinance, 1867.

THIS INDENTURE made the day of 18 , Between Her Most Gracious Majesty the Queen of the one part, and of the other part. Witnesseth that in pursuance of the powers and authorities conferred by "The Tax Sale Repeal Ordinance, 1867," and in consideration of the sum of \$ heretofore paid by the said to and for the use of Her said Majesty the Queen, Her Heirs and Successors, as the consideration money for the purchase of the land and hereditaments hereinafter particularly described, Her said Most Gracious Majesty doth hereby grant and convey to heirs and assigns (or otherwise according to the requirements of the case), All that (describe parcels), together with (add such general words as are applicable), and all the estate right, title, and title of the Crown thereto, To Have and to Hold the said land and hereditaments hereby granted and conveyed unto the said heirs (and assigns or otherwise as before), to the use of the said heirs and assigns (or otherwise as before).

For the Crown, [L.S.]
(insert signature and description of Officer executing.)