ORDINANCES

PASSED BY THE

LEGISLATIVE COUNCIL

OF

BRITISH COLUMBIA,

DURING THE

SESSION

FROM 17TH DECEMBER TO 15TH MARCH,

1868-9.

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

LIST OF ORDINANCES.

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No. 4. An Ordinance to enable "The Queen Charlotte Coal Mining Company, Limited," to change their Registered Office from the City of New Westminster to the City of Victoria.

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No. 22. An Ordinance to facilitate the working of Mineral Lands.

No. 23. An Ordinance respecting the property of Religious Institutions in the Colony of British Columbia.

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No. 25. An Ordinance to amend "The County Court Ordinance, 1867."

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BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 1.

An Ordinance to establish Banks for Savings within the Colony of British Columbia.

[23rd *February*, 1869.]

Preamble.

WHEREAS it is expedient to establish Banks for the safe custody and increase of small savings belonging to the industrious classes in the said Colony, under the guarantee of the public credit of the Colony;

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

Governor to appoint Commissioners of Savings Banks.

I. It shall be lawful for the Governor to appoint not more than five, and not less than three, persons to be Commissioners of Savings Banks in the said Colony, for the purposes and to carry out the provisions of this Ordinance; and the names of such persons shall be published in the *Government Gazette*.

Commissioners to be a body corporate, with a Common Seal.

Power to the Governor to remove Commissioners and fill vacancies.

II. The said persons, when so appointed, and their successors to be appointed from time to time by the Governor aforesaid, shall be and are hereby constituted a body corporate, by the name of "The Commissioners of Savings Banks in the Colony of British Columbia," and by that name shall have perpetual succession, and be able and capable to sue and be sued in all Courts of Law and Equity; and for the uses thereof, to accept, purchase, and hold real estate, and sell, lease, and dispose of the same; and also to acquire and possess for the same uses, all gifts, goods and chattels, and personal property whatsoever; and shall have a Common Seal. And it shall be lawful for the Governor to remove any Member of the said Corporation, and as often as any vacancy shall arise by reason of such removal, or by resignation, or death of any Member, to appoint some fit and proper person as successor to the person so removed, resigning, or dying.

Names of persons appointed to vacancies to be published in *Government Gazette*.

III. The names and description of every person appointed to fill any vacancy as aforesaid, shall be published in the *Government Gazette*, and immediately thereupon the person so appointed shall have vested in him and be invested with all the estate, right, title, power, and authority, and perform all the duties of the person in whose place he shall have been so appointed.

Appointment of Officers by Commissioners.

IV. The Commissioners aforesaid, shall appoint one or more Clerks, Cashiers, and other Officers if necessary, for the purpose of carrying out this Ordinance; and such Clerks, Cashiers, and other Officers shall give such good and sufficient security for the just and faithful execution of such office as shall be approved by the said Commissioners.

V. The

Commissioners may make Rules and Regulations.

V. The said Commissioners may from time to time make Rules and Regulations for the conduct of the business of and generally with reference to the management of the said Savings Banks, and such Rules and Regulations shall, when approved by the Governor and published in the *Government Gazette*, have the force and effect of Law as if they formed part of this Ordinance.

Principal Bank to be in Victoria, with power to Commissioners to establish branches.

VI. The principal Bank shall be established in Victoria; but the Commissioners shall have power to establish branches throughout the Colony, with the approval of the Governor, and on notice thereof in the *Government Gazette*.

Commissioners not personally liable, except for wilful neglect.

VII. No Commissioner shall be personally liable, except for his own acts and deeds, or for anything done by him by virtue of his office in the execution of this Ordinance, except in cases when he shall be guilty of wilful neglect or default.

Accounts to be made up and published in *Government Gazette* in each year, and audited by Auditor General.

VIII. An account shall be made up and published in the *Government Gazette* on or before the thirty-first day of January in each year, of the assets and liabilities of every Savings Bank, made up to the thirty-first day of December preceding, signed by the Commissioners, and audited by the Auditor General of the Colony, with a Certificate attached thereto, signed by the Officer acting as Treasurer of the Colony, showing the Balance in the hands of the Government; and all interest which shall become due and payable to each Depositor on any sum of money deposited in a Savings Bank, shall be calculated and computed by the proper Officer once in each year, up to the thirty-first day of December, and shall be carried to the credit of the account of such Depositor, and an entry thereof shall be made in the "Depositor's Book," as soon as may be convenient after the date of the Annual Balance, and the same shall become principal, and shall thenceforth carry interest in all respects as other principal money deposited in such Savings Bank, as from the thirty-first day of December. Provided, always, that no interest shall be computed on the fractional part of One Dollar; and, provided also, that no fractional part of any month shall be taken into account.

Minors may make Deposits.

IX. In case the Commissioners shall have received any deposit of money from or for the benefit of any person under the age of twenty-one years, it shall be lawful for them to pay such person his or their share and interest with funds of the Bank.

Commissioners may pay money to a married woman, or to her husband.

X. It shall be lawful for the Commissioners to pay any sum of money to a married woman, in respect of any deposit made by her without notice of her marriage, unless the husband of such woman shall give to said Commissioners notice in writing of such marriage, and shall require payment to be made to him, in which event, it shall be lawful for such Commissioners, in their discretion, to pay all or such portion of such money so deposited by such woman, less by the repayment, if any, heretofore made thereupon, together with any interest due in respect of the same, to such husband, or to such woman, as to them the said Commissioners, shall seem proper.

Charitable or Friendly Societies may deposit in Savings Banks.

XI. It shall be lawful for all charitable or friendly Societies, legally established, or hereafter to be established, by their Treasurer or other proper Officer in that behalf appointed, to pay into any Savings Bank all or any portion of the funds of such Society, and as an ordinary Depositor to receive the usual rate of interest allowed by such Savings Bank to the Depositors therein, and such Treasurer or other proper Officer to receive back all or any portion of the funds due on such account to such Society, as the Society may direct.

No deposit received of less than 25 cents or more than $1,000.

No interest allowed on deposits over $1,000.

No Depositor to have an account in more than one Savings Bank.

XII. It shall not be lawful for the Commissioners to receive from any Depositor any deposit less than one quarter of One Dollar, nor more than One Thousand Dollars. Provided, that so long as the balance to the credit of any such Depositor shall, including principal and interest, exceed One Thousand Dollars, no interest shall be allowed, paid or payable on such excess; and it shall not be lawful for any person, either in his own name or in the name of any other person on his behalf, or on his account, to deposit or hold at the the same time moneys in more than one of the said Savings Banks.

XIII. In

XIII. In case any Depositor in any Savings Bank shall die, leaving any sum of money in the said Savings Bank belonging to him or her at the time of his or her death, not exceeding in the whole, including interest, the sum of One Thousand Dollars, and probate of the Will of the deceased Depositor (if any Will have been made) or letters of administration of his or her estate and effects be not produced to the Commissioners, or if notice in writing of the existence of a Will and intention to prove the same, or to take out letters of administration be not given to the said Commissioners within the period of two months from the death of the said Depositor, and in the latter case, unless such Will be proved, or letters of administration taken out within the period of three months from the death of the said Depositor, it shall be lawful for the said Commissioners to pay and divide the same to or amongst any person or persons who shall appear to such Commissioners to be the widow or entitled to the effects of such deceased Depositor according to Law, or according to any General Order which the Commissioners may make in that behalf, and the payment of any such sum of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin, legatee, or personal representative of such deceased Depositor, against the funds of such Savings Bank or the Commissioners thereof; but, nevertheless, such next of kin, legatee, or representative shall have remedy for recovery of such money so paid as aforesaid, against the person or persons who shall have received the same.

Depositors dying leaving $1,000, in case of no probate or letters of administration.

XIV. If any Depositor, being illegitimate, shall die intestate, leaving any person or persons who, but for the illegitimacy of such Depositor, would be entitled to the money due to such deceased Depositor, it shall be lawful for the Commissioners to pay the money due to such deceased Depositor to any one or more of the persons who shall have claimed such money, and who, in their opinion would have been entitled to the same according to Law, if the said Depositor had been legitimate.

Depositors dying intestate or illegitimate.

XV. Payment of any money by the Commissioners as aforesaid, to any person or persons having letters of administration, or probate of any Will, and appearing to be in force, shall be valid and effectual with respect to any demand of any other person or persons as the lawful representative or representatives of such Depositor against the funds of such Savings Bank and the Commissioners aforesaid; but, nevertheless, such representative or representatives shall have remedy for such money so paid as aforesaid, against the person or persons who have received the same.

Payment to persons having probate or administration effectual.

Remedy to representatives.

XVI. The said Commissioners may, and they are hereby authorised and empowered to receive deposits from any person who shall declare himself willing to act as a Trustee for the account of any other person disabled by idiotcy, lunacy, or unsoundness of mind, and to allow interest and make payments as in the case of ordinary Depositors, and the receipt of such person so acting as Trustee shall be a sufficient discharge to the said Commissioners.

Persons of unsound mind may make deposits by Trustees.

XVII. Every Depositor shall, before depositing any sum in the said Savings Bank, sign a Declaration that he has no money in any other Savings Bank established under this Ordinance, and if any Depositor shall make a false Declaration the Commissioners may declare his deposit to be forfeited, and the same shall thereupon be forfeited to the use of Her Majesty, Her Heirs and Successors: and every Depositor shall, by depositing any money in the said Savings Bank, be held to have assented to and shall be bound by all the provisions of this Ordinance, and the Rules and Regulations made in pursuance thereof; and on making the first deposit, every Depositor shall receive a Book for entry of his deposit, which shall be called "The Depositor's Book," and every sum deposited or withdrawn shall be entered by the Cashier or Clerk therein, and initialed by at least two Officers of said Bank, and no money shall be repaid without the production of the said Book, which shall be deemed to be the Depositor's Voucher.

Depositor to sign declaration.

Depositor depositing bound by this Ordinance and the Rules and Regulations made in pursuance thereof.

Depositor's Book.

XVIII. The

Commissioners to keep an account in a Chartered or Colonial Bank.

XVIII. The said Commissioners shall keep an account with one of the Chartered or Colonial Banks of the Colony, and lodge at the end of every week, or oftener if necessary, all and every sums and sum of money deposited during that week with said Savings Bank.

Surplus money may be lodged on loan in the Colonial Treasury.

XIX. Whenever the said Commissioners shall have to the credit of the Savings Bank with the said Chartered Bank after payment of all the expenses or Drafts of or on the said Savings Bank, a sum exceeding the sum of One Thousand Dollars, such sum may be lodged on loan in the Colonial Treasury, and the Officer acting as Treasurer is hereby authorised to receive the same and give a receipt therefor to the said Commissioners, and carry the same to a separate account, to be called "The Commissioners of Savings Banks Account."

Sums to be drawn from Chartered or Colonial Banks by Cheque.

XX. Whenever any sum is required to be drawn out of the said Chartered or Colonial Banks for any of the purposes of the said Savings Banks, such sum shall be drawn by a Cheque signed by the Cashier and countersigned by at least two of the said Commissioners.

Commissioners to publish a statement of the position of the Savings Banks every year, in the *Government Gazette*.

XXI. The said Commissioners shall, in or by the first week in January in every year, make out an Account or Balance Sheet shewing the total receipts and payments, and expenses of the said Savings Banks for the year ending the thirty-first day of December preceding, and shewing a correct and true statement of the then position of the said Savings Banks, and the same shall be published in the *Government Gazette*, and if there shall be any surplus to the credit of the said Savings Bank the same shall be paid into the Public Treasury under the separate account of the said Commissioners, and for the public uses of the Colony; but the Officer acting as Treasurer is hereby empowered and required on receipt of a requisition, signed by the said Commissioners, to pay to their credit in the Chartered Bank aforesaid any sum of money standing in their names to the credit of the said separate account.

Surplus to be paid to Public Treasury.

Rate of interest on Loans to Colonial Treasury, and to Depositors.

XXII. The rate of interest allowed to the said Commissioners on any moneys so lodged by them in the Colonial Treasury aforesaid, shall not exceed Six per centum per annum; and the rate of interest to be allowed to Depositors shall be announced from time to time in the *Government Gazette* by the Commissioners so appointed as aforesaid, provided that such rate of interest when payable, shall not be less than Four per centum per annum.

Commissioners may return Deposits, on giving one month's notice.

XXIII. The said Commissioners shall be at liberty to return to any one or all of the Depositors, at any time, the whole amount of his, her, or their deposits, upon giving him, her, or them one month's notice of their intention so to do, and the interest due to such Depositor or Depositors to be calculated according to the Rules of the Savings Bank, up to the expiration of the notice, beyond which time no interest will be allowed; and the said Commissioners shall also be at liberty to refuse any deposit which may be offered.

Deposit paid on production of Depositor's Book.

XXIV. No deposit shall be paid, except on the production of the Depositor's Book, and in case of the non-attendance of the Depositor an Order signed by him and witnessed shall be required; but the production of the Depositor's Book, or satisfactory evidence of the loss or destruction of such Book, shall be sufficient authority to the Officers of the Savings Bank for the payment of the money; and if any Depositor be desirous of withdrawing his deposit, he must give one week's notice of his intention so to do; and all payments so made shall be valid and effectual, and shall protect the said Officers from any liability thereunder.

One week's notice of withdrawal of Deposit.

Treasurer of the Colony may make payments out of the General Revenue.

XXV. And, whereas, it may so happen, that the funds deposited in the said Savings Banks may not at all times be available for the purposes of meeting demands thereon. Now, for the purpose of fully effecting the intent of this Ordinance, be it enacted, that the Officer acting as the Treasurer of the Colony shall pay out of the General Revenue, on the order of the Governor, any sum or sums of money, whether for interest or principal, due to any person or persons who shall make deposit under this Ordinance, as may from time to time be required.

XXVI. In

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

XXVII. This Ordinance may be cited for all purposes as "The Savings Banks Ordinance, 1869." Short Title.

Passed the Legislative Council the 18*th day of January, A. D.* 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 23*rd day of February,* 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. 2.

An Ordinance for promoting the Public Health in the Colony of British Columbia.

[23*rd February*, 1869.]

Preamble.

WHEREAS it is necessary to adopt measures with the object of preventing or guarding against the origin, rise, or progress, of endemic, epidemic, or contagious diseases, and to protect the health of the Inhabitants of this Colony, and for this purpose to grant to the Governor in Council extraordinary powers to be used when urgent occasion demands;

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

Governor to define Health Districts, and make Sanitary Regulations,

I. 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 mark out, define, and vary certain portions of the Colony to be Health Districts, and to make and alter such Rules, Regulations, and By-Laws, as such Governor in Council may deem expedient, in respect to the following matters, that is to say:—

(*a.*) The establishment, management, and maintenance of Local Boards of Health, their functions and powers.

(*b.*) The duties and jurisdiction of the Local Boards of Health, in all matters whatsoever in anywise relating to drains, sewers, privies, pigsties, slaughter-houses, unwholesome food, diseased cattle, noxious or offensive trades or business, epidemic, endemic, or contagious diseases or disorders, and for the summary abatement of any nuisance, or injury to public health likely to arise therefrom, and all matters relating to quarantine, as well of Her Majesty's Ships of War as other and all Vessels and Boats entering any Port, River, or Harbour in this Colony.

(*c.*) The regulation of the inspection of dwelling-houses, curtilages, hospitals, gaols, and other places, and generally to regulate all such other matters and things whatsoever in relation to or in connection with Sanitary matters, which the said Governor in Council shall from time to time deem expedient to ordain.

(*d.*) Any fines or penalties for the enforcement of the provisions of such By-Law, not exceeding in amount the fines and penalties hereinafter provided in case of the evasion of any of the provisions of this Ordinance. Provided always that the Governor may make such Orders, Rules, Regulations, and By-Laws, to apply to certain portions of the Colony only.

II. Every

having the force of Law.

II. Every such Order, Rule, Regulation, and By-Law so made, when published 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 Courts of the Colony, and every such Order, Rule, Regulation, and By-Law so made, shall be laid before the Legislative Council immediately if it be in Session, or if not, as soon as possible after its next meeting, together with an account of all sums expended, and all sums required for the due execution of this Ordinance, in order to be dealt with as such Legislative Council may deem expedient.

Local Boards;

III. For the purposes of this Ordinance, the Corporation of the City of Victoria and the Municipal Council of New Westminster, and the Council of any Municipality or Municipal District now or hereafter to be created, respectively, shall be the Local Boards of Health within their respective limits and jurisdictions; and it shall be lawful for the Governor, by writing under his hand, to appoint such and so many persons as he may think fit to form a Local Board for any other town, district or place, and from time to time to remove any such person or persons from such Board, and appoint any other person or persons in his or their stead; or if he think fit or desirable, the Governor may order the persons who compose such Local Board to be elected, in such manner as he may think feasible, by the Inhabitants of any of the Health Districts of the Colony.

their duties.

IV. It shall be the duty of the various Local Boards of Health to carry out the Rules, and Regulations, and By-Laws, from time to time made and issued by and under the authority of the Governor in Council, and may from time to time, by and with the approval of the Governor, appoint or employ such Officers and Servants as may be necessary for this purpose, and subject to such approval, may make Regulations and By-Laws specifying the duties and powers of the Officers and Servants so appointed or employed, and may remove such Officers and Servants as such Board may see fit, and may recommend that the officers and servants so appointed shall be paid such sums as they may deem fit out of such part of the General Revenue as may be reserved for such purpose, and it shall be lawful for the Governor to order payment to be made to them, respectively, of sums not exceeding those recommended. Provided, always, that the Corporation of the City of Victoria and the Municipal Council of New Westminster, and the Council of any Municipal District shall provide for any expenses incurred, or Officers or Servants employed by them in carrying out the provisions of this Ordinance within their respective limits, out of the General, City, Town, or District Taxes, as they may deem fit.

No Officer to be concerned in contract.

V. No officer or servant of any Local Board shall be concerned or interested, directly or indirectly, in any bargain or contract entered into by such Local Board.

Health Officer.

VI. Whenever there is good and sufficient reason to apprehend the invasion of any contagious or epidemic disease, likely seriously to endanger life, the Governor may appoint and pay a fit and proper Officer, to be called the Health Officer, whose duty it shall be to provide that the Local Boards carry out the Orders in Council, and generally to perform such duties as the Governor in Council may direct, either in respect of quarantine or other sanitary matters, but such appointment shall be of a temporary nature only, and shall cease upon the termination of the cause that gave it origin, or sooner if by such Governor considered advisable, or expedient, or necessary.

Penalties;

VII. Whoever shall wilfully obstruct any Health Officer or any Member of the Local Board of Health, or any Officer or person duly employed in the execution of this Ordinance, or of any By-Law, or of any provision of any such By-Law, or destroy, pull down, injure, or deface any board, placard, or notice made or published under this Ordinance, or in any way commit any wilful breach or contravention of any provision, or part of any provision, of

of this Ordinance, or of any Rule, Regulation, or By-Law to be made in pursuance thereof, shall be punishable summarily before any Justice of the Peace, upon information under oath and upon conviction, by any fine not exceeding for a first offence One hundred dollars, and for a second offence any sum not exceeding Two hundred dollars.

how enforced.

VIII. Every penalty imposed by this Ordinance, and by any By-Law, Rule, Order, or Regulation made in pursuance thereof, may, with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender, and in default of payment of such penalty and costs, then by imprisonment of such offender for any term not exceeding three calendar months in one of Her Majesty's gaols; and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect or informality, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Interpretation.

IX. 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.

X. This Ordinance may be cited for all purposes as the "Health Ordinance, 1869."

Passed the Legislative Council the 7th day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 23rd day of February, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. 3.

An Ordinance to appropriate the sum of Four Hundred and Nineteen Thousand Three Hundred and Thirty-five Dollars and Fifty Cents out of the General Revenue of the Colony, for the Contingent Service of the year 1869.

[23*rd February*, 1869.]

Preamble.

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:

Appropriation of the Revenue for 1869.

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-nine, the sum of Four Hundred and Nineteen Thousand Three Hundred and Thirty-five Dollars and Fifty Cents, the said amount being appropriated as follows, namely:—

FOR SALARIES AND ALLOWANCES.

The Governor	$2,552 00
Legislative Council	900 00
Colonial Secretary	9,424 00
Treasurer	4,552 00
Auditor General	5,077 00
Chief Commissioner of Lands and Works	4,348 00
Collector of Customs	12,920 00
Registrar General	735 00
Harbour Master	1,940 00
Post Office	2,750 00
Judicial Establishments	5,960 00
Police and Gaols	17,306 50
Gold Commissioners and Stipendiary Magistrates	33,166 00

FOR

FOR SERVICES EXCLUSIVE OF ESTABLISHMENTS.

Pensions	$ 970 00
Revenue Services	1,000 00
Administration of Justice	4,400 00
Charitable Allowances	10,500 00
Education	10,000 00
Police and Gaols	12,000 00
Rent	1,875 00
Transport	6,660 00
Conveyance of Mails	29,400 00
Works and Buildings	12,000 00
Roads, Streets, and Bridges	62,500 00
Miscellaneous Services	16,500 00
Interest	22,000 00
Drawbacks and Refunds of Duties	2,100 00
Temporary Loans	100,000 00
Government Vessels	16,800 00
Lighthouses	10,000 00

Treasurer to pay on Governor's warrant.

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

Passed the Legislative Council the 2nd day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 23rd day of February, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 4.

An Ordinance to enable "The Queen Charlotte Coal Mining Company, Limited," to change their Registered Office from the City of New Westminster to the City of Victoria.

[24*th February*, 1869.]

Preamble.

WHEREAS under and by virtue of the provisions of the "British Columbia Act, 1866," and the Union Proclamation, 1866, in that behalf duly made and issued, by His Excellency FREDERICK SEYMOUR, Governor of British Columbia, on the 17th day of November, 1866, the Colony of Vancouver Island was, from the issuing of such Proclamation, united with the Colony of British Columbia;

And whereas, "The Queen Charlotte Coal Mining Company, Limited," was on or about the 19th day of February, 1868, duly Registered by the Registrar of Joint Stock Companies, for that part of the said United Colony of British Columbia, commonly known as the Mainland of British Columbia (being the former Colony before the said Union), as a Joint Stock Company, pursuant to the law relating to Joint Stock Companies on the said Mainland of British Columbia;

And whereas, the said Company was and is Incorporated under a memorandum of Association, whereby it is provided among other things, that the Registered Office of the said Company is in New Westminster, British Columbia:

And whereas, at the date of the said Registration, New Westminster was the Capital and Seat of Government of the said United Colony;

And whereas, by Proclamation duly made by His Excellency FREDERICK SEYMOUR aforesaid, Governor of British Columbia, it was proclaimed and declared that from and after the 25th day of May, 1868, until otherwise appointed by Her Majesty Queen Victoria, Her Heirs and Successors, the City of Victoria, in the Colony of British Columbia, should be and be deemed for all purposes whatever, the Capital and Seat of Government of the said United Colony of British Columbia; and whereas, no appointment hath since the date of the said last mentioned Proclamation been made by Her said Majesty, appointing any other City or Place to be the Capital or Seat of Government of the said United Colony;

And whereas, it is expedient that the said Company should have power and authority by law, to remove their said Registered Office from the Capital of the former Colony of British Columbia, to the Capital of the said United Colony, in manner hereinafter provided;

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

I. Upon

Power of Colonial Secretary by Certificate to change Registered Office of Company from New Westminster to Victoria.

I. Upon the application of the Directors for the time being of "The Queen Charlotte Coal Mining Company, Limited," made within One year after the date of the commencement of this Ordinance, sanctioned by a resolution passed at an Extraordinary General Meeting, but subject to the restriction hereinafter mentioned, the person for the time being lawfully acting as Colonial Secretary of British Columbia shall have authority, by his Certificate in writing, to change the Registered Office of the said Company from the City of New Westminster to the City of Victoria, and the Registrar of Joint Stock Companies with whom the memorandum of Registration of such Company has been Registered, shall, upon receipt of such Certificate, and upon payment of the sum of Five Dollars, note in writing upon the margin, or at the foot of the said memorandum, the City of Victoria as being the name of the place to which such Registered Office is to be transferred, and the day upon which such transfer is, pursuant to such Certificate, to take place, and shall attach the Certificate to the memorandum, and thereupon the place of such Registered Office shall from the day mentioned in the said Certificate be the City of Victoria. Provided, however, that such change shall in nowise alter or affect anything heretofore done by the said Company, or any of their rights or liabilities in respect thereof.

After proof of notice of intended change.

II. The said person so, for the time being, acting as Colonial Secretary of British Columbia, shall not issue his Certificate in pursuance of the foregoing section, until he is satisfied that an advertisement of the intention of the Company to apply to him for a Certificate, with a declaration that all parties objecting thereto are forthwith to apply to the said person so acting as Colonial Secretary, has been published once at the least in each of Four successive weeks in the *Government Gazette* of British Columbia, nor until he is satisfied that the objections, if any, that may be urged against the issue of such Certificate are groundless.

Short Title.

III. This Ordinance may be cited for all purposes as "The Queen Charlotte Mining Company's Office Ordinance, 1869."

Passed the Legislative Council the 2nd day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 24th day of February, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 5.

An Ordinance respecting the appointment of Commissioners to take Affidavits and Bail, and for the making of Statutory Declarations.

[24*th February*, 1869.]

WHEREAS it is expedient to provide for the taking of Affidavits and Bail, and for making Statutory Declarations; Preamble.

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

I. Any Judge of a Supreme Court of this Colony, may by one or more Commission or Commissions, under the Seal of such Court, from time to time empower so many persons in the Colony as he may think fit and necessary, to take and receive any Affidavit, or Affirmation in cases where by law an Affirmation is allowed, which any person may desire to make in or concerning any cause, matter, or thing, depending or in anywise concerning any of the Proceedings in such Court. Empowers Judge to appoint Commissioners to take Affidavits.

II. Every such Affidavit and Affirmation may be read and made use of in such Court as other Affidavits or Affirmations taken therein, and shall be of the same force as if taken in open Court; and any person wilfully forswearing himself in any Affidavit or making false Affirmation before any of the said Commissioners, shall be liable to the same pains and penalties as if such Affidavit or Affirmation were made in open Court. Affidavits how used. Penalty for forswearing.

III. Any such Judge as aforesaid, may from time to time, in manner aforesaid, appoint the same or other persons to be Commissioners in the Colony, to take and receive all and every such recognizances of Bail as any person or persons may at any time desire to acknowledge or make, in any Action or Suit depending in the said Court, in such manner and form, and by such recognizances of Bail, as the Justices of the said Court may take, which recognizance or recognizances of Bail, or Bail piece, so taken as aforesaid shall be filed in the office of the Registrar or Deputy Registrar of such Supreme Court, together with an Affidavit of the due taking of the recognizance by some credible person present at the taking thereof. Empowers Judge to appoint Commissioners to take Bail; method of filing the same.

IV. The recognizance so taken and filed shall be of the like effect, and subject to exception as to the Bail in like manner, and within the same time, as if taken in open Court. Recognizance same as if taken in open Court.

V. And

Prescribes form of Declaration.

V. And, whereas, by virtue of the Statute of the 5° and 6° years of the Reign of King William the IV., cap. 62, certain persons therein mentioned are authorized and empowered to take Declarations in lieu of Oaths and Affidavits, be it therefore further enacted that, from and after the passing of this Ordinance, all persons now or hereafter by law authorized or empowered to take Declarations, shall take and administer such Declarations in the following form:—

I, A. B., of , do solemnly and sincerely declare that , and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Short Title.

VI. This Ordinance may be cited for all purposes as the "Oaths Ordinance, 1869."

Passed the Legislative Council the 4th day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 24th day of February, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 6.

An Ordinance respecting the Reconveyance of Vancouver Island to the Crown.

[25*th February*, 1869.]

WHEREAS the Original Deed of Reconveyance of Vancouver Island to the Crown is deposited among the Records of the Colonial Office in England, and cannot be obtained in this Colony, and it is expedient to make duly certified copies thereof evidence in all cases which may arise within 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. Every copy of the Deed of Reconveyance, including the Map or Plan thereunto annexed, bearing date the 3rd day of April, A. D. 1867, and made between the Governor and Company of Adventurers of England, trading into Hudson's Bay, of the one part, and Her Most Gracious Majesty Queen Victoria, of the other part, and purporting to convey and surrender Vancouver Island and its appurtenances (except as therein is excepted) to Her Majesty, Her Heirs and Successors, which copy shall be certified under the hand and seal of the Registrar General of Vancouver Island, or other the person for the time being acting in that capacity, to be a correct copy of the said original Deed of Reconveyance of the third day of April, A. D. 1867, together with the Map or Plan thereof thereunto annexed, shall be and be deemed to be of, and to have, the same force and effect in Judicature, and thereout, as the said Original Deed of the third day of April, A. D. 1867, with the Map or Plan thereunto annexed, of which it purports to be a copy; and no exception shall be taken to the production of, or the validity of, such certified copy, on the ground of the non-production of the said original Deed and Plan, or on any other ground whatever. **Certified copies of Original Deed and Plan to have same force and effect as the Original Deed.**

II. This Ordinance may be cited for all purposes as "The Vancouver Island Reconveyance, Ordinance, 1869." **Short Title.**

Passed the Legislative Council the 17*th day of February, A. D.* 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 25*th day of February*, 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

* *

No. 7.

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.

[1*st March*, 1869.]

WHEREAS it is expedient to extend the period granted to the said Company for completing the line of Tramway required by Section 2 of the said Act for a further period of Two Years; Preamble.

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 Extension Act, 1866," more particularly described, with at least a single line of Rails of a guage not exceeding six feet two inches, with all necessary sidings and other works convenient for the traffic of the line, before the 7th day of January, A. D. 1871. 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, 1871.

II. This Ordinance may be cited for all purposes as "The Harewood Colliery Company's Railway Extension Ordinance, 1869." Short Title.

Passed the Legislative Council the 17*th day of February, A. D.* 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 1*st day of March*, 1869.

FREDERICK SEYMOUR,
Governor.

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BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. 8.

An Ordinance to regulate the Supreme Courts of Justice of British Columbia.

[1*st March*, 1869.]

Preamble.

WHEREAS it is expedient, for the avoidance of all doubt, further to declare, define, and regulate the Jurisdiction and Power of the Supreme Courts of the Colony, and the Judges thereof, in manner hereinafter mentioned;

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

Repeals B. C. Proclamation, 24th December, 1858.

I. The Proclamation made and passed under the Great Seal of the former Colony of British Columbia, on the 24th day of December, A. D. 1858, is hereby repealed, but all Acts and Orders heretofore *bona fide* done and made thereunder, shall be and be deemed to have been legal so far as the same shall not have been subsequently repealed or varied by any Act, Ordinance, or Order.

Confirms the acts of Judges in British Columbia,

II. Nothing contained in this Ordinance or in the Proclamation of the former Colony of British Columbia, made and passed under the Great Seal thereof, on the 8th day of June, 1859, shall be deemed or taken to have in any way limited or affected the power or authority of the Governor of British Columbia, heretofore by Commission under the Great Seal of the Colony, to appoint any Judge other than the Judge, in such Proclamation named, of the Supreme Court of Civil Justice of British Columbia, to act in any part of the Colony as a Judge of such Court, with all the powers expressed in such Commission; but every such Judge so heretofore appointed shall be deemed to have been lawfully appointed and Commissioned, and every power heretofore exercised, Act done, and Order made under or by virtue of such Commission, shall be and be deemed to have been valid and lawful, and shall be so recognized in all Courts of the Colony.

and acts of Judges in Vancouver Island.

III. All acts heretofore done and powers exercised by, or by order or under color of, any Writ or Warrant of the present Judge of the Supreme Court of Civil Justice of British Columbia, in any part of the present Colony of British Columbia, shall be and be deemed to have been lawful, and lawfully done and exercised, to all intents and purposes whatsoever, and shall be recognized as such in all Courts of the Colony; and no objection thereto shall be taken or allowed, or Suit, Action, or Proceeding sustained by reason that any such act has been heretofore done, order so made, Warrant, Writ, or Summons so issued or executed, out of the jurisdiction of the said Supreme Court of Civil Justice of British Columbia.

The Supreme Court of Vancouver Island.

IV. The Supreme Court established under the name of "The Supreme Court of Civil Justice of the Colony of Vancouver Island," shall from and after the coming into operation of this Ordinance, be called "The Supreme Court of Vancouver Island;" and the present Chief Justice thereof shall be called and known by the name and style of "The Chief Justice of Vancouver Island."

V. The

The Supreme Court of the Mainland of British Columbia.

V. The Supreme Court established under the name of "The Supreme Court of Civil Justice of British Columbia," shall from and after the coming into operation of this Ordinance, be called "The Supreme Court of the Mainland of British Columbia;" and the present Judge thereof shall be called and known by the name and style of "The Chief Justice of the Mainland of British Columbia."

Confines jurisdiction of the Courts to Vancouver Island and the Mainland respectively.

VI. Except as hereinafter mentioned, the Jurisdiction Civil and Criminal of the said Supreme Courts shall be the same, and all the powers and authorities heretofore by Law vested in and exercisable by the Judges thereof respectively, in all Civil and Criminal matters and proceedings whatsoever shall be the same, and shall continue so vested in and exercisable by them respectively, as if the titles of the said Supreme Courts and of the said Judges thereof had not been changed, and as if the Imperial Statute of the 29th and 30th Victoria, chapter 67, entitled "The British Columbia Act, 1866," had not passed, that is to say: the jurisdiction of the Supreme Court of the Mainland of British Columbia shall extend only over the former Colony of British Columbia and its Dependencies, and the jurisdiction of the Supreme Court of Vancouver Island shall extend only over the former Colony of Vancouver Island and its Dependencies previous to union.

Confirms existing appointments.

VII. Nothing herein contained shall be deemed or taken to affect the appointments of the present Judges of the said Courts, or of either of them, or the tenure under which they or either of them hold office, or (except as hereinafter mentioned) the rights of Her Majesty, Her Heirs and Successors, with respect to the appointment or otherwise of persons holding or to hold the said offices, or the office of Chief Justice of the Supreme Court of British Columbia hereinafter mentioned, at the salary prescribed by the "Crown Salaries Ordinance, 1863," as if such Chief Justice had been the Judge named therein, or to affect the appointments or tenures of any of the present Officers of the said Courts, or any of them, or, except as hereinafter mentioned, the rights of the Governor, or Judges of the said Courts, or either of them, with respect to the appointment or otherwise of persons holding, or to hold, such offices.

Continues proceedings of existing Courts in the new Courts.

VIII. Nothing herein contained shall be deemed or taken to affect or invalidate any acts or proceedings done, commenced, or taken in the said Courts, or either of them, or any Decrees, Judgments, Orders, Rules, or Regulations of the said Courts, or either of them, or anything done in pursuance of such Decrees, Judgments, Orders, Rules, or Regulations; and all Proceedings heretofore commenced and taken in the said Courts, or either of them, may be continued and prosecuted in the Court in which they were so commenced or taken, notwithstanding the change of titles of the said Courts. Provided, always, that in all Proceedings taken, and in all Decrees, Judgments, Orders, and Regulations made after the passing of this Ordinance, the new title of the Court in which such Proceedings are taken, or such Decrees, Judgments, Orders, Rules, and Regulations are made after the passing of this Ordinance, the new title of the Court in which such Proceedings are taken, or such Decrees, Judgments, Orders, Rules, and Regulations are made shall be inserted in such Proceedings, Decrees, Judgments, Orders, Rules, and Regulations, in lieu of the former title; and Seals bearing Her Majesty's Royal Arms, and of the new titles of the said separate Courts, shall, as soon as conveniently may be, be substituted for those at present in use by such separate Courts, and the same shall be cognizable and of full authority in Judicature and thereout respectively, to all intents and purposes.

Appeal.

IX. Either of the said Chief Justices may at the request of the other Chief Justice, assist such other Chief Justice in hearing and determining all cases, Civil and Criminal, which such last mentioned Chief Justice might have heard and determined, and for that purpose the Chief Justice for the time being rendering such assistance, shall have and exercise all the powers, authorities, and jurisdiction, which the Chief Justice to whom such assistance is rendered has and exercises, and he may sit either separately or together with the last mentioned Chief Justice, as shall seem best to the said two Chief Justices, for the due Administration of Justice.

Defines precedence.

X. Provided always that upon the Mainland of British Columbia, the Chief Justice of the Mainland of British Columbia, and upon Vancouver Island the Chief Justice of Vancouver Island, shall have rank and precedence over the other Chief Justice.

Provides for merger of the Supreme Courts into one Supreme Court,

XI. Upon a vacancy being created by the death, resignation, or otherwise, of either of the present two Chief Justices, the said Supreme Courts

Courts of the Mainland of British Columbia and of Vancouver Island, shall be merged into one Supreme Court, to be called "The Supreme Court of British Columbia," and the surviving or remaining Chief Justice shall preside over the said Courts, and shall be called "The Chief Justice of British Columbia," and a Puisne Judge of the said Court shall thereupon be appointed by Her Majesty, Her Heirs or Successors, by Warrant under Her or Their Sign Manual and Signet, and receive the annual Salary of £1,000; and all the jurisdiction, powers, and authorities of the two present existing Supreme Courts, and of the Judges thereof, shall be vested in, and shall be had, exercised, and enjoyed by the said Supreme Court of British Columbia, and the Judges thereof.

with a new seal.

XII. The said Supreme Court of British Columbia when constituted shall have a Seal, bearing thereon Her Majesty's Royal Arms and the name of "The Supreme Court of British Columbia," which shall be used by the said Supreme Court as occasion shall require.

Rules and Regulations, how made.

XIII. The said Chief Justice of British Columbia is hereby authorised and empowered, from time to time, to make all such Orders, Rules, and Regulations, as he shall think fit, for the proper Administration of Justice in the said Supreme Court of British Columbia, and subject to such Orders, Rules, and Regulations, the then existing Rules and Regulations of the Supreme Court of the Mainland of British Columbia, shall have full force and effect in the said Supreme Court of British Columbia.

Short Title.

XIV. This Ordinance may be cited for all purposes as "The Supreme Courts Ordinance, 1869."

Passed the Legislative Council the 25th day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 1st day of March, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:
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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

* *

No. 9.

An Ordinance to provide for the Fencing of Land in British Columbia.

[1*st March*, 1869.]

WHEREAS it is expedient to provide for the proper Fencing of Lands in 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. It shall be lawful for the Governor, from time to time, for the purposes of this Ordinance, to divide the said Colony into Districts, to be called Fence Districts, and alter the same from time to time as occasion may appear to require. Governor may divide Colony into Fence Districts.

II. A lawful fence shall be at least four feet nine inches high throughout, above the general surface of the ground, and substantially constructed of either stone, brick, earth, wood, or iron, or partly of any one or more of these materials; and if made of horizontal bars, boards, or rails, of wood or iron, shall consist of such dimensions so as not to leave more than six inches between the several bars or rails respectively, up to the height of three feet from the surface of the ground, and for the remainder of the fence not more than twelve inches between the said bars or rails. Provided also that any natural boundary, which shall be sufficient to prevent the passage of cattle into inclosures, shall be treated as a lawful fence. Definition of a lawful Fence.

III. In the event of Cattle straying into lands within a Fence District on the Mainland of British Columbia, and into lands within or without a Fence District in all other parts of the Colony, unprotected by a lawful Fence so defined to be lawful as aforesaid, no trespass shall be deemed to have been committed, and no action for trespass shall be maintainable therefor, any law to the contrary notwithstanding. No action for trespass on Cattle straying into lands unprotected by lawful Fence.

IV. If any Cattle shall break into any ground enclosed by a lawful fence, the owner of such animal shall be liable to the owner or occupier of the enclosed premises for all damages sustained by such trespass, and if the trespass shall be repeated by neglect of the owner of such animal he shall, for the second and every subsequent offence, be subject to double the damage of such trespass to the owner or occupier of the said premises. The owner or occupier of the premises may impound every such animal, and shall advertize the same, with a sufficient description thereof, or give a written notice to the owner, if known; and if any animal so trespassing shall not be claimed, and the damages paid, together with the keep of such animal, and the cost of advertising such notice, within ten days from the publication of such notice, or of the Cattle breaking into land enclosed by a lawful Fence, the owner liable for damages. Cattle may be impounded;

the delivery of the same to the owner of such animal if known, the owner or occupier of the premises shall be at liberty to sell the same by public auction, and repay himself out of the proceeds of such sale, all damages done, and expenses incurred for the keep, advertisement, and sale thereof; and the notice shall be given to the owner of every such animal, by advertisement or otherwise, within five days from the date of impounding, and if not so given no charge shall be made for the keep of such animal for more than five days.

and sold by Public Auction.

Magistrate may appoint Salesman.

V. That in case there be no Auctioneer within a convenient distance in any particular Fence District, it shall be lawful for the Stipendiary Magistrate, or other Justice of the Peace for the District, to appoint a Salesman for the purpose of selling Cattle impounded for trespass; but such Salesman shall not require an Auctioneer's Licence.

Disputes may be tried by Jury.

Power to Justice of the Peace to enforce decision.

VI. If any dispute shall arise under this Ordinance, the same shall be adjudicated upon by the Justice of the Peace for the District wherein the same occurred, with the option of either party to claim a Jury of five persons. The Justice of the Peace shall for the purposes of this Ordinance, have all the powers of a County Court Judge in this Colony, in summoning, and compelling attendance of witnesses and jurors, and awarding damages and costs, which damages and costs shall be recovered in the same manner as amounts due under judgments of the County Court.

How Fence Districts may be created.

VII. Except so far as otherwise provided by Section III., this Ordinance shall not be applicable to any District unless upon an application being made in writing to the Governor of the Colony of British Columbia, signed by at least two-thirds of the resident land owners or occupiers in such District requiring the same to be applied to such District, and the Governor's Proclamation of his assent thereto in the *Government Gazette* accordingly.

Interpretation Clause.

VIII. 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. The word "Cattle" shall extend to and include horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, sheep, lambs, goats, pigs, mules, jennets, and asses.

Short Title.

IX. This Ordinance may be cited for all purposes as "The Fence Ordinance, 1869."

Passed the Legislative Council the 2nd day of February, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 1st day of March, 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

* *

No. 10.

An Ordinance for the better protection of Cattle, and the better prevention of Cattle Stealing.

[*9th March*, 1869.]

WHEREAS it is expedient to make provision for the better protection of Cattle, and for the better prevention of Cattle Stealing; Preamble.

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

Restitution of Stolen Cattle may be awarded.

I. From and after the passing of this Ordinance, any Justice of the Peace, upon complaint or information on oath that any Cattle suspected to have been stolen is in the possession of any person, may issue a summons to such person, requiring him to appear at a time and place mentioned in such summons, before the Justice of the Peace issuing such summons, or, in the discretion of such Justice, may issue a warrant in the first instance to apprehend and bring such person before such Justice of the Peace, and also if such Justice shall think fit, may issue his warrant to any Constable, commanding him to seize any such Cattle suspected to have been stolen, and detain the same until such information or complaint shall have been disposed of, and if on the appearance of such person so summoned or apprehended, or on proof of the serviec of such summons personally, or by leaving the same at the usual or last known place of abode of such person two days before he was required to appear, it shall seem to such Justice, after hearing evidence on oath or affirmation, that such Cattle was stolen, it shall be lawful for such Justice to determine to whom such Cattle belong, and to adjudge such person to be the owner thereof, and to issue a warrant under his hand and seal to any Constable of the said Colony, commanding him forthwith to seize such Cattle wheresoever the same may be found, and to restore and give peaceable possession thereof to the person so adjudged to be the owner as aforesaid. Provided always that nothing herein contained shall be construed or taken to discharge any person from any criminal prosecution for felony to be afterwards brought against such person, or to prevent the Justice committing such person for trial, or to deprive any person of any right he may have, or might have had before the passing hereof.

Penalty for possession of skin or carcase of stolen cattle.

II. If any witness shall prove on oath before any Justice of the Peace that there is reasonable cause to suspect that the skin or carcass of any Cattle stolen from any person is concealed in any dwelling-house, or other place, it shall be lawful for such Justice to issue a warrant directing any Constable to search such dwelling-house or place, and if the skin or carcass of any Cattle, or any part thereof, so suspected to have been stolen, shall be found in the possession of any person in or at such dwelling-house or other place specified in such warrant, with his knowledge, it shall be lawful for any Justice before whom such person shall be brought (unless such person shall satisfy the said Justice that he came lawfully by the same), to commit such person to the nearest gaol or lock-up in which he can be conveniently confined, in order that he may be brought forward for trial at the next sitting of the said Justice

of

of the Peace (unless he enter into such bail with one or more sufficient securities as may be required for his appearance before such Court, which bail any Justice is hereby authorized and required to take), and if such person so apprehended after proof upon oath of such finding of such skin, or carcass, or any part thereof as aforesaid, shall not satisfy the Justice sitting in open Court that he came lawfully thereby, he shall forfeit and pay any sum not exceeding Two Hundred and Fifty Dollars, together with the charges previous to and attending his conviction.

Penalty for fraudulently branding cattle.

III. Any person wilfully and fraudulently branding, or marking, or attempting to brand or mark, or being directly or indirectly concerned in branding, or marking, with his own or another person's brand, stamp, or mark, any Cattle not belonging to himself, without the consent of the owner of such Cattle, shall, on conviction thereof upon information under oath in a summary manner before any Justice of the Peace of the said Colony, be punishable for every such offence with a fine not exceeding Two Hundred and Fifty Dollars, leviable as hereinafter mentioned, and for a second offence by a similar fine leviable in like manner, with or without hard labor not exceeding Six Calendar Months in the discretion of the convicting Justice.

Imprisonment for non-payment of fines.

IV. Upon non-payment of any fine, forfeiture, or penalty, or non-compliance with any order or adjudication under this Ordinance, either immediately or within such period after the conviction as such Justice at the time of such conviction shall appoint, and where no mode of proceeding is hereby prescribed, such Justice shall commit the person making default in payment, or not complying with such order or adjudication, to any gaol in the said Colony with or without hard labor, in the case of non-payment of any sum, for any period not exceeding three months, where such sum remaining unpaid shall not exceed Fifty Dollars; four months where the said sum shall exceed Fifty Dollars, and not exceed One Hundred Dollars; and six months where the said sum shall exceed One Hundred Dollars, unless the said sums shall be sooner paid; and in the case of non-compliance with any order or adjudication as aforesaid, for any period not exceeding six months.

Proceedings in a summary way.

V. All proceedings under this Ordinance shall be had and taken in a summary way, and no information, unless in cases hereby specially required, shall be necessary previous to the issuing of a summons; and no Information, or Warrant, Conviction, Commitment, or other proceeding before or by any Justice of the Peace for any offence under this Ordinance, shall be quashed, or set aside, or judged void, or insufficient for want of form, or be moved by *certiorari* or otherwise, into either of the Supreme Courts in the said Colony, save in any case where the value or amount of any Cattle of which any person may be ordered to make restitution, or of any sum, fine, or penalty, or forfeiture which any person may be ordered to pay, shall exceed Fifty Dollars, in any Information, Summons, Warrant, Conviction, Commitment or other proceeding, for any offence contrary to this Ordinance, it shall be sufficient if the offence be stated in the words thereof declaring the offence, and in all proceedings under this Ordinance the informer or any party prosecuting shall be deemed a competent witness.

Appropriation of penalties.

VI. All fines, forfeitures, and penalties, imposed by this Ordinance, shall be paid to Her Majesty, Her Heirs and Successors, for the public uses of the said Colony, and in support of the Government thereof; provided, always, that the convicting Justice may at his discretion award any portion not exceeding one moiety of any fine, forfeiture, or penalty for the use of the informer or party prosecuting.

No damage for breach of contract unless bill of sale contains description of brands.

VII. No consideration or damages for breach of contract, or otherwise, shall be recoverable under any contract for the sale of any Cattle unless such sale shall have been made by bill of sale or memorandum in writing, and in the margin or body thereof there shall have been inserted at the period of making thereof the particular brands or marks upon each of the Cattle included in such sale; provided, always, that this Section shall not apply to any portion of the Colony other than that formerly known as Vancouver Island and its Dependencies.

Brands to be registered.

Every person keeping and using brands for branding Cattle shall register the same with the Magistrate of the District, by leaving a transcript of such brand upon a board with such Magistrate, who shall keep a record of all such brands in a book kept for that purpose, to be at all times open to inspection on payment of a fee of twenty-five cents.

No

No two persons shall have and use similar brands in the same District; and in case any person shall have registered a brand, and some other person shall use, within the same District, a similar brand, the Magistrate shall have power to compel the person so using a brand as aforesaid to alter the same in some particular; and in case of such person refusing or neglecting to obey the order of the said Magistrate, the said Magistrate shall have power to impose a penalty not exceeding Fifty Dollars for each offence. **No two persons to have similar brands.**

A fee of twenty-five cents shall be taken for each registration of brands. **Fees for registration.**

VIII. No action at law shall lie against any Justice of the Peace for any matter or thing done, or commanded to be done by him, in pursuance of the provisions of this Ordinance, unless there be proof of corruption or malice, and unless such action be commenced within Three Calendar Months after the cause of action or complaint shall have arisen, and if any Justice shall be sued for any matter or thing done in pursuance of this Ordinance, he may plead the general issue and give the special matter in evidence. **Action against Justices.**

IX. If any person is found in possession of other than his own registered brand or brands used for the purpose of obliterating existing brands, it shall be *prima facie* evidence that he is in possession of the same for Cattle stealing purposes; and upon conviction thereof, summarily before a Magistrate, he shall be liable for each offence to the same penalties, recoverable in the same manner, as provided in Clause III. in case of unlawful branding. **Penalty for possession of brands other than those registered.**

X. It shall be lawful for the Stipendiary Magistrate of any District in the Colony, or where none such exists for any Justice of the Peace of the Colony, at any time or from time to time, by any writing under his hand, to authorize any Constable or other person or persons to inspect the hides of all Cattle killed or brought to any Butcher's shop or slaughter-house, or other place used for the time being for killing any Cattle; and no Butcher or other person killing Cattle shall remove the skin or skins of any Cattle he may kill from the house or place where the same shall have been killed, or remove or disfigure any brands or marks on any such skin, but shall keep the same skins so undefaced and undisfigured at all times freely open to iuspection by any Constable, Officer, or person so appointed as aforesaid to inspect, for the space of at least eight days from the day on which any such Cattle shall have been killed. Any person or persons impeding or interfering with any Constable, Officer, or other person so inspecting shall be liable, upon conviction thereof summarily before a Justice of the Peace, to the same penalties, recoverable and enforceable on default, in exactly the same manner as is hereinbefore appointed in respect of the penalty imposed for the unlawful branding of Cattle. Provided, always, that this Section shall not apply to any portion of the Colony other than that formerly known as Vancouver Island and its Dependencies. **Inspection of hides.** **Penalties.**

XI. In the construction of this Ordinance, the word "Cattle" shall extend to and include Horses, Mares, Fillies, Foals, Geldings, Colts, Bulls, Bullocks, Cows, Heifers, Steers, Calves, Sheep, Mules and Asses. **Inerpretation of terms.**

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

XIII. This Ordinance may be cited for all purposes as the "Cattle Ordinance, 1869." **Short Title.**

Passed the Legislative Council the 1st day of March, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 9th day of March, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:
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BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 11.

An Ordinance respecting Pre-emption Claims.

[10*th March*, 1869.]

WHEREAS it is expedient to declare the law as to the payment of the purchase money that may be due and payable for Land taken up by Settlers as Pre-emption and Pre-emption Purchase Claims in that part of the Colony heretofore known as the Colony of British Columbia and its Dependencies, under "The Land Ordinance, 1865," or any other Pre-emption Laws affecting that portion 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 purchase money for Pre-emption Claims, and the balance of purchase money upon Pre-emption Purchase Claims, held under any of the Laws heretofore, or for the time being, regulating the acquisition and tenure of Pre-emption Claims in that part of the Colony formerly known as the Colony of British Columbia and its Dependencies, shall be, and be deemed to have been, and to be due and payable to Her Majesty, Her Heirs and Successors, as part of the General Revenue of the Colony, as and from the date of the service of an application, signed by the Chief Commissioner of Lands and Works and Surveyor General, upon the person or persons to be affected thereby, and notifying the completion of the Government Survey of the Land specified in such application, and calling upon such person or persons for the payment of the amount for the time being due and payable as aforesaid in respect of such Land. Defines time for payment of purchase money.

II. This Ordinance may be cited for all purposes as the "The Pre-emption Payment Ordinance, 1869." Short Title.

Passed the Legislative Council the 1*st day of March, A. D.* 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 10*th day of March*, 1869.

FREDERICK SEYMOUR, *Governor.*

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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

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No. 12.

An Ordinance respecting Stipendiary Magistrates.

[10*th March*, 1869.]

WHEREAS it is expedient to declare the powers and authorities of Stipendiary Magistrates in 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. Every Stipendiary Magistrate appointed, or to be appointed, in or for the Colony of British Columbia, or any part, Town, or District thereof, shall have, and be deemed to have had, full power, authority, and jurisdiction to do alone, within the limits of his Commission or other authority appointing him in that behalf, all and whatsoever is, or may be, authorized to be done by any one or more Justice or Justices of the Peace in and for the said Colony, or any part, Town, or District thereof, under or by virtue of any Law, Statute, or Ordinance which shall for the time being be in force in the said Colony; and every such Magistrate shall, while acting as such within the limits of the District or other territorial division of the Colony, for the time being or from time to time assigned to him by his Commission, or other authority in that behalf from the Governor or the Officer for the time being administering the Government, have and take rank and precedence before all other Justices of the Peace whatsoever, except Justices of Assize, or Judges of any Supreme Court in the Colony. Powers of Stipendiary Magistrates.

II. This Ordinance may be cited for all purposes as "The Stipendiary Ordinance, 1869." Short Title.

Passed the Legislative Council the 25*th day of February, A. D.* 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 10*th day of March*, 1869.

FREDERICK SEYMOUR, *Governor.*

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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

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No. 13.

An Ordinance to amend the Law of Partnership.

[10*th March*, 1869.]

WHEREAS it is expedient to amend the Law relating to Partnership; Preamble.

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

I. The "Partnership Act, 1866," of the former Colony of Vancouver Island, is hereby repealed, provided, however, that such repeal shall not invalidate any acts or things done, or affect any rights acquired thereunder. Partnership Act, 1865, repealed, saving existing rights.

II. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not of itself constitute the lender a Partner with the person or persons carrying on such trade or undertaking, or render him responsible as such. Advance of money on contract to receive a share of profits not to make lender a partner.

III. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking, shall of itself render such servant or agent responsible as a Partner therein, nor give him the rights of Partner. Remuneration of agents, &c., by share of profits not to make them partners.

IV. No person being widow or child of the deceased Partner of a trader, and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a Partner of, or to be subject to any liabilities incurred by, such trader. Certain annuitants not to be deemed partners.

V. No person receiving, by way of annuity or otherwise, a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a Partner of, or be subject to the liabilities of, the person carrying on such business. Receipts of profits in consideration of sale of good-will not to make seller a partner.

VI. In the event of any such trader aforesaid being adjudged a Bankrupt, or taking the benefit of any Act for the relief of Insolvent Debtors, or entering into an arrangement to pay his creditors less than One hundred cents in the dollar, or dying in Insolvent circumstances, the lender of any such loan as aforesaid shall not be entitled to recover any portion of his principal or of the profits or interest payable in respect of such loan, nor shall any such vendor of a good-will as aforesaid be entitled to recover any such profits as aforesaid, until the claims of the other creditors of the said trader for valuable consideration in money or money's worth have been satisfied. In case of bankruptcy, &c., lender not to rank with other creditors.

VII. In the construction of this Ordinance the word "person" shall include a Partnership firm, a Joint-stock Company, and a Corporation. Interpretation of "person."

VIII. This Ordinance may be cited for all purposes as "The Partnership Ordinance, 1869." Short Title.

Passed the Legislative Council the 25*th day of February, A. D.* 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 10*th day of March*, 1869.

FREDERICK SEYMOUR,
Governor.

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VICTORIÆ REGINÆ.

* *

No. 14.

An Ordinance granting a Supplemental Supply of One Hundred and Thirty-Four Thousand Four Hundred and Sixty-Five Dollars and Ninety-Eight Cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the Contingent Service of the years 1866-7, respectively.

[10*th March*, 1869.]

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

That the sum of One Hundred and Thirty-Four Thousand Four Hundred and Sixty-Five Dollars and Ninety-Eight 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 Colony of British Columbia and its Dependencies, for the service of the years 1866-7, and the Governor of the said Colony is hereby authorized to empower the Treasurer thereof, to give and apply the same accordingly. Grants Supplementary Supply of $134, 465 98.

Passed the Legislative Council the 3rd day of March, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 10*th day of March*, 1869.

FREDERICK SEYMOUR,
Governor.

SCHEDULE.

SCHEDULE.

1866.

ESTABLISHMENTS.

The Governor	$293 45
Colonial Secretary	219 87
Legislative Council	4 00
Treasurer	13 46
Chief Commissioner of Lands and Works	128 16
Customs	636 52
Harbour Master	194 27
Post Office	166 45
Assessor	202 12
Registrar General	202 08
Judicial	1,336 63
Gold Commissioners and Stipendiary Magistrates	5,794 04

EXCLUSIVE OF ESTABLISHMENTS.

Pensions	$ 202 08
Revenue Services	881 58
Administration of Justice	717 00
Charitable Allowances	1,000 00
Education	426 36
Police and Gaols	2,656 48
Rent	205 00
Transport	2,938 00
Conveyance of Mails	6,867 94
Works and Buildings	4,312 49
Roads, Streets, and Bridges	12,055 77
Miscellaneous Services	1,646 75
Interest	4,480 12
Drawbacks	70 19
Government Vessels	1,061 67
Light Houses	277 21

1867.

ESTABLISHMENTS.

The Governor	726 82
Colonial Secretary	131 81
Treasurer	102 44
Chief Commissioner of Lands and Works	86 62
Customs	1,310 43
Registrar General	6 96
Harbour Master	4 00
Post Office	1,354 62
Assessor, Vancouver Island	1,212 49
Judicial	3,678 82
Gold Commissioners and Stipendiary Magistrates	7,386 60

EXCLUSIVE OF ESTABLISHMENTS.

Pensions	5,696 59
Revenue Services	763 65
Administration of Justice	150 00
Police and Gaols	8,243 00
Rent	522 20
Transport	1,448 91
Conveyance of Mails	7,655 70
Works and Buildings	2,038 06
Miscellaneous Services	12,580 59
Interest	9,925 94
Drawbacks	2,055 87
Sinking Funds	17,499 77
Deposits	894 40

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BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 15.

An Ordinance to establish a Volunteer Force.

[*9th March*, 1869.]

Preamble.

WHEREAS it is expedient to encourage the establishment of Volunteer Forces in 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:—

Governor to be Commander-in-Chief.

I. The Governor shall, by virtue of his office, be Commander-in-Chief of the Volunteer Force of the Colony.

Volunteer Corps how formed.

II. It shall be lawful for the Governor, on behalf of Her Majesty, from time to time to accept the services of any persons desiring to be formed under this Ordinance into a Volunteer Corps, and on such acceptance, the proposed Corps shall be deemed lawfully formed under this Ordinance, as a Corps of the Colony; and all Volunteer Corps may be disbanded from time to time, and reorganized by authority of the Commander-in-Chief, as may in his opinion best tend to further the purposes of this Ordinance and the public good.

Arms.

III. All arms shall be supplied by the said Colony to the non-commissioned officers and privates of the Volunteer Force, and for these the Commanding Officer of the Corps shall be responsible; and said arms shall be renewed and kept in repair at the expense of the Colony, when it becomes necessary on account of wear in service. Sufficient ammunition also shall be supplied for practice at the expense of the Colony, as the Commander-in-Chief may direct.

How officered.

IV. Every Volunteer Corps shall be officered by persons commissioned by the Governor of the Colony, on behalf of Her Majesty, and a Commission so granted shall not be deemed vacated by the revocation or other determination of the Commission by which such Governor was appointed; and Officers of the Volunteer Force shall rank with Officers of Her Majesty's Regular and Militia Forces, as the youngest of their respective ranks.

Regulations.

V. The establishment of each Corps formed under this Ordinance, and the general regulations for its management, shall be in accordance with the regulations of the Volunteer Force of Great Britain, as from time to time officially published, and obtainable in Colony.

Officers, British Subjects.

VI. No person shall be an Officer of the Force unless he is one of Her Majesty's subjects.

VII. Every

Oath of Allegiance.

VII. Every Officer shall on receiving his Commission, and every Volunteer shall on his enrollment on the Muster Roll of his Corps, or in either case as soon afterwards as he is called upon to do so by his superior Officer, take the Oath set forth in the Schedule to this Ordinance, before either the Governor, any Judge, Magistrate, or Commissioned Officer of the Corps, who has himself taken the said Oath.

Resignation.

VIII. Except when on actual military service, any Volunteer may quit his Corps on complying with the following conditions, viz.:—

1. Giving to the Commanding Officer of his Company fourteen days' notice in writing of his intention to do so.
2. Delivering up in good order, fair wear and tear excepted, all arms, clothing, and appointments, being public property or property of the Corps issued to him.
3. Paying all money due or becoming due by him under the Rules of the Corps, either before or at the time, or by reason of his quitting it And thereupon he shall cease to be a member of the Force, and shall be entitled to be struck out of the Muster Roll thereof by the Commanding Officer, who shall thereupon furnish him with a certificate of discharge.

Active Service.

IX. The Commander-in-Chief may call out the Volunteer Force, or any part thereof, for military service whenever it is in his opinion advisable to do so, by reason of actual or apprehended invasion of or insurrection in any part of the Colony; the occasion to be notified by Proclamation under his hand and seal. Every Officer and Volunteer so called out, shall be bound to assemble as the Commander-in-Chief directs, and to march or proceed according to orders within the Colony, and from the time of his Corps being so called out, shall be deemed on actual military service. If any such Officer or Volunteer not certified by proper authority to be incapacitated by infirmity for military service, or specially exempted by the Commander-in-Chief, refuses or neglects so to assemble and march, he shall be deemed a deserter.

Release by Proclamation.

X. After the Volunteer Force, or any part thereof, has been called out for actual military service, it shall only be considered released therefrom by a Proclamation of the Governor, declaring the occasion of need having passed, and before any Volunteer Corps is so released it shall be brought back to the place to which it belongs.

How officered when on active service.

XI. When Volunteers are on actual military service, the Governor of the Colony may put them and their Officers under the command of a General or Field Officer of Her Majesty's Army, senior in rank to every Officer of the Volunteer Force so put under command; but so, nevertheless, that the Volunteers put under such command, and while under it, shall be led by their own Officers; and all Volunteer Officers and Volunteers when called on for actual military service, shall be subject to the provisions of the Mutiny Act, the same as the officers and soldiers of Her Majesty's Army.

May be discharged for misconduct.

XII. The Commanding Officer of a Volunteer Corps may discharge from the Corps, when not on actual military service, any Volunteer, and strike him out of the Muster Roll, either for disobedience of orders by him, or for neglect of duty or misconduct by him as a Member of the Corps, or for other cause sufficient in the judgment of the said Commanding Officer; the Volunteer so discharged shall deliver up in good order, fair wear and tear excepted, all arms, clothing, and accoutrements being public property, or property of his Corps issued to him; and shall pay all money due or becoming due by him under the Rules of his Corps, either before or at the time, or by reason of his discharge; provided, that no such discharge shall be made until the decision of a Court of Inquiry, to consist of two commissioned Officers and one non-commissioned Officer, shall have been given to that effect; but nothing herein contained shall prevent the Governor, on behalf of Her Majesty, from giving such directions with respect to any such case of discharge,

charge, and if need be, reversing the same, as to the Governor may appear just and proper.

XIII. If any Officer or Volunteer while under arms, or on march, or doing duty with the Corps to which he belongs, or while wearing clothing or accoutrements of his Corps, and going to or returning from any place of exercise or assembly of his Corps, disobey any lawful orders of any Officer under whose command he then is, or is guilty of misconduct, the Officer then in command of the Corps may order the offender, if an Officer into arrest, and if not an Officer into the custody of any Volunteer belonging to the Corps; but so that the offender be not kept in such arrest or custody longer than during the time of the Corps then remaining under arms or on duty. Liable to be placed under arrest.

XIV. The Officers and Volunteers belonging to a Volunteer Corps may, from time to time, make Rules for the management of the property, finances, and civil affairs of the Corps, and may alter and repeal such Rules; and any such Rules transmitted to the Governor by the Commanding Officer of the Corps, and approved of by him, on behalf of Her Majesty, shall be binding on all members of the Corps, and a copy of such Rules, either in print or writing, or both, certified to be a true one by the Commanding Officer, shall be conclusive evidence of the Rules of the Corps. May make Rules for management of Corps.

XV. All money subscribed by or for the use of a Volunteer Corps, and all effects thereto belonging, and the exclusive right to sue for and recover current or past due subscriptions, and any other money due to the Corps, and all lands or buildings acquired by the Corps shall rest in the Commanding Officer of the Corps, for the time being, and his successors in office, with power for him or them to sue and make contracts and conveyances, and do all other lawful things relating thereto; and any civil or criminal proceeding taken by virtue of the present Section, by the Commanding Officer of any Corps, shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of his successor in office. Powers of Commanding Officer over property of Corps.

XVI. If any person belonging or having belonged to a Volunteer Corps neglects or refuses to pay any money subscribed or undertaken by him to be paid towards any of the funds or expenses of said Corps, or to pay any fine incurred by him, under the rules of the Corps, such money or fine shall be recoverable from him with costs in a summary way, on the prosecution of the Commanding Officer before a Stipendiary Magistrate, or one or more Justices of Peace, having jurisdiction where the offence was committed or where the offender may be, and any penalty so recovered shall be paid to the Commanding Officer, and applied by him as part of the general fund of the Corps. Recovery of subscriptions and fines.

XVII. If any person designedly makes away with, sells, pledges, wrongfully destroys, wilfully damages, or negligently loses any thing issued to him as a Volunteer, or wrongfully refuses, or neglects to deliver up on demand of the Commanding Officer, anything issued to him as a Volunteer, the value thereof shall be recoverable from him with costs, with a penalty of not exceeding Twenty Dollars, in the manner prescribed in the foregoing clause. Penalty for making away with supplies.

XVIII. If any person knowingly buys or takes in exchange from any Volunteer, or any person acting on his behalf, or knowingly assists or acts for any Volunteer in selling, or has in his possession or keeping without satisfactorily accounting for, any arms, clothing, or appointments, being public property, or property of any Volunteer Corps, or any public stores or ammunition issued for the use of any such Corps, he shall be liable to a penalty not exceeding One Hundred Dollars with imprisonment for any term not exceeding Three Months, on conviction of such offence by any Stipendiary Magistrate. Penalty for buying supplies.

XIX. If any person wilfully commits any damage to any butt or target belonging to or lawfully used by any Volunteer Corps, or without Penalty for damaging butts.

without the leave of the Commanding Officer searches for bullets in or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable, on prosecution by the Commanding Officer, to a penalty not exceeding Twenty Dollars.

Recovery of penalties.

XX. Any penalty or fine imposed or made recoverable under this Ordinance, may be recovered in a summary way, before any Stipendiary Magistrate having jurisdiction within the Colony.

Pensions

XXI. Every Officer of a Volunteer Corps, and every Volunteer, disabled on actual military service, shall be entitled to a Pension of Three Hundred Dollars per annum for his life; and the widow of such Officer or Volunteer killed in actual military service, shall be entitled to a Pension of Three Hundred Dollars per annum during widowhood; every such Pension to be a charge upon the Public Revenue of the Colony.

Public allowances of money.

XXII. There shall be paid out of the General Revenue of the Colony, to the Commanding Officer of every Volunteer Corps of not less than Thirty enrolled Members, for the expenses of the said Corps, a sum of money to be reckoned as follows;—

(*a.*) For every member of the Corps who has been certified as an effective member (according to the Regulations of the Volunteer Forces in Great Britain from time to time officially published) an annual sum of Five Dollars.

(*b.*) For every Member of the Corps who has, in his annual class shooting, attained the rank of "Marksman," an annual amount of Ten Dollars;

(*c.*) And on the first establishment of any Volunteer Corps of not less than Thirty Members, the Governor may grant a sum not exceeding Five Hundred Dollars, for the preliminary expenses of such establishment.

Ordinance applicable to any existing Corps.

XXIII. The provisions of this Ordinance shall be applicable to any Corps now in actual existence and service, and whose services have been regularly accepted prior to the passage of this Ordinance, by the Governor of the Colony, subject to Her Majesty's approval; and the Rules of such Corps submitted in accordance with this Ordinance for approval of the Governor, are declared binding; and all commissions of Officers of such Corps provisionally granted or recognized by said Governor, and now existing unrevoked, are by this Ordinance affirmed.

Interpretation of terms.

XXIV. The term "Volunteer" shall mean a non-commissioned Officer or Private belonging to a Volunteer Corps; and the term "Corps" shall for the purposes of this Ordinance mean any Battery, Troop of Cavalry, Artillery, or Rifle Company, or any two or more Batteries, Troops, or Companies united for Military purposes; the word "Governor" shall mean the Governor of the Colony of British Columbia, or other the person for the time being lawfully acting as such Governor.

Short Title.

XXV. This Ordinance may be cited for all purposes as the "Volunteer Ordinance, 1869."

Passed the Legislative Council the 2nd day of March, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.* WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 9th day of March, 1869.

FREDERICK SEYMOUR, *Governor.*

SCHEDULE.

I, A. B., do solemnly and sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, and that I will faithfully serve Her Majesty, Her Heirs and Successors, in the Colony of British Columbia, for the defence of the same against all Her or Their enemies and opposers whatsoever, according to the conditions of my service.

VICTORIA, B. C.:
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BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. 16.

An Ordinance to provide for the maintenance, improvement, and construction of Roads in British Columbia.

[*9th March*, 1869.]

WHEREAS it is expedient to make better provision for the maintenance, improvement, and construction of Roads in 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. From and after the passing of this Ordinance, the "Road Act, 1860," and the "District Road Amendment Act, 1866," of that part of the Colony formerly known as the Colony of Vancouver Island and its Dependencies, shall be and are hereby repealed; save and except as to any Taxes accrued, due thereunder, or to any pains, penalties, or forfeitures incurred, or liable to be incurred, under the said Acts. Repeals former Acts.

II. For the purposes of this Ordinance, the following Road Districts shall be created and established, namely:— Road Districts.

1. Esquimalt Town Road District;
2. Esquimalt and Metchosin Road District;
3. Victoria Road District;
4. Lake and Saanich Road District;
5. Nanaimo Road District;
6. Cowichan Road District;
7. Salt Spring Island Road District;
8. Comox Road District;

and all such Road Districts as shall hereafter be created under the provisions of this Ordinance.

III. The boundaries of the Esquimalt Town Road District shall include that portion of Land bounded by Esquimalt Harbour to the north, Royal Bay to the south, Section XI. on the Official Map of the District to the south-east, Sections X. and XXVI. on the said Map to the north-east. Boundaries of Esquimalt Town Road District.

IV. The boundaries of the Esquimalt and Metchosin Road District shall be those laid down on the Official Map as the boundaries of Esquimalt District, Metchosin District, and Sooke District respectively. Esquimalt and Metchosin.

V. The boundaries of the Victoria Road District shall be those laid down on the Official Map as the boundaries of the District of Victoria, excluding such portion of that District as is included within the limits of the Municipality of the City of Victoria. Victoria.

VI. The

Lake and Saanich.

VI. The boundaries of the Lake and Saanich Road Districts shall be those laid down on the Official Map as the boundaries of the Lake District, and North and South Saanich Districts, and Highland District.

Nanaimo.

VII. The boundaries of the Nanaimo Road District shall be those laid down on the Official Map as the boundaries of Nanaimo District, and shall include the Districts of Mountain, Cranberry, Cedar, and Douglas, according to the boundaries so laid down as the boundaries of such Districts respectively.

Cowichan.

VIII. The boundaries of the Cowichan Road District shall be those laid down on the Official Map as the boundaries of the Cowichan District, and shall include the Districts of Shawnigan, Quamichan, Somenos, Chemanus, and Comiaken, according to the boundaries so laid down as the boundaries of such Districts respectively.

Salt Spring Island.

IX. The boundaries of the Salt Spring Island Road District shall include the whole of the said Island.

Comox.

X. The boundaries of the Comox Road District shall be the boundaries of the Comox District as laid down on the Official Map of the said District.

City of Victoria to be a Road District.

XI. The City of Victoria shall also be a Road District, and the annual tax payable within that District, under this Ordinance, shall be assessed, levied, and collected by the Municipal Council of the said City, in the manner by this Ordinance provided, and shall be expended by such Council in the maintenance, construction, and improvements of the streets, side-walks, thoroughfares, bridges, and approaches thereto, and for the purposes of drainage, within the said City Road District, and for no other purposes whatsoever.

Governor upon Petition, may create Road Districts,

XII. The Governor may, upon Petition from two-thirds at least of the residents of any portion of British Columbia, create, by Proclamation published in the *Government Gazette*, such portion into a Road District, with such boundaries as upon such Petition shall seem to him meet; provided, always, that prior to so creating a new Road District upon Petition as aforesaid, the Governor shall cause notice of the receipt and purport of such Petition to be published for one month in the *Government Gazette*.

And may vary and alter Boundaries.

XIII. The Governor may, upon Petition from the residents and Land Owners or any portion thereof in any Road District, either now created or hereafter created under the provisions of this Ordinance, from time to time, by Proclamation published in the *Government Gazette*, vary and alter the boundaries of any such District, or subdivide such District into two or more Road Districts, in such manner as upon such Petition shall seem to him meet; provided, always, that notice of the receipt and purport of any such Petition shall be published for one month in the *Government Gazette*, prior to final action being taken therein by the Governor.

Who to be assessed, and amount.

XIV. Every male person above eighteen years of age resident at the period of assessment as hereinafter described, in any Road District created or which may be created under the provisions of this Ordinance, and every person not resident but possessed of any interest in any Real Estate in any of the said Road Districts, shall pay an Annual Tax of the sum of Two Dollars, and if any person, whether resident or non-resident, shall be possessed of any greater interest in any Real Estate in any of the said Road Districts than of the extent of Ten Acres, then every such person shall pay for every additional Acre, or portion of an Acre, above Ten Acres, a further Annual Tax of Four Cents for each Acre or portion of an Acre.

Compounding by prepayment of five years tax.

XV. It shall be lawful for any person liable to assessment for Road purposes under this Ordinance, from time to time or at any time, to compound for the Road Tax which such person shall be required to pay for not exceeding five years from the date of such composition,

composition, by prepayment of the amount of Road Tax which may be accruing due during the period of such composition, or any portion thereof, and the Collector shall be and is hereby empowered to receive, and account and give proper acknowledgments, for the same, in account with such persons for their Road Tax; but such composition shall not extend to the Road Tax for which any person so compounding may become liable in respect of land acquired subsequently to the date of such composition.

Appointment of Collectors.

XVI. The Governor shall from time to time appoint one or more persons to act, during pleasure, as Collector or Collectors in each Road District created under the provisions of this Ordinance, and may require from such person or persons such security as he may think fit; provided, always, that in the City of Victoria Road District, the Municipal Council of the City of Victoria, by any Officer appointed by them in that behalf, shall be the Collectors.

Their duties.

XVII. It shall be the duty of the Collector on or before the first day of May, 1869, and afterwards between the first day of January, and the first day of February in each year, to make out a list of all persons who may be liable to pay Road Tax for the year, within the District or portion of the District for which he acts, including in such list the names of Land Owners, as well as the names of persons not Land Owners, but resident within the District or portion of the District as aforesaid, at the time of the Collector making his assessment, together with the amount of Tax for which each person is liable under the provisions of this Ordinance; and the Collector shall give notice by writing, exhibited and posted up in two or more conspicuous places within his District, and by advertisement in the *Government Gazette*, of some place within his District or the portion of the District for which he acts, where such list is deposited and can be inspected, and such notice by way of advertisement shall be good and sufficient notice to all persons interested therein, and such list shall be open to inspection by all persons from time to time and at all reasonable hours, free of charge.

Appeal.

XVIII. If any person so assessed as aforesaid, shall feel aggrieved by reason of being assessed, or by reason of the amount at which he is assessed, he may, either by himself or by his agent, within one month after the first publication of the notice as aforesaid, appeal against such assessment to any Stipendiary Magistrate, or two Justices of the Peace, who may either confirm, amend, or disallow such assessment, according as the circumstances of the case shall require, and his or their decision shall thereupon be final.

Times for Collection.

XIX. On and after the first day of June in the current year, and afterwards on and after the first day of April in each year, the Collector shall collect the Road Tax from each person liable to pay the same within his District, or portion of the District for which he acts, and the Collector shall as soon afterwards as may be, pay over the amount to the Treasurer of the Colony, or to such other person as the Governor may direct, or in the case of the Victoria City Road District, to the Municipal Council of such City.

Salary by Corporation to Collector for Victoria City District.

XX. The Governor, and in the case of the Victoria City Road District, the Municipal Council thereof, may allow the Collector such percentage upon the amount of his collection as may seem reasonable and just, not however in any case exceeding Ten per cent. upon the gross amount collected in any one year, and the Governor, or Municipal Council respectively, may further allow such additional sum, by way of expenses, as may be necessary and reasonable for the purpose of carrying out the provisions of this Ordinance.

Taxes expended where collected.

XXI. The net amount of Road Tax collected in each District, shall be expended from time to time, in such manner as the Governor, or in the Victoria City Road District, as the Municipal Council thereof may direct, within the District in which it has been collected,

collected, in the maintenance, improvement, and construction of highways within such District; provided, always, that in the case of the Victoria City Road District, the Road Tax shall be expended as hereinbefore provided.

Taxes how recovered.

XXII. Any Tax due under the provisions of this Ordinance, which shall not be paid within thirty days of the period when it becomes due, may be recovered with costs, at the suit or instance of the Collector, in a summary manner, before any Stipendiary Magistrate, or two Justices of the Peace, such amount to be levied by distress upon the goods and chattels, wherever they may be found, of the person liable to pay the said Tax, and for the purposes of this Ordinance all trees and timber, whether severed or unsevered, shall be deemed to be goods and chattels.

Arrears to bear Interest, and be Registered.

XXIII. In case of insufficiency of any such distress, the Magistrate or Justices aforesaid, may make an order to cause the amount so adjudged due or then remaining due, together with the costs of proceeding, to be paid within seven days, and thereupon and thenceforth the same shall carry interest at the rate of eighteen per cent. per annum, until paid and satisfied. All orders so made as aforesaid, shall be transmitted to and filed of record with the Land Registry Office.

Short Title.

XXIV. This Ordinance may be cited for all purposes as the "Road Ordinance, 1869."

Passed the Legislative Council the 2nd day of March, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 9th day of March, 1869.

FREDERICK SEYMOUR,
Governor.

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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

* *

No. 17.

An Ordinance respecting the practise of Surgery, and for the encouragement of the Study of Anatomy.

[11*th March*, 1869.]

WHEREAS it is desirable to encourage the Study of Surgery and Anatomy 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. That the body of any person found dead, publicly exposed, or who immediately before death had been supported in and by any Public Hospital receiving pecuniary aid from the Government of this Colony, shall, unless the person so dying otherwise directs, be delivered to persons qualified as hereinafter mentioned, for the purposes of dissection. But if such body be claimed within the usual period for interment by *bona fide* friends or relatives, the body shall be delivered to them; or if the person otherwise directed as aforesaid before death, the body shall be decently interred, as heretofore. What bodies may become subjects for dissection.

II. The persons qualified to receive such unclaimed bodies, shall be such Medical Practitioners as are duly qualified to practise, and are at the time of the passing of this Ordinance, or hereafter, shall be actually practising under the provisions of "The Medical Ordinance, 1867," who may require such bodies for dissection, either for their own improvement or the instruction of any Student or Students under them, or to the teachers of Surgery and Anatomy in any public or private School, College, Society, or Faculty of Medicine or Surgery that may hereafter be established in this Colony. Declares who are entitled to receive the same.

III. That the Person in charge of any and every such Public Hospital as aforesaid, and the Coroner of each District shall forward to the Medical Registrar of the Colony the name, age, sex, birthplace (if it can be ascertained), and date of death of all unclaimed bodies given up by them respectively for dissection under this Ordinance, within one week from the time of giving up such bodies as aforesaid. Description of unclaimed bodies given up for dissection to be sent to Medical Registrar.

IV. It shall be the duty of the said Medical Registrar to enter in a Book to be kept for that purpose by him, the name and residence of all Medical Practitioners qualified to receive and desirous of receiving bodies for dissection; and also to enter from the Returns forwarded to him by the Person or Persons in charge of the Public Hospitals and of the Coroners, in a Register to be kept for that purpose, the name, age, sex, birthplace, and date of death of all Persons mentioned in such Returns, with the name and place of residence of the Practitioner to whom the body was delivered as aforesaid. Medical men entitled to receive bodies, to be registered by the Medical Registrar.

V. That

Provides for reference to Register.

V. That such Returns, Book, and Register, shall be open at all reasonable hours for the inspection of any Medical Practitioner who may desire to inspect the same, on payment of a Fee of Fifty Cents for the use of the Medical Registrar.

Bodies to be impartially distributed.

VI. That Person or Persons in charge of the Public Hospitals as aforesaid, and the Coroners, shall make an impartial distribution of the bodies, in rotation, according to the actual wants of the claimants.

Receipt to be given for body, and fee paid.

VII. That on delivery of every such unclaimed body as aforesaid, the Person or Persons in charge of the Hospital or the Coroner, as the case may be, shall take from the Medical Practitioner receiving the body a receipt, in the Form A. in the Schedule to this Ordinance, and such Practitioner shall pay the sum of Ten Dollars to the Person from whom he receives the body, and take a receipt therefor, in the Form B. in the said Schedule; and such sum shall in every case be applied towards the support and maintenance of the Public Hospitals in the Colony.

Coroner may give unclaimed body to be dissected.

VIII. The Coroner who presides at the Inquest on any body found publicly exposed, and unclaimed by *bona fide* friends or relatives, shall deliver up the body to any Medical Practitioner (on application by him), duly qualified to receive the same under this Ordinance.

Medical practitioners availing themselves of this Ordinance to give security to Medical Registrar.

IX. That every Medical Practitioner wishing to avail himself of the benefits of this Ordinance shall appear before the Medical Registrar of the Colony, or his deputy, and give security, himself in the sum of One Hundred Dollars, and two sureties in the sum of Fifty Dollars each, for the decent interment of the bodies after they have served the purposes required.

Short Title.

X. This Ordinance may be cited for all purposes as the "Anatomy Ordinance, 1869."

Passed the Legislative Council the 16*th day of February, A. D.* 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 11*th day of March,* 1869.

FREDERICK SEYMOUR, *Governor.*

SCHEDULE.

FORM A.

Received from [Coroner or the Person, &c., &c.,] the body of [name, age, sex, &c., &c.,] for the purpose of dissection and anatomical instruction.

Dated the day of , A. D. 18 .

Witness,

FORM B.

Received of [Medical Practitioner's name] the sum of Dollars, for the body of [name, age, sex, &c., &c.,] and I hereby certify that the said body has not been claimed by *bona fide* friends or relatives.

Dated the day of , A. D. 18 .

Witness

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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

* *

No. 18.

An Ordinance to amend the Procedure in Civil Cases.

[*9th March*, 1869.]

WHEREAS it is expedient to amend the Procedure of the Superior Courts of this Colony in Civil Cases; Preamble.

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

I. The "Vancouver Island Civil Procedure Act, 1861," is hereby repealed; provided, however, that such repeal shall not invalidate or affect any acts, matters, or things done, or any proceedings taken, or any rights acquired thereunder. V. I. Civil Procedure Act repealed, saving existing rights.

II. "The Common Law Procedure Act, 1852," "The Common Law Procedure Act, 1854," "The Common Law Procedure Act, 1860," and the Rules of Practice and Pleading made in pursuance of the said Acts, or either of them, shall as far as the adoption of the same is practicable, and subject to the provisions hereinafter contained, regulate the Practice and Procedure of each and every of the Superior Courts of this Colony in all Actions and Proceedings at Law. Common Law Procedure Acts, 1852, 1854, and 1860, and Rules of Practice thereunder to regulate procedure of Supreme Courts.

III. The Sections from 104 to 115, both inclusive, of "The Common Law Procedure Act, 1852," shall not apply. Sections 104 to 115 repealed.

IV. The several Statutory Enactments regulating the Practice, Pleadings, and Procedure of the High Court of Chancery, in force on the 14th day of February, 1860, and the several Orders and Regulations in force in the said High Court on the said 14th day of February, 1860, shall, as far as practicable, regulate the Proceedings of the said Courts, and each of them sitting in Equity. Rules of Practice in Chancery.

V. The Judge of either of the said Courts may, from time to time, with the approval of the Governor for the time being, make and publish General Orders for modifying such Procedure at Law, or in Equity, in the Court in which he presides. Alteration of Rules may be modified in certain cases.

VI. This Ordinance may be cited for all purposes as the "Civil Procedure Ordinance, 1869." Short Title.

Passed the Legislative Council the 27th day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 9th day of March, 1869.

FREDERICK SEYMOUR,
Governor.

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BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 19.

An Ordinance entitled the "Game Ordinance, 1869."

[12*th March*, 1869.]

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, and the "Game Ordinance, 1867," are hereby repealed. Repeal of former Ordinances.

II. From and after the passage of this Ordinance, it shall be unlawful for any person to be in possession of any Grouse, Prairie-fowl, Quail, or Partridge, for the purposes of sale or barter, between the first day of March and the twentieth day of August, in any year; or of any dead Deer or Elk, between the first of February and twentieth August in any year; or to collect or destroy the Eggs of any Grouse, Quail, Prairie-fowl, or Partridge. Provided always that the possession of any Deer, Elk, Grouse, Prairie-fowl, Quail, or Partridge, by any person or persons, between the times aforesaid, shall be *prima facie* evidence of an intention to sell, or barter, or offer the same for sale or barter; but nothing herein contained shall be construed to prevent *bonâ fide* Settlers in Country Districts from killing or getting such Game at any season for their own consumption merely. Close season defined.

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 Fifty Dollars for each separate 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. Penalty.

IV. This Ordinance shall not come into force until the first day of August, 1869. Time when Ordinance to come in force.

V. This Ordinance may be cited for all purposes as the "Game Ordinance, 1869." Short Title.

Passed the Legislative Council the 9th day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 12*th day of March*, 1869.

FREDERICK SEYMOUR,
Governor.

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VICTORIÆ REGINÆ.

* *

No. 20.

An Ordinance to enable the Municipal Council of the City of Victoria to establish a permanent fund for the support of the Fire Establishments of the said City.

[13*th March*, 1869.]

WHEREAS it is expedient that a permanent fund should be raised for the support of the Fire Establishments of the City of Victoria, and that the Mayor and Council of the said City should be empowered to levy a Rate for that purpose, in addition to the powers of taxation conferred under the "Victoria Municipal Ordinance, 1867." Preamble.

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

I. There shall be raised, levied, and collected, in each and every year, during the continuance of an efficient Fire Establishment, upon or in respect of each Building or Erection within the limits of the City of Victoria, except as hereinafter provided, a Rate not exceeding One-quarter of One per Cent. on the value thereof, as laid down on the Municipal Assessment Roll of the said City, for the year next preceding the annual levy. Levy of Fire Rate.

II. Such Rate shall, in the first place, be paid and payable by the tenant or occupier of any such erection or building, and in case such building or erection is vacant, or if such tenant or occupier shall neglect or fail to pay such rate when due, then by the owner of the land on which any such Building or Erection shall be situate; and when paid, the amount paid with Interest thereon at Twelve per Cent. per annum shall be recoverable by such Owner from the Owner or Occupier of such Building or Erection, by distress, or otherwise, in like manner as if the amount due were owing for rent in arrear. Provided, always, that no Rate shall be levied, collected, or paid on or in respect of any Building or Erection on which a substantial insurance against loss or damage by fire is in existence to one-half of the assessed value of the building or erection, if such insurance be effected by or through an Office having an Agent carrying on business within the limits of the said City of Victoria; nor upon any place of public worship; nor upon any Buildings used for Government, Public, or Charitable purposes. By whom payable. Exceptions.

III. There shall be levied and collected upon and from all Agents of Fire Insurance Companies, who shall be carrying on business within the limits of the said City of Victoria, an Annual Rate not exceeding One-eighth of One per Cent. upon the amount of Insurance upon all real and personal property situate within the limits of the said City of Victoria, insured by them respectively, within the year next preceding the 31st day of December, immediately preceding the declaration of such Rate. Rate on Insurance Companies.

IV. All Agents of Fire Insurance Companies shall, in the month of January in each year, make a Return to the Clerk of the Municipal Council of the City of Victoria, at the Council Chambers, in the Form marked B. in the Schedule Compulsory Returns of property Insured.

hereto,

hereto, of all real and personal property situate within the limits of the said City of Victoria, insured by them respectively, within the year next preceding the 31st day of December then last past, and the amount of Insurance thereon respectively; and shall, within Three Months after the passing and publication of this Ordinance, make a like Return to the said Clerk of all such Insurances effected by them respectively, within the year next preceding the 31st day of December, 1868; and if no such Return be made, the said Mayor and Council shall determine the amount to which they shall be respectively liable to pay; and every Agent who shall fail to make such Return shall incur a penalty not exceeding One Hundred Dollars.

Rates when due and payable.

V. All Rates declared under this Ordinance, shall be deemed to be due on the 1st day of April in each year, and be paid to the Clerk of the said Council, in equal quarterly payments, at the Council Chambers in the City of Victoria, or to a Collector duly appointed, who shall keep an account thereof, and the same shall be paid into some Chartered or Colonial Bank carrying on business within the said City of Victoria.

How recoverable.

VI. All rates to be levied under the authority of this Ordinance shall be paid quarterly, and if not paid within thirty days after the times they shall respectively become payable, a sum equal to five per cent. upon the amount payable shall be levied, collected, and paid, in addition to the amount so payable; and if the amounts so payable be not paid within an additional period of thirty days, the amount so payable, with costs, shall be recovered in a summary way before any Justice of the Peace.

Limit of total rate.

VII. The sum to be raised by virtue of this Ordinance shall not exceed the annual sum of Three Thousand Dollars.

Accounts to be kept by Corporation.

Moneys to be paid over to Fire Cos.

VIII. An account of all moneys raised by virtue of this Ordinance shall be kept by the said Clerk in a separate book, and such book shall be open at all times for the Managing Committee or Delegates of the several Fire Companies of the City of Victoria aforesaid; and all moneys raised by virtue of this Ordinance shall be paid over in the first week of the months of January, April, July, and October, to the Managing Committee of the said Companies, to be applied for the efficient maintenance and support of the said Companies.

Victoria Municipal Ordinance incorporated with this Ordinance.

IX. The "Victoria Municipal Ordinance, 1867," save so far as the same may be repugnant to this Ordinance, shall be deemed to be incorporated in and form part of this Ordinance.

Interpretation Clause.

X. Words importing the singular number, or the masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males; and words importing the plural number shall be understood to apply to one matter as well as more than one, unless such construction shall be repugnant to the context.

Short Title.

XI. This Ordinance may be cited for all purposes as the "Fire Companies' Aid Ordinance, 1869."

Passed the Legislative Council the 2nd day of March, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.* — WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 13*th day of March*, 1869.

FREDERICK SEYMOUR, *Governor.*

SCHEDULE B.

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

I, hereby declare, the above return to be a faithful and true Return of all Real and Personal property situate within the City of Victoria, Insured by me within the year next preceding the 31st day of December, now last past.

(Signature.)

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BRITISH COLUMBIA.

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VICTORIÆ REGINÆ.

* *

No. 21.

An Ordinance to establish Public Schools throughout the Colony of British Columbia.

[13*th March*, 1869.]

WHEREAS it is necessary to establish an uniform system of Public Education throughout 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 Common School Act, 1865," of the former Colony of Vancouver Island, is hereby repealed. Common School Act 1865, repealed.

II. It shall be lawful for the Governor in Council from time to time,— Power to Governor in Council to create School Districts, apportion School grant, and make Rules for the management of Schools.

(*a.*) To describe "School Districts," to define the boundaries thereof, and from time to time repeal, alter, or amend the same;

(*b.*) To hear and determine all applications for Grants of Public Money for the assistance of Common Schools, and to apportion, as may be deemed most useful, the sum or sums of money granted by the Legislature for that purpose; provided, always, that the assistance granted to any School Teacher shall not exceed Five Hundred Dollars per annum;

(*c.*) To appoint Teachers to Common Schools, and, upon good cause being shewn, to remove the same, or appoint others in their stead;

(*d.*) To provide for the examination of Common School Teachers, as well as regards efficiency as character.

(*e.*) To provide that the Text Books used in Common Schools be of a proper and non-sectarian character.

(*f.*) To provide for the visitation and inspection of Common Schools when deemed necessary, and for hearing and determining all complaints relating to the management, arrangement, and maintenance of Common Schools, and for the Public Grants made under this Ordinance being properly applied; provided, always, that the expenses of any such visitation and inspection shall not be borne by the School funds;

(*g.*) To make Regulations for due Returns being made of the Receipts and Expenditures of Common Schools, and generally for all such information as may be deemed necessary;

(*h.*) To take charge of all Lands and Buildings set apart for general School purposes, and applicable therefor, however acquired, whether by original reservation by the Government or otherwise, and administer the same for the purposes of this Ordinance.

(*i.*) To make Rules and Regulations for the management and government of Common Schools;

(*j.*) To provide for the establishment and election of Local Boards, as hereinafter provided.

III. No School District shall be created unless the following conditions are complied with, namely:— Petition from residents required.

(*a.*)

(*a.*) A petition shall be addressed to the Governor, signed by at least two thirds of the resident householders of the District, praying to have the same converted into a School District;

(*b.*) The said petition shall set forth the number of children between the ages of 5 and 18 years who will be able to attend the proposed School; and also the number of children below the age of 5 years; and also the number and names of the residents in the District above the age of 21 years, and the amount to be contributed by them towards the support of a School Teacher and School-house.

Power to dispense with petition, &c.

IV. Provided, always, that the Governor in Council shall not require any such petition from any present School District, and shall have power, if he think fit, to refuse to create any School District where the number of children likely to attend School does not exceed twelve in number, or where the amount likely to be collected shall not exceed Three Hundred Dollars per annum for the School Teacher; but provided, further, that nothing in this Section shall prevent the Governor in Council granting assistance to Districts not containing inhabitants enough to warrant their being converted into School Districts, in accordance with this Ordinance.

Election of Local Boards.

V. Upon the receipt of such petition as aforesaid, from any District, the Governor in Council may order the election of a Local Board therein, to consist of not less than three persons, who shall be elected annually, during the first week in October in each year, at a Public Meeting (of which seven days' notice shall be given by the Chairman of the then existing Board) of the residents of the District; provided, however, that the first election under this Ordinance may take place at any time appointed by the Governor; and provided, further, that the Municipal Council of the City of Victoria, and of the City of New Westminster, and the Council of any Municipality hereafter created, shall be and are hereby constituted the Local Board for the City of Victoria, and of New Westminster, and of any Town created as aforesaid, respectively, or any extension of their limits for the purpose of this Ordinance, and shall have and may exercise all the powers vested in Local Boards by this Ordinance, without any special election or special meetings for the purposes of this Ordinance.

Duties of Local Boards.

VI. It shall be the duty of the Local Board:—

1. To appoint one of themselves, or some other person to be Secretary and Treasurer, for the correct recording of all proceedings, and the safe keeping of all papers and moneys;
2. To have the safe custody of all School property within the District;
3. To do whatever they may judge expedient with regard to the maintenance, repair, and furnishing of School premises, and to have the general management of the Schools, subject to the Rules and Regulations of the Governor in Council;
4. To call a Special Meeting (of which a Member of the Local Board shall be Chairman) of the freeholders and resident householders of the District, as early as may be in each year, (and of which Meeting Seven Days' notice shall be given in as public a manner as possible), to determine whether to apply for a Grant in aid of Educational purposes as hereinafter provided, and to decide in what manner the balance (if any) of moneys required for the purposes aforesaid, and for which the said Grants may not prove sufficient for the current year shall be raised, whether by voluntary subscription, Tuition Fees, or General Rate as hereinafter mentioned, and to fix the amount of such Tuition Fee; provided, always, that such Tuition Fee shall not exceed Two Dollars per Month for each Scholar;
5. In their discretion, to exempt from the payment of Tuition Fees, wholly or in part, any indigent person;
6. To demand, receive, and account for all moneys to be collected by rate bill from the parents, or by subscription, or otherwise, from the inhabitants of the District, and to use all lawful ways and means for the collection thereof; and to pay to the School Teacher the sum guaranteed to him by the Local Board;
7. To permit all residents in the School Districts, between the ages of five and eighteen years, to attend the School, so long as they conduct themselves in conformity with the Rules of such School, and the fees or rates (if any) required to be paid on their behalf are fully discharged;

8. To

8. To transmit, before the 31st December in each year, a Report of the condition of the Schools within the District, together with a statement of all Receipts and Expenditure for School purposes, to the Governor in Council;
9. To make application to the Governor in Council for a Grant of the public money, if required, to aid the establishment or maintenance of a Common School, stating in such application the number of children between the ages of 5 and 18 years resident in the District; the number of pupils likely to attend School, and how many thereof will be able to pay School Fees if required; the mode or manner adopted for the support of the School and School Teacher; the amount likely to be collected; the guarantees for its collection; the amount to be paid to the School Teacher; the sum reserved for furnishing and keeping in order and repair the School premises; and generally all such information as may be required by the Governor in Council.
10. To demand, receive, and account for all moneys collected or payable under any By-Law as aforesaid from the residents of the District, or received from the parents or guardians of children.

Power to Local Board to levy a tax.

VII. If, at the before mentioned Annual Meeting of the freeholders and resident householders it shall be determined by a vote of two-thirds of the number present to levy a Tax in lieu of charging Tuition Fees, the Local Board shall have power, and the same is hereby granted, to pass a By-Law for levying and collecting a Tax not exceeding Two Dollars per head per annum upon all resident householders and male residents above the age of 20 years, in the District.

Power to enforce payment of tax.

VIII. Every By-Law, when approved of by the Governor, shall have the force of law, and any person liable to pay any Tax made payable thereunder, and refusing to pay the same within seven days after the same shall have become due, may be summoned, at the instance of the Local Board, to appear before the nearest Justice of the Peace, who shall have power to act summarily in the matter, and adjudge the amount of the said Tax, and such costs (to be levied, if necessary, by distress of goods and chattels of the person refusing to pay) as he may think reasonable.

Repeal or amendment of By-Law.

IX. Every such By-Law shall be in force until repealed or amended by a succeeding Local Board, but no such amended By-Law or repeal thereof shall take effect until approved of by the Governor.

Power to refer By-Law to residents of District.

X. The Governor shall have power, before assenting or refusing to assent to any By-Law, to refer, if he think fit, the same to the residents of the District for their approval or the contrary, and to order their votes to be taken in that behalf.

Disposal of Common School grant.

XI. Upon the receipt of a proper application from the Local Board of any School District, or from the inhabitants of any District, the Governor in Council may, after having taken into consideration such application, appropriate out of the Public School Fund a sum not in any case to exceed Five Hundred Dollars per annum, for the purpose of assisting the payment of a Salary to a School Teacher, and also, if necessary, a further sum to aid in defraying the expense of erecting a School-house or of renting a building or room suitable for the purpose of a Common School, and to order the payment of such sum at such times and in such manner as may be deemed advisable or necessary; provided, always, that such grants shall not be made until the Local Board shall have given satisfactory evidence that the portion promised by the Local Board for the payment of a School Teacher, the erection of buildings, and furnishing and maintenance of the School has been collected and paid, or reasonably secured.

Clergy may visit.

XII. It shall be lawful for every Clergyman and Minister of any denomination, at such times, before and after the regular school hours, as shall be approved by the Governor in Council, to visit the Public School of the District in which such Clergyman or Minister is resident or officiates, and impart such religious instruction as he may think proper to the children of his denomination.

Short Title.

XIII. This Ordinance may be cited for all purposes as "The Common School Ordinance, 1869."

Passed the Legislative Council the 24th day of February, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.* WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 13th day of March, 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 22.

An Ordinance to facilitate the working of Mineral Lands.

[10*th March*, 1869.]

WHEREAS it is expedient to develop the resources of the Colony by affording facilities for the effectual working of Silver, Lead, Tin, Copper, Coal, and other Minerals, other than Gold;

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 Proclamation in this Colony of Her Majesty's assent to this Ordinance, every Person, or Association, or Company of Persons whomsoever, shall be free to enter and explore for Silver, and all the baser Metals and Minerals, including Coal, in and under the Mineral Lands hereinafter defined, subject nevertheless to the provisions and conditions of this Ordinance, and any other regulations affecting the acquisition and tenure thereof, which may from time to time hereafter be prescribed by law.

After Queen's assent to Act, all Mineral Lands open for Mining.

II. Every Person, Association of Persons, or Company, desirous of acquiring a Mine or Mining Claim under this Ordinance, shall, before entering into possession of the particular part of the said Mineral Lands he or they may wish to acquire and work for Minerals, make application in writing to the Assistant Commissioner of Lands and Works for the District within which the land required is situate, for a Prospecting License over such land, for any term not exceeding two years from the date of such application.

Prospecting License for two years.

III. Every such applicant shall give to such Assistant Commissioner the best practicable written description of the plot of land over which the privilege is sought, after having located the same, together with a proper plan or diagram thereof shewing the position of the boundary posts to be set up by the applicant in and upon the land, and by stating in the description any other landmarks of a noticeable character; and such application and plans shall be in duplicate, one of which shall be filed of record in the office of the said Assistant Commissioner at the time of its being received by him, and the other transmitted forthwith by the said Assistant Commissioner to the Chief Commissioner of Lands and Works, and retained by him for general reference.

Applicant to send place and description to Land Office.

IV. Every piece of land sought to be acquired under the provisions of this Ordinance, shall, save as hereinafter mentioned, be of a rectangular shape, and the shortest line thereof shall be at least two-thirds the length of the longest line.

Shape of land.

V. Where the land sought to be acquired is in whole or in part bounded by mountains, rocks, lakes, swamps, or the margin of a river, or by other natural boundaries, then such natural boundaries may be adopted as the boundaries of the land sought to be acquired; and

Natural boundaries may be adopted in certain cases.

and in such case it shall be sufficient for the claimant to show to the satisfaction of the Assistant Commissioner of the District, that the said form conforms as nearly as circumstances permit to the provisions of this Ordinance.

Lines of adjacent claims may be adopted.

VI. If the land sought to be acquired be bounded by land already held under this Ordinance, the line of such land may be adopted by the person so seeking to acquire, notwithstanding any irregularity in such line, which may have been occasioned by the adoption of a natural boundary by the claimant of the adjacent land.

Enclosed spaces may be adopted, notwithstanding any irregularity of shape.

VII. Where a piece of land is partially or entirely enclosed between two or more claims, the claimant may acquire such enclosed piece, notwithstanding any irregularity of form, or disproportion in length of any of the sides.

Application for Prospecting License,

VIII. No applicant shall be entitled to receive a Prospecting License until he shall have proved to the satisfaction of the said Assistant Commissioner, that before making such application he has caused a written or printed notice of his intention to apply for such a License, to be posted on some conspicuous part of the land applied for by him and of any adjacent (if any) Sett or Mining Claim, and on the Court House of the District (if any) for fourteen clear days, or if the ground applied for, or any part thereof, has been previously recorded then for one calendar month previous to his application, and that no valid opposition to his claim has been substantiated before the said Assistant Commissioner, as hereinafter mentioned.

On proof of requisites, Prospecting License to issue.

IX. Such Assistant Commissioner is hereby empowered and required, upon receiving satisfactory proof of the said applicant having complied with the preliminary requirements in that behalf hereinbefore contained, to grant to such applicant a Prospecting License as aforesaid.

Extension thereof.

X. Every applicant upon proving to the satisfaction of such Assistant Commissioner that he has *bona fide* explored and worked for Coal (or other Minerals as the case may be) during the said term of two years, shall be entitled to an extension of the said term for a second period of one year, and such further time as the Governor shall think fit.

Quantity of Land included in License.

XI. A Prospecting License may include within the general limits therein defined, the following quantities of Mineral Land; that is to say:—

(1.) In the case of a Prospecting License for Coal alone, not exceeding Five Hundred Acres to each Individual applicant; or Two Thousand Five Hundred Acres to any Association or Company consisting of not less than ten persons;

(2.) In the case of a Prospecting License for any other Minerals than Coal or Gold, not exceeding One Hundred Acres to each Individual applicant; or Five Hundred Acres to any Association or Company consisting of not less than ten persons.

Licensee may select land for Crown Grant.

Out of the above lands the Licensee may, at or before the expiration of such License or of any prolongation thereof, select for purchase the portion of Mineral Land to be included in a Crown Grant as hereinafter mentioned.

Powers of License.

XII. Such License may be in the Form marked A. or B. (as the case may be) in the Schedule hereto (which Schedule is hereby made part of this Ordinance), and shall include full and exclusive power and authority to search for, raise, get, make merchantable, and sell for the use of the Licensee, all Metals and Minerals in such License specified, and none other, within the prescribed limits, to make and erect the necessary roads, works, and buildings, for profitably or conveniently carrying on the mining operations therein, with a power to the Licensee, at or before the expiration of such License, or any prolongation thereof, upon compliance with the terms and conditions in this Ordinance contained, to claim a Crown Grant of such portion of the Mineral Land included in his License, as is hereinafter in that behalf more particularly described.

XIII. The

XIII. The interest of every Licensee under this Ordinance shall be deemed to have absolutely ceased and determined on the expiration or other sooner determination of his License, or any prolongation thereof, unless he shall have prior to such expiration or determination made application for a Crown Grant as herein provided; and on such expiration or determination a new Prospecting License over the same Mineral Land, or any part thereof, may be made to any new applicant entering into possession and complying with the requirements of this Ordinance.

On expiry of License land open to new comers.

XIV. Every Person, Association, or Company lawfully holding a Prospecting License under this Ordinance, and complying with its provisions, shall until the determination of such his, or their, holding, and for the purpose of more effectually carrying on Mining operations on the premises, be entitled to the free use, without compensation, of a reasonable quantity of any unoccupied and unappropriated Stone, Sand, Lime, and Timber which may be on the premises included in such License, and may erect such Buildings and Machinery, and make and use such roads and works within such limits, as he shall find necessary for the profitable conduct of his or their Mining operations.

Licensee may use stone, sand, lime, and timber.

XV. In case of any dispute, the right or title to or in a Prospecting License, and the possession of any claim or privilege under this Ordinance, will be recognised according to the priority of record or registration with the Assistant Commissioner, subject to any question which may be raised as to the validity of the record itself.

Priority of record priority of right.

XVI. The quantity of Mineral Land for Coal Mining to be granted to any Licensee duly applying for a Crown Grant, and fulfilling the conditions hereinafter in that behalf more particularly mentioned, will be for each Association or Company of ten or more persons not exceeding One Thousand Acres, selected out of the premises included in such License.

Quantity of land in Crown Grant.

Coal.

XVII. It shall be lawful for the Chief Commissioner of Lands and Works and Surveyor General, upon proof to his satisfaction of the necessity of such grant, and upon approval by him of the plan and sections of the proposed works, which must be submitted to him, and with the sanction of the Governor, to give to any person, Association, or Company holding a Prospecting License or Crown Grant under this Ordinance, by any writing under the hand of such Commissioner, a right of way for a road, canal, or railway from his Mining Claim to the sea shore, or other line of communication, for any purpose connected with such Licensee's or Grantee's Mining operations, with full power, by himself or themselves, his or their agents, servants, and workmen, and with and without horses, cattle, boats, waggons, carriages, or other conveyances, to enter upon, across, and into any lands or waters between the premises included in such License or Crown Grant and such shore, river, or other line of communication, upon paying reasonable compensation to the owner of such intermediate land for the portions so taken, or for the use so made.

Prospecting License to include right of road or railway to the sea.

Compensation to parties affected.

XVIII. The amount, time, and manner of such compensation, and the mode of distribution thereof among the parties claiming to be entitled thereto, shall, upon the application of either party, be fixed by the Assistant Commissioner of the District, and at his discretion, either with or without a jury consisting of not less than three nor more than five persons, which he is hereby empowered to summon for the purpose.

Amount how determined.

XIX. The decision of such Assistant Commissioner or jury (as the case may be) certified under the hand and seal of such Commissioner shall be final and without appeal; and every such Certificate shall be *prima facie* evidence, for all purposes whatsoever, of all the matters and things therein contained, in all Courts of the Colony.

Commissioner's certificate of amount final.

XX. Provided that nothing herein contained shall be deemed or taken to limit or affect the right of the said Chief Commissioner, acting on behalf of the Crown, to lay out and make public highways in

Saving of right to make any public roads over lands derived from the Crown.

in or over such intermediate lands or waters aforesaid, or other lands, whenever it shall be deemed for the public interest to create, alter, or maintain public highways, or to vary the same, through lands derived from the Crown.

Other Minerals.

XXI. The quantity of Mineral Land to be granted for Mining for all Metals and Minerals, other than Coal and Gold, to any Licensee duly applying for a Crown Grant, and fulfilling the conditions hereinafter in that behalf more particularly mentioned, shall, for each individual applicant, not exceed three chains long by two chains wide; and for each Association or Company of ten persons shall not exceed thirty chains long by six chains wide.

Preliminaries to Crown Grant.

XXII. Before any such Crown Grant shall issue, the Licensee applying for the same shall:—

(*a.*) Leave with the said Assistant Commissioner of Lands and Works, and post on a conspicuous part of the premises sought for, and on the Court-House of the said District, if any, for at least Two Calendar Months previous to the record of his application for such Crown Grant, and prior to the expiration of the term included in his License or any prolongation thereof, a notice of his intention to apply for such Crown Grant, with a diagram of the premises, and shall for the same space publish such notice in the *Government Gazette* and a newspaper published nearest to the said mine and premises;

(*b.*) The said Assistant Commissioner shall thereupon post such notice in his office for a period of Two Calendar Months;

(*c.*) The said Assistant Commissioner shall (if no adverse claim be filed with him, or if filed shall have been finally decided) give a Certificate to such Licensee to that effect;

(*d.*) Upon the application of the Licensee, and delivery of such Certificate, the Chief Commissioner of Lands and Works and Surveyor General shall, upon payment to him by the said applicant of such amounts as the said Chief Commissioner may estimate as the probable cost of surveying such premises, cause a survey and plan thereof to be made, to be endorsed with his approval, designating such Land by its number on the Official Records, with the estimated value of the improvements and labour expended on the said Land.

Issue of Crown Grant.

XXIII. Upon proof, satisfactory to the said Chief Commissioner, of compliance with the aforegoing provisions, and payment of the amounts next hereinafter in that behalf prescribed, together with the balance (if any) remaining unpaid of the actual cost of survey, a Crown Grant shall be issued by the said Chief Commissioner to the Licensee applying for the same.

Price of land containing Coal.

XXIV. For COAL LANDS the price shall be as follows:—

For any quantity up to and including One Thousand Acres, at the rate of Five Dollars per acre; provided that on proof, to the satisfaction of Government, that Ten Thousand Dollars has been beneficially expended on any land held under Prospecting License for Coal, a Grant of One Thousand Acres of the land included in such Prospecting License shall be issued to the Company holding such Prospecting License, without payment of the upset price of such land.

Other Minerals.

XXV. For MINERAL LANDS containing other than Coal and Gold, the price shall be as follows:—

For any quantity of land not exceeding three chains long by two chains wide, the sum of One Hundred Dollars, together with the costs of survey; for any quantity of land not exceeding thirty chains long by six chains wide, in the case of a Company of not less than ten persons, the sum of Two Hundred and Fifty Dollars, together with the costs of survey.

Remission of price on proof of effectual work for baser minerals.

XXVI. Upon proof satisfactory to the Chief Commissioner of Lands and Works and Surveyor General, or other the person appointed for the time being in that behalf by the Governor, and a Certificate in writing from such Commissioner or other person to the effect that any Licensee or Licensees applying for a Crown Grant has expended in *bona fide* mining for Minerals, other than Coal and Gold in and under the Sett or Mining Claim for a Grant of which he is applying, to the extent of not less in any case than One thousand dollars, or (if an association or company of three or more persons) of not less than Five thousand dollars, it shall be lawful for a Crown Grant to issue to such person, association, or company, without the payment of any, or of only a portion, of the upset price herein fixed for the land to be included in such Grant, should the Governor in his discretion so determine.

XXVII. Upon

XXVII. Upon the said survey, or at any time before the actual issue of any Crown Grant under this Ordinance, it shall be lawful for the Chief Commissioner of Lands and Works and Surveyor General, or his agent, or other person specially authorised by the Governor in writing in that behalf, upon payment of the actual expenses connected therewith, to rectify boundaries and to settle finally, on the spot, any dispute which may from time to time arise as to the actual or proper boundaries between adjacent or conflicting Mining Claims under this Ordinance. Every such decision, expressed in writing and filed of record in the head Lands and Works Office, with a plan or diagram of the proper boundaries as rectified, shall be final and without appeal, any rule of Law or Equity to the contrary notwithstanding, and shall be evidence in all Courts in the Colony of the several matters and things therein contained.

Rectification of boundaries.

XXVIII. Whenever any adverse Claimants to a Mine or Mining Claim, under this Ordinance as aforesaid, (in any other respect than as to boundaries as next hereinbefore mentioned) shall appear before the approval of the survey by the Lands and Works, as hereinbefore mentioned, all proceedings shall be stayed until a final settlement and adjudication in the Courts of competent jurisdiction of the rights of possession to such Mine or Claim has been obtained, when a Crown Grant may issue as in other cases.

Adverse claimants.

XXIX. The issue of a Crown Grant to any applicant under this Ordinance, save where obtained by fraud or wilful misrepresentation, shall confer and be deemed to confer on the person or persons named therein, an indefeasible and incontestable title in fee simple absolute to all the land specified in such Grant, save as hereinafter excepted.

Crown Grant an indefeasible title.

XXX. The Assistant Commissioner in every District shall have jurisdiction to hear and determine all cases of dispute between adverse claimants to Prospecting Licenses and Crown Grants under this Ordinance (subject, however, as to rectification and settlement of boundaries, to Clause XXVII. of this Ordinance); and it shall be lawful for such Assistant Commissioner, and he is hereby required, on the written application of either party to a dispute, to summon a jury, to consist of not less than three nor more than five persons, to decide all questions of fact; and the said Commissioner may award such costs (including the costs of such jury) as he shall deem just and reasonable, and in case of default enforce his judgment by warrant of distress of the goods and chattels of the person so making default. For the purposes of this Ordinance, and to enforce his orders and decisions, the Assistant Commissioner, in addition to the jurisdiction hereby conferred, shall have all the powers, authority, and jurisdiction now by law possessed by County Court Judges in the Colony.

Assistant Commissioner may decide disputes;

His jurisdiction and powers.

XXXI. In cases of dispute as to the right of possession to any Mineral Lands, the institution of proceedings therein may be commenced by a claim in the Form marked D. in the Schedule to this Ordinance; and upon the service of such claim on the opposite party, the Assistant Commissioner shall have power to decide thereon (subject to appeal as hereinafter mentioned), with full power to place the party who shall be found entitled into possession of the land in question; and upon proper cause shewn to issue and enforce an injunction to abate any intrusion or otherwise pending any proceedings, and to appoint a Receiver if necessary. Provided, always, that either party to any such proceedings may require a jury to be summoned to try any question of fact (other than disputed boundary as hereinbefore mentioned) as in the last Clause provided.

Forms for proceedings.

Notice.

Injunction.

Jury.

XXXII. Provided, always, that any person dissatisfied with the decision of such Assistant Commissioner, on matter of law only and not on matter of fact, may appeal therefrom to the Supreme Court, and no appeal shall be allowed in any case unless notice thereof be given in writing to the opposite party, his Counsel, or Attorney, within four days after the decision complained of, and also security be given, to the approval of the Assistant Commissioner, for the costs of the appeal, and the amount (if any) payable under the judgment,

Appeal to Supreme Court.

ment, and to abide by any decision under such judgment; and the said Supreme Court may make such order as it shall think fit; and such appeal may be in the form of a case settled and signed by the parties, their Counsel, or Attorneys.

On certificate of decision of dispute, claim for Crown Grant may proceed.

XXXIII. A certificate of every decision of an Assistant Commissioner shall be filed by him in his office, and a duplicate thereof transmitted to the head office of the Lands and Works; and the service of the final judgment or order of the Assistant Commissioner, or the Supreme Court (as the case may be) in any case of disputed claim to a Crown Grant, or an office copy of such judgment or order, shall authorize such Commissioner and other the proper authorities in that behalf to proceed with the issue of a Crown Grant, as in ordinary cases.

Amendment of proceedings.

XXXIV. No proceedings, process, notice, decision, or judgment, under this Ordinance, shall be called in question or invalidated by reason only of any informality or irregularity appearing therein or connected therewith; and every Assistant Commissioner and Judge of the Supreme Court shall have full power to make any amendments in any such proceeding (subject to such costs and terms as he shall think fit) as may be deemed necessary to prevent the failure of justice, by reason of mistakes and objections of form.

Rights of Crown reserved.

XXXV. Nothing in this Ordinance contained, shall be deemed or taken in any way to limit or affect the rights of Her Majesty, Her Heirs and Successors in or to the Crown Lands of the Colony, other than is herein particularly expressed, or to limit or affect the right of the Crown to grant or lease tracts of land for Mining purposes as heretofore, on any special application made in that behalf or special cause shewn, or make Reserves for Government purposes, or Indian settlements, or roads, bridges, buildings, or other public purposes; or to limit or affect the operation of the "Gold Mining Ordinance, 1867," other than is herein expressed.

No person to record more than one Claim.

XXXVI. No Person, Association, or Company shall be allowed to record more than one Mining Claim at one time, but he or they may by written notice, filed with the said Assistant Commissioner, withdraw from any Claim for which he or they may have applied; provided, always, that nothing herein contained shall prevent any person being a member of more than one Company or Association at the same time.

Forfeiture.

XXXVII. If any Person, Association, or Company shall apply for and record more than one Mining Claim hereunder, at the same time, the filing of the last of such applications shall *ipso facto* forfeit all Mining Claims previously recorded by the same parties, of which Crown Grants had not been obtained, and all improvements thereon, without compensation. Every forfeiture under this Ordinance shall be absolute, any Law or Rule to the contrary notwithstanding.

Where no Assistant Commissioner, Chief Commissioner to act.

XXXVIII. In any Mineral Lands not included in any particular District of any Assistant Commissioner of Lands and Works under this Ordinance, the Chief Commissioner of Lands and Works and Surveyor General, shall have all the powers and authorities over such lands, for all the purposes of this Ordinance, as an Assistant Commissioner of Lands and Works would have had hereunder over such lands, had they been specifically included in the particular District of such Assistant Commissioner.

Power to Governor to declare Mining Districts.

XXXIX. It shall be lawful for the Governor from time to time, by notice published in the *Government Gazette*, to divide the Mineral Lands into Districts, for the purpose of this Ordinance, and to define the same, and from time to time, after the like notice, to revoke, alter, or vary the same, as circumstances may appear to require.

Fees.

XL. The several fees mentioned in the Schedule hereto shall be taken upon the several matters and things set opposite the respective amounts in such Schedule particularly mentioned, and shall be deemed, recovered, and accounted for as part of the General Revenue.

XLI. Nothing

XLI. Nothing herein contained shall be construed to affect the rights of any person or Company holding Mineral Lands under Lease, Reservation, or Grant from the Crown already made, but every such person or Company may surrender such rights, and may at once come under the provisions of this Ordinance, and hold such land or such portion thereof as shall not exceed the quantity allowed by this Ordinance, together with all the other privileges secured by such Ordinance. **Existing Lessees may come in under this Ordinance.**

XLII. Provided that this Ordinance shall not take effect until Her Majesty's approval thereof shall have been duly published in this Colony. **Suspending Clause.**

XLIII. 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.

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

The terms "Assistant Commissioner," Chief Commissioner" shall mean Assistant Commissioner of Lands and Works, and Chief Commissioner of Lands and Works and Surveyor General, respectively, and shall also include any other persons appointed by the Governor to act in lieu of those Officers respectively, for the purposes of this Ordinance.

The word "Mine" shall mean any locality in which any vein, lode, or stratum, or natural bed of Silver or other Mineral than Gold, including Coal, shall be mined; and the verb "to mine" shall include any mode or method whatsoever of working the same for the purpose of obtaining the ore, mineral, or metal therefrom.

"Mining Claim" shall mean and include the interest acquired, or sought to be acquired, in any Mineral Lands under this Ordinance.

"Mineral Lands," for the purposes of this Ordinance, shall mean and include all waste lands of the Crown in the Mainland of the Colony of British Columbia, including Queen Charlotte's Island, and such other portion or portions of the said Colony as shall hereafter be brought under the provisions of this Ordinance, by any Proclamation or Proclamations by the Governor in that behalf, and which lands shall be available for Mining purposes, and whether surveyed or unsurveyed, in which lodes, veins, beds, or strata of Silver, Tin Copper, Lead, Coal, Iron, Cinnabar, or other Metal or Mineral, other than Gold, and whether discovered or hidden, are now or hereafter shall be found in place, and not for the time being occupied by any other person, or in any way reserved, or the site of an existent or proposed Town, or within one hundred yards of any messuage, orchard, garden, or ornamental grounds.

XLIV. This Ordinance may be cited for all purposes as the "Mineral Ordinance, 1869." **Title**

Passed the Legislative Council the 1*st day of March, A. D.* 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 10*th day of March,* 1869.

FREDERICK SEYMOUR,
Governor.

SCHEDULE

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

FORM A.

BRITISH COLUMBIA.

MINING LICENSE ISSUED UNDER THE "MINERAL ORDINANCE, 1869."

——————— District.

Date ———————

THIS IS TO CERTIFY that , of , has by this License exclusive authority to enter, prospect, search for, and work, for Coal (but no other Metal or Mineral) upon, in, and under all that piece or parcel of Mineral Land in this District, within the following boundaries:

not exceeding in the whole Statute Acres, together with all the rights and privileges granted under the "Mineral Ordinance, 1869," and also a right to claim a Crown Grant of so much of the said Mineral Lands as is prescribed in that behalf under or by virtue of the said Ordinance, and subject and according to the provisions thereof.

This License will continue in force for two years from the date hereof.

Given under my hand, at , this day of

Assistant (or Chief, as the case may be) Commissioner of Lands and Works.

FORM B.

BRITISH COLUMBIA.

MINING LICENSE ISSUED UNDER THE "MINERAL ORDINANCE, 1869."

——————— District.

Date ———————

THIS IS TO CERTIFY that , of , has by this License exclusive authority to enter, prospect, search for, and work, for Silver, Tin, Copper, Cinnabar, Lead, Iron, and all other Metals and Minerals, other than Coal and Gold, upon, in, and under all that piece or parcel of Mineral Land in this District, within the following boundaries:

not exceeding in the whole Statute Acres, together with all the rights and privileges granted under the "Mineral Ordinance, 1869," and also a right to claim a Crown Grant of so much of the said Mineral Lands as is prescribed in that behalf under or by virtue of the said Ordinance, and subject and according to the provisions thereof.

This License will continue in force for two years from the date hereof

Given under my hand, at , this day of 18 .

Assistant (or Chief, as the case may be) Commissioner of Lands and Works.

FORM C.

{L. S.}

"MINERAL ORDINANCE, 1869."

COLONY OF BRITISH COLUMBIA. }
No.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith, and so forth. To all to whom these Presents shall come Greeting, Know ye that We do by these Presents, for Us, Our Heirs and Successors, in consideration of

give and grant unto and assigns,

All that parcel or lot of land situate

and

and numbered on the official plan or survey of the said , in the Colony of British Columbia, To have and to hold the said parcel or lot of land, and all and singular the premises hereby granted, with their appurtenances, unto the said and assigns for ever, subject nevertheless to the provisions of the "Mineral Ordinance, 1869,"

Provided nevertheless that it shall at all times be lawful for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing paths, or other works of public utility or convenience, so nevertheless that the lands so to be resumed shall not exceed one twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings.

Provided nevertheless that it shall at all times be lawful for Us, Our Heirs and Successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and get thereout any gold, or ore of gold, which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereunto belonging, for the purpose of raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use, reasonable compensation.

Provided nevertheless that it shall be lawful for any person duly authorized in that behalf by Us, Our Heirs and Successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid heirs or [successors or]

In testimony whereof We have caused these Our letters to be made patent, and the great seal of Our Colony of British Columbia to be hereunto affixed.

Witness Our right, trusty, and well beloved Governor of Our Colony of British Columbia, and Vice-Admiral of the same, &c., &c., at Our Government House, at , in Our Colony of British Columbia, this day of in the Year of Our Lord One Thousand Eight Hundred and and in the Year of Our Reign.

By Command.

FORM D.

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, and the Colonies and Dependencies thereunto belonging, Queen, Defender of the Faith.

To and all Persons entitled to defend the possession of to the possession of which some or one of them claim to be entitled under the "Mineral Ordinance, 1869."

These are to will and command you, or such of you as deny the alleged claim, within Thirty Days after Service hereof, to appear at to defend the said Claim, or such part thereof as you may be advised; in default whereof Judgment may be signed, and you turned out of possession.

Witness at the day of A. D. 18 .

Assistant (or Chief, as the case may be) Commissioner of Lands and Works.

FEES.

Upon the record of every application for a Mining License, or for a renewal thereof ..... 5 Dollars.
Upon the record of every Grant of Mining License, or a prolongation thereof ..... 5 Dollars.
Upon the record of every Crown Grant ..... 25 Dollars.
Upon the record of every other matter and thing under this Ordinance..... 2 Dollars and 50 cents.

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 23.

An Ordinance respecting the property of Religious Institutions in the Colony of British Columbia.

[*15th March*, 1869.]

WHEREAS it is expedient to amalgamate the Local Laws respecting the property of Religious Institutions; Preamble.

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

I. Where a Religious Society or Congregation of Christians in the Colony of British Columbia desire to take a conveyance of land for the site of a Church, Chapel, Meeting House, School, Belfry, Burial Ground, or residence for the Minister, or for the support of Public Worship, and the propagation of Christian knowledge, such Society or Congregation may appoint Trustees, to whom, and their successors to be appointed in such manner as may be specified in the Deed of Conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed; and such Trustees and their successors in perpetual succession, by the name expressed in the Deed, may, after the consent of the Governor thereto first had and obtained, take, hold, and possess the land, and maintain and defend actions in law or equity for the protection thereof, and of their property therein. Provides for Religious Societies holding Land.

II. But such Trustees shall, within twelve calendar months after the execution of the Deed of Conveyance, cause the Deed to be Registered in the office of the Registrar General for that portion of the Colony in which the land included in the Deed is situate, or otherwise the same shall be void. Title Deeds must be be registered.

III. When a debt has been, or may hereafter be, contracted for the building, repairing, extending or improving of a Church, Meeting House, Chapel, School or Belfry on land held by Trustees for the benefit of any Religious Society in the Colony of British Columbia, or for the purchase of the land on which the same has been, or is intended to be erected, the Trustees, or a majority of them, may from time to time secure the debt, or any part thereof, by a mortgage upon the Land, Church, Meeting House, Chapel, School or Belfry, or may borrow to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon. Property of Religious bodies may be mortgaged.

IV. The Grantees in trust named in any letters patent from the Crown, or the survivor or survivors of them, or the Trustees for the time being appointed in manner prescribed in the Letters Patent or other Deed, whereby lands are granted for the use of a Congregation or Religious Body, and any other Trustees for the time being entitled Trustees may let lands belonging to Religious bodies;

entitled by law to hold lands in trust for the use of a Congregation or Religious Body, may let, for any term not exceeding twenty-one years, lands so held by them for the use of a Congregation or Religious Body, at such rent and upon such terms as the Trustees or a majority of them deem reasonable; and in the lease they may covenant or agree for the renewal thereof at the expiration of any or every term of twenty-one years, for a further term of twenty-one years, or a less period, at such rent and on such terms as may then by the Trustees for the time being be agreed upon with the Lessee, his heirs, executors, administrators or assigns, or may covenant or agree for the payment to the Lessee, his executors, administrators, or assigns, of the value of any buildings or other improvements which may, at the expiration of any term, be in the demised premises, and the mode of ascertaining the amount of such rent, or the value of such improvements, may also be specified in the original lease.

but not without consent of Congregation.

V. But Trustees shall not have the power so to let, without the consent of the Congregation or Religious Body, for whose use they hold the land in trust, such consent to be signified by the votes of a majority of the members present at a meeting of the Congregation or Religious Body duly called for the purpose, nor to let any land, which at the time of making the lease is necessary, for the purpose of erecting a Church, Place of Worship, or other building thereon, or for a Burial Ground for the Congregation for whose use the land is held.

Trustees may sue.

VI. The Trustees, for the time being, entitled by law to hold land in trust for a Congregation or Religious Body, may, in their own names or by any name by which they hold the land, sue or distrain for rent in arrear, and take all such means for the recovery thereof as landlords in other cases are entitled to take.

Trustees may dispose of property of Religious bodies;

VII. When land held by Trustees for the use of a Congregation or Religious Body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the Trustees for the time being may give public notice of an intended sale, specifying the premises to be sold, and the times and terms of sale; and after publication of the notice for four successive weeks in a weekly newspaper published in or near the place where the lands are situated, and in the *Government Gazette*, may proceed to sell the land at public auction according to the notice, but the Trustees shall not be obliged to complete or carry into effect the sale, if in their judgment an adequate price is not offered for the land, and the Trustees may thereafter proceed to sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at public sale. And before a deed is executed in pursuance of a public or private sale, the Congregation or Religious Body for whose use the lands are held, shall be duly notified thereof and their sanction obtained by Resolution passed at a meeting called for that purpose.

and sanction of Congregation obtained thereto.

Trustees to prepare and submit to Congregation a statement of their transactions.

VIII. Trustees selling or leasing land under the authority of this Ordinance, shall, on the first Monday in July in every year, have ready and open for the inspection of the Congregation or Religious Body which they represent, and of any Minister thereof, a detailed statement showing all rents which accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of the Congregation or Religious Body, and which were in any manner derived from the lands under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the Congregation or Religious Body.

Empowers Courts to examine Trustees.

IX. The Supreme Court having jurisdiction may, in a summary manner, on complaint upon oath by three members of a Congregation or Religious Body of any misfeasance or misconduct on the part of Trustees in the performance of duties authorised by this Ordinance, call upon the Trustees to give in an account, and may enforce the rendering of such account, the discharge of any

any duties, and the payment of any money, so that the Congregation or Religious Body may have the benefit thereof, and the Court may compel the Trustees, in case of any misconduct, to pay the expense of the application, or may award costs to the Trustees in case the application is made on grounds which the Court considers insufficient, or frivolous, or vexatious.

X. Nothing in this Ordinance shall empower any Trustees of any Religious Body to occupy or use land for burial purposes within the limits of any towns or cities in British Columbia. Burial grounds must be outside of City limits.

XI. The Bill entitled "A Bill for the passage of an Act respecting the property of Religious Institutions in the Colony of Vancouver Island and its Dependencies," is hereby repealed, but any act done or executed thereunder, shall be deemed to have been duly done and executed, as if done and executed under the provisions of this Ordinance. Repeals Religious Institutions property Act of V. I.

XII. This Ordinance may be cited for all purposes as the "Religious Institutions Ordinance, 1869." Short Title.

Passed the Legislative Council the 9th day of March, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 15*th day of March,* 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMÓ SECUNDO

VICTORIÆ REGINÆ.

* *

No. 24.

An Ordinance respecting Indian Reserves.

[15*th March*, 1869.]

WHEREAS it is expedient for the avoidance of disputes among Indians and Settlers, as to the right to lands used by Indians, to provide a more speedy means than now obtains for the settlement of all such questions; Preamble.

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

I. In case of any dispute arising between or among any Indian or Indians, and any other person or persons as to the right to enter into, or occupy, or as to any damage done to, any Crown Lands in the Colony, being Indian Reserves or Settlements, or to the improvements, crops, or cattle thereon, it shall be lawful for the Stipendiary Magistrate of the District within which the land in dispute is situated, upon any complaint made to him thereon, or upon view of the premises, to hear and determine all such questions and disputes, as and when the same shall arise, and thereupon, or in any case, to make such order or orders in the premises, and from time to time to amend and vary the same as to such Magistrate shall seem just and reasonable; and in case of wilful injury or trespass upon such Crown Lands, being Indian Reserves, or Settlements, or Gardens, by any person or persons whomsoever as aforesaid, it shall be lawful for such Magistrate, after reasonable notice to all parties to be affected by such decision, and after a hearing, to award and enforce such costs and damages, not exceeding in any one case the sum of Two Hundred and Fifty Dollars, by warrant of distress of the goods and chattels of the person or persons against whom such decision is given, as to such Magistrate shall seem reasonable. Power to Stipendiary Magistrates to settle disputes,

II. It shall also be lawful for such Stipendiary Magistrate in any such case, by any order in writing under his hand, to remove any person or persons from off the land, or any portion thereof, in respect of which the dispute has arisen; and in case of resistance or disobedience to, or infraction of, any such order, to imprison the party or parties so offending, for any term not exceeding One Calendar Month, or to compel him or them to find securities, to the satisfaction of the Magistrate, to be of good behaviour, for any period not exceeding Six Calendar Months. and remove trespassers.

III. This Ordinance may be cited for all purposes as the "Indian Reserve Ordinance, 1869." Short Title.

Passed the Legislative Council the 12*th day of March, A. D.* 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 15*th day of March*, 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 25.

An Ordinance to amend "The County Court Ordinance, 1867."

[15*th March*, 1869.]

Preamble.

WHEREAS doubts have arisen as to the subsistence of the powers of Commitment bestowed on County Courts in the Colony, by "The County Court Ordinance, 1867;"

And, whereas, without proper powers of Commitment, the County Courts would in a great measure be inoperative; and it is expedient to remove such doubts, and to confirm such powers;

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

Enacts Sections 98, 99, 100, and 113 of Imperial Statute 9° and 10° Vic., cap. 95.

I. Sections 98, 99, 100, and 113 of the Imperial Statute, 9° and 10° Victoria, chapter 95, shall be and are hereby declared to be of and to have full force and effect throughout the whole Colony of British Columbia, and all the powers of Commitment for contempt, and otherwise, thereby conferred upon the County Courts, and the Judges thereof, in England, enforceable by the same process, shall be and are hereby conferred upon the County Court of British Columbia, and every other County Court of the Colony, and all the Judges thereof, respectively, for the time being, any Law or Rule to the contrary notwithstanding; subject, nevertheless, to all and singular the same restrictions and provisions, and with and under the same process, *mutatis mutandis*, in the County Court of British Columbia, as govern the same powers in the County Courts in England.

Bars all claims to fees by Officers of Court.

II. Whereas doubts have arisen as to the effect of the Order of the Supreme Court of Civil Justice of Vancouver Island, made on the 3rd day of April, 1860; for the avoidance of all such doubts, be it enacted that no fees or moneys heretofore received from or on account of any proceedings in the Inferior or Summary Court of Civil Justice of Vancouver Island, shall be deemed to be or to have been due or payable or be paid to any Officer of the said Court, or other person whomsoever, but the same shall be and continue to be accounted for as part of the Revenue of the said Colony, any Rule, Law, or Order of any Court to the contrary notwithstanding.

Short Title.

III. This Ordinance may be cited for all purposes as "The County Courts Amendment Ordinance, 1869."

Passed the Legislative Council the 15*th day of March, A. D.* 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 15*th day of March*, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 26.

An Ordinance to enlarge and amend the "Victoria Municipal Ordinance, 1867."

[15*th March*, 1869.]

WHEREAS it is deemed expedient that Sections IV., XXXIII., XLVIII., L., LI., LVII., and the Schedule of the "Victoria Municipal Ordinance, 1867," should be repealed or altered, and that the said Ordinance should also be amended; Preamble.

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

I. The last paragraph of Section IV. of the "Victoria Municipal Ordinance, 1867," shall be and is hereby repealed; and in lieu thereof, the words or sentences "Having been for three months next preceding "the time of election, and being at the time of such election, the owner "of property of the assessed value in the Municipal Assessment Roll of "Five Hundred Dollars," shall be read as and form part of such Section. Amends qualification of Members of Council.

II. From and after the passing of this Ordinance, the Municipal Assessment Roll made by the Municipal Council of the City of Victoria, dated the 15th of September, 1868, shall (anything in the said Ordinance to the contrary notwithstanding) be and continue to be the Assessment Roll for the said City, subject nevertheless to be altered and amended from time to time as hereinafter provided; save and except that in lieu of one-fourth of one per cent., it shall be lawful for the said Municipal Council to levy any rate upon all Owners of Real Estate, in respect of such estate, including the improvements thereon, not exceeding one-third of one per cent. Makes the Assessment Roll permanent basis of taxation.

2. The Municipal Assessment Roll may be inspected by any person, at all reasonable times, free of any charge whatever. Inspection of Roll.

3. It shall be lawful for the said Municipal Council, on such proof as to them shall from time to time appear satisfactory, to alter or amend the said Roll, either by striking out the Assessment, or by making a change in the name of the person to be liable to pay the amount of any Assessment, or by making the Roll conform to any order of the Court of Revision; but the Roll shall not be altered or amended by assessing any person, in respect of his business, dogs, or horses, or in respect of his property, in any other or higher amounts than that, if any, for the time being appearing on the Roll, unless the said Municipal Council shall, for the space of seven days, at least, before the last sitting of the Court of Revision, have caused such person to be served with a notice of the rate intended to be imposed on him, and requiring him to attend before the Court to show cause why he should not be assessed as in the said notice specified. Amendment of Assessment Roll.

4. Any notice by this Section of this Ordinance required to be served on any owner of Real Estate, or other person, in respect of proposed Assessments, or money due on account of Assessment, shall be served either personally or by leaving the same (or depositing it in the Post Office, in an enclosure addressed to such owner or other person as aforesaid) at his last known place of abode; and in Service of notices.

in case such owners are unknown or cannot be found, by affixing a copy thereof at or on some conspicuous part of each Town Lot or other piece of land or property, in respect of which the Assessment therein referred to shall have been made.

The Roll evidence of ownership.

5. The person who, for the time being, shall appear on the Assessment Roll as the Owner of any Real Estate shall, for the purposes of this Section, be deemed to be such Owner; and if Real Estate shall not be assessed to any person by name, or the owner aforesaid shall not be known or cannot be found, then the affixing the notice aforesaid, in manner aforesaid, at or on the land or other property aforesaid, shall be deemed to be and shall be due and sufficient service of such notice.

Notice of Appeal.

6. In case any person shall, whether by reason of a change in the value of property or otherwise, feel himself aggrieved at the amount at which he or any other person may be assessed, it shall be lawful for such aggrieved person to appeal to the Court of Revision, if such person shall, on or before the day immediately preceding the first sittings of the Court, have caused the Clerk of the said Municipal Council to be served with a notice of such appeal, and the grounds therefor.

Court of Revision.

III. Section L. of the said Ordinance shall be amended by adding thereto at the end thereof the words, figures, and sentences "and shall "in such notice state the place where the Assessment Roll may be "inspected.

2. "There shall be three sittings of the Court of Revision; the first of such "sittings shall be held in or previous to the month of February in each year: the "second and third sittings shall be held at intervals of not less than seven clear "days from the day appointed for the previous sitting, as the case may be. The "first and second sittings may be adjourned from day to day, until the day ap-"pointed for the then next sitting; and the third sitting shall stand adjourned from "day to day, until the business before the Court shall have been disposed of" shall be read as and form part of such Section.

Rates, when and how payable.

IV. Section LI. of the said Ordinance shall be and is hereby repealed, and in lieu thereof, be it enacted as follows:—"The rates or taxes shall "be deemed to be due on the 1st day of March in each year, and "shall be payable at the office of the Clerk of the Municipal Council.

"2. The rates or taxes shall be paid in the manner and at the times the "Municipal Council shall, by By-Law, direct.

"3. The said Municipal Council shall from time to time, so soon as con-"veniently may be, after the third sitting of the Court of Revision shall have "terminated, cause to be published in the *Government Gazette*, and one or more "newspapers published or circulating in the said City, notice of the manner and "the day or days appointed for the payment of the rates or taxes.

Rates on Owners.

"4. The rates or taxes on Real Estate shall be paid by the owner of the land "in respect of which, or the improvements thereon, the assessment shall have "been made; provided, however, that when the assessment shall have been made "in respect of property held under lease from the owner, or in respect of improve-"ments which were not at the time of the assessment owned by him, the amount "paid by the owner shall (in the absence of any agreement to the contrary) be "recoverable by him from the lessee or occupier of the said property, or improve-"ments as aforesaid, by distress or otherwise, in like manner as if the amount "due were owing for rent in arrear in respect of such property, together with "interest thereon at the rate of twelve per centum per annum, from the date "of payment as aforesaid, until the same be paid.

Interest on arrears.

"5. If such tax be not paid within one calendar month after the day fixed "for payment as aforesaid, interest after the rate of twelve per centum per "annum shall thereupon attach and be payable until the amount due with such "interest be registered as a charge against the property assessed, as hereinafter "mentioned.

Registration of arrears.

"6. On and after the expiration of one year from the day of default as afore-"said, the amount of such tax (and also the amount of any tax now over due "for a like period), and interest, and cost of registration, may, on the applica-"tion in writing, in the usual form, of the Clerk of the Municipal Council, be "registered as a charge against the land in respect of which such tax was pay-"able; and the Registrar General of Titles in Vancouver Island is hereby "authorized and required to register the same accordingly.

List of arrears.

"7. Once in every year, the Registrar General aforesaid shall publish in the "*Government Gazette* a list of all property against which charges have been "registered during the preceding twelve months for unpaid taxes, together with "the names of owners or supposed owners, and the amounts of such charges "respectively.

"8. From

"8. From and after the date of registration as aforesaid, the amount covered "by the charge shall bear interest at the rate of eighteen per centum per annum; "and after the expiration of three years from such date, the land and property "against which the charge has been registered shall and may be sold by public "auction, in manner to be prescribed by the said Municipal Council, and on "the following conditions, namely:— Arrears a charge on the land.

"9. The said Municipal Council shall publish in the *Government Gazette* and "one or more newspapers published in the said City, a list of all lands and "property by them intended to be sold as aforesaid, including the names of the "owners or supposed owners thereof, together with the amount of all costs and "charges due on such property, at least two months before such intended sale. Publication of list of lands sold for taxes.

"10. At the time and place appointed, the sale shall be conducted by the "High Sheriff or his Deputy, and he shall be allowed therefor a commission "not exceeding ten per centum upon the amount realized by such sale, in lieu "of all expenses incurred thereby. Sale by Sheriff.

"11. No lot or piece of land shall be sold for less than the value thereof, as "assessed at the time when the tax in respect of which the sale is made was "imposed. Reserved price.

"12. Upon the sale of any lot, the High Sheriff shall and is hereby empowered "to execute a conveyance to the purchaser thereof, of all the estate and interest "therein which the owner held at the time of the imposition of the tax; and "the said Municipal Council are hereby empowered to purchase at such sale, "and hold any lot so purchased as Corporate property. Sheriff may convey.

"13. The proceeds arising from the sale of any lot as aforesaid shall be dis-"posed of by the High Sheriff as follows:—He shall in the first place pay him-"self the commission due thereon, and the cost of the conveyance; and, in the "second place, shall pay the amount of all taxes due thereon, with interest and "costs, including costs of registration, to the Clerk or Treasurer of the said "Municipal Council; and shall pay the surplus (if any) into the Treasury of the "Colony, to an account to be intituled 'Municipal Tax Sales Account,' and "such moneys may be paid thereout by order of any Judge of the Supreme "Court, on a summary application made to him in the form of a summons, "supported by an affidavit of the facts, to the person or persons, in the opinion "of such Court, entitled to receive the same; and no Court fees shall be "charged or received for such summons, or for any order thereon made. Disposal of proceeds of sale.

"14. No informality or irregularity shall vitiate any such sale and conveyance "as aforesaid, nor shall any purchaser be bound to enquire into the regularity "or otherwise of such sale, or to the application of the purchase money therein "expressed to be paid; and the Registrar General aforesaid shall register the "title of the purchaser of every lot so sold, upon the production of the convey-"ance by the Sheriff aforesaid. Informality shall not vitiate sale.

"15. If any lot put up to auction as aforesaid shall not realize the amount of "the assessed value thereof, the Municipal Council may, and they are hereby "authorized to, enter into possession thereof, and hold and enjoy the same, until "the amount due for taxes, and costs and expenses, together with interest at "eighteen per centum per annum, be fully paid and satisfied; but any such lot "may be included in any subsequent sale, and sold in manner hereinbefore men-"tioned. Power to enter and lease.

"16. Concurrently with the remedies given by this Ordinance for the collec "tion of Municipal taxes hereunder, the taxes payable by any person hereunder "may be recovered in any competent Court of Justice of the Colony, with interest "after the rate of twelve per centum per annum from the day of default as afore-"said, on all such arrears of taxes and registration fees, until paid, together with "costs, as a debt due to the Corporation; 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. It shall be the duty of the Munici-"pal Council, at least once in every year, to register the said lien or debt "in the books of the Land Registry Office, as a charge on such Real Estate. Taxes may be collected by law.

"17. A certificate of discharge and satisfaction, signed by the Clerk of the "Municipal Council, shall be sufficient authority to the Registrar General to "cancel any charge appearing in the books of his office in respect of taxes; and "he is hereby authorized and required to cancel the same, on payment of the "costs and fees due and payable therefor. Provided, always, that the total amount "to be charged and payable for registration and cancellation shall be Two Dollars, "and no more." Cancellation of charge.

18. Section XLVIII. of the said Ordinance shall be and is hereby repealed; and in lieu thereof, "the Court of Revision shall consist of not less than three "Justices of the Peace for British Columbia or Vancouver Island, to be appoint-"ed from time to time by the Governor for the time being for that purpose; and "such Court 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 Constitution of Court of Revision.

or

"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; and all expenses (if any) connected with such Court of Revision shall "be borne and paid by the Municipal Counci out of Municipal Revenues."

Repeals Sec. LVII., of Municipal Ordinance, 1867.

V. Section LVII. of the said Ordinance shall be and is hereby repealed.

Excludes the Beacon Hill Park from the Municipal limits.

VI. That in the First Part of Schedule of said Ordinance, the words "Thence southerly along the east boundary of the Public Park to the "sea shore, at the south-east corner of the Public Park; thence westerly "along the sea shore to the south-east corner of the Public Park; thence "northerly along the west boundary line of the Public Park, to the "point where the north side line of St. James' Street intersects it," be struck out, and the following words inserted instead thereof—"Thence "southerly and westerly along the east and south boundaries of the lot "marked in the Official Map "A. Dallas," to the north-east corner of the "Public Park; thence westerly along the north boundaries of said "Public Park, to the north-west corner of said Public Park; thence "southerly along the west boundary of said Public Park, to the point "where it is intersected by the north side line of St. James' Street;" and that in the Fourth Part of the said Schedule, the words "including the "said Park," be struck out.

Interpretation.

VII. In the construction of this Ordinance words importing the singular number or masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males, and words importing the plural number shall be understood to apply to one matter as well as more than one, unless such construction shall be repugnant to the context.

Short Title.

VIII. This Ordinance may be cited for all purposes as the "Victoria Municipal Amendment Ordinance, 1869."

Passed the Legislative Council the 11*th day of March, A. D.* 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 15*th day of March,* 1869.

FREDERICK SEYMOUR,

VICTORIA, B. C.:
PRINTED AT THE GOVERNMENT PRINTING OFFICE.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 27.

An Ordinance to encourage the Establishment of Investment and Loan Societies.

[20*th August*, 1869.]

WHEREAS it is expedient that encouragement should be given to the establishment of Societies having for their object the accumulation of Money in this Colony, and the investment thereof; Preamble.

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

I. In case any twenty or more persons agree to constitute themselves into a Society under this Ordinance, and execute under their respective hands and seals a declaration to that effect, and deposit the same with the Registrar of Joint Stock Companies (who shall grant his certificate thereof; and for the granting of such certificate and receiving and registering such declaration, shall be entitled to a fee of Five Dollars), such persons and such other persons as afterwards become Members of the Society, and their several and respective executors, administrators, and assigns, shall be a Corporation, Body Corporate and Politic, under this Ordinance, with the power to hold lands as hereinafter mentioned, by the name and style mentioned in such declaration, for raising by periodical subscriptions, in sums not exceeding Ten Dollars per Month, or otherwise, of or from the several Members of the Society, in shares (not exceeding the value of Five Hundred Dollars for each share), a stock or fund for investment on real security in Great Britain or Ireland, British Columbia, or any other of Her Majesty's Possessions, and for enabling persons to become Members of such Society at any time, either for investment of capital therein or to obtain the advance of their shares or share by giving security therefor, without being liable to the contingency of losses or entitled to participate in the profits in the business of the said Society; and the certificate of the Registrar of Joint Stock Companies, of such declaration as aforesaid having been deposited, shall be conclusive evidence of the incorporation of the Society in such certificate mentioned. The date of such certificate shall be deemed the date of incorporation of the Society; and the liability of the Members shall be limited to the payment of the amount unpaid on the shares held by them respectively.

Societies how incorporated.

Power to hold lands.

Evidence of incorporation.

Date of incorporation.

Liability of members.

II. The several Members of the Society holding unadvanced shares thereon, may from time to time assemble together and make such proper Rules for the government of the Society as the majority of the Members so assembled deem meet, so as such Rules are not repugnant to the provisions of this Ordinance, or any Act or other Ordinance then in force in British Columbia; and they may impose and inflict such reasonable fines, penalties, and forfeitures, upon the several

Members of Society may make Rules;

impose fines;

several Members of the Society infringing such Rules, as such majority of the Members think fit, to be respectively paid to such uses, for the benefit of the Society, as the Society by such Rules direct; and they may, also, from time to time amend or rescind such Rules, and make new Rules in lieu thereof, under such restrictions as are in this Ordinance contained.

amend or rescind Rules.

Society shall, by Rule, declare objects of Society;

how money to be appropriated.

III. Every such Society shall, in or by one or more of their Rules, declare the objects for which the Society is intended to be established, and thereby direct the purposes to which the money from time to time subscribed to, recieved by, or belonging to the Society, shall be appropriated, and in what shares or proportions, and under what circumstances any Member of the Society or other person may become entitled to the same, or any part thereof.

Rules to specify time and place of holding Meeting, and define powers and duties of members and officers.

IV. The Rules of the Society shall specify the place or places at which it is intended that the Society shall hold its meetings, and shall contain provisions with respect to the powers and duties of the Members at large, and of the Officers appointed for the management of its affairs.

Election of Directors.

V. Every such Society shall from time to time elect and appoint any number of the Members of the Society to be a Board of Directors, the number and qualification thereof to be declared in the Rules of the Society, and may delegate to such Directors all or any of the powers given by this Ordinance to be executed.

Powers of Directors to be declared by Rules.

VI. The powers of the Directors shall be declared by the Rules of the Society, and they shall continue to act during the time appointed by such Rules, and until others are appointed.

Rules to provide that Treasurers shall furnish annual statements of funds.

Statement to be attested by Auditors.

VII. The Rules of the Society shall provide that the Treasurer, or other principal Officers thereof, shall once at least in every year prepare a General Statement of the Funds and Effects of or belonging to the Society, and the value of such effects, specifying in whose custody or possession such funds and effects are then remaining, together with an Account of all Sums of Money received or expended by or on account of the Society, since the publication of the preceding periodical statement. Every such periodical statement shall be attested by two or more Members of the Society, not being Directors, who shall be elected Auditors for that purpose by the Shareholders, and shall be countersigned by the Secretary or Clerk for the Society, and every Member shall be entitled to receive from the Society, without charge, a copy of such periodical statement.

Rules to be recorded in a book.

Copy of Rules to be certified by Registrar of Joint Stock Co's.

VIII. The Rules for the management of every such Society shall be recorded in a book kept for that purpose, and such book shall be open at all reasonable times for the inspection of the Members; and a copy of such Rules shall be registered by the Registrar of Joint Stock Companies, and certified by him before they shall be binding on the Society.

Rules so recorded to be binding on members.

IX. The Rules so recorded shall be binding on the several Members and Officers of the Society, and the several contributors thereto, and their representatives, and they shall be deemed to have full notice thereof by such record.

Examined copy of Rule to be evidence.

X. The entry of the Rules in the books of the Society, or a true copy of the same, examined with the original, and proved to be a true copy, shall be received as evidence thereof.

Rules not to be altered except at a special general meeting.

Meeting to consist of $\frac{1}{3}$ of Shareholders representing not less than $\frac{2}{3}$ of unadvanced stock, and majority consent in writing.

XI. No Rules, so recorded as aforesaid, shall be altered or rescinded, nor shall any Rule be created except at a General Meeting of the Members convened by public notice, written or printed, signed by the Secretary or President of the Society, in pursuance of a requisition for that purpose made by not less than fifteen of the Members, stating the objects for which the meeting is called, and addressed to the President and Directors, and unless such general meeting do consist of not less than one-third of the Shareholders present in person or by proxy, representing not less than two-thirds of the unadvanced stock of such Society, and the majority of such Members present as aforesaid do in writing under their hand concur in such alteration or repeal of such Rule, or in the creation of any new

new Rule; and no such Rule shall be deemed to have been altered, repealed, or created, until the alteration, repeal, or creation, shall have been assented to by the Registrar of Joint Stock Companies, in writing under his hand. Each Member of the Society shall, within fifteen days after the receipt of such requisition by the President or Treasurer, be notified by circular of the proposed alterations, repeal, or additions.

Rules not to be deemed altered until alteration assented to by Registrar of Joint Stock Co's.

Members to be notified of proposed alterations.

XII. When any share or shares in the capital of any Society has or have become due and payable to the holder thereof, he may either withdraw the amount of such share or shares from the said Society, according to the Rules and Regulations thereof, or invest the amount of his said share or shares as fixed or permanent stock of the Society, and receive therefrom periodically such proportion of the profits made by such Society as may be provided for by the Rules of the Society. The moneys invested in fixed and permanent stock may not be withdrawn therefrom, but may be transferred in the same manner as other shares in the same Society.

Shareholder whose share is paid up may receive or invest the amount.

Permanent stock transferable only.

XIII. Except in the case of the withdrawal of a Member according to the Rules of the Society then in force, no Member shall receive, or be entitled to receive, from the funds of the Society, in respect of any share which is not invested as permanent stock, any interest or dividend by way of annual or other periodical profit upon any share in the Society, until after the expiration of the term for which such share was originally granted, or such shorter period as, under the Rules of the Society, may have been substituted therefor.

Except in cases of withdrawal, members not to receive profits in shares, other than in permanent stock, until maturity.

XIV. Every such Society may from time to time limit the number of shares to be granted, and, except in cases provided for in Section XII., may charge a premium on any new share.

Society may limit number of shares, and may charge a premium on new shares.

XV. Every such Society may, after reasonable notice in writing, declare forfeited to the Society the shares of any Member who is in default, or who neglects to pay the number of instalments or monthly subscriptions fixed by any stipulation or by-law, and may expel such Members from the Society, and the Secretary shall make a minute of such forfeiture and expulsion in the Books of the Society.

Shares may be forfeited.

Members may be expelled.

XVI. In case any payment either on account of subscriptions, instalments, fines, or for expenses in relation to any security or otherwise is due or payable to any such Society from any Member thereof, the same may be recovered by action or suit in the usual manner.

Society may sue members.

XVII. In case a Sub-Committee of Directors is appointed for any particular purpose, the powers delegated to them shall be reduced to writing, and entered in a Book, by the Secretary or Clerk of the Society.

In certain cases, powers of Directors to be recorded in books of Society.

XVIII. The Directors shall choose a President and Vice-President, and they shall in all things delegated to them act for and in the name of the Society, and the concurrence of a majority of the Directors present at any meeting shall at all times be necessary in any act of the Board; and no business shall be transacted at any meeting of Directors, unless a quorum of Directors, as prescribed by the Rules be present thereat.

Election of President and Vice-President.

Concurrence of majority of Directors necessary.

Quorum to be present.

XIX. The transactions of the Directors shall be entered in a Book belonging to the Society, and shall at all times be subject to the review of the Society, in such manner and form as the Society by their general Rules shall direct and appoint.

Proceedings of Directors to be entered in books of Society.

XX. All acts and orders of such Directors under the powers delegated to them shall have the like force and effect as the acts and orders of the Society at a general meeting.

Acts of Directors to be binding.

XXI. The Directors shall from time to time, at any of their usual meetings, appoint such persons as they shall think proper to be Officers of the Society, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the Society; and shall from time to time, when necessary,

Directors at meetings to appoint officers.

sary, elect such persons as may be necessary for the purposes of the Society, for the time and for the purpose expressed in the Rules of the Society; and shall from time to time, for incompetence or misbehaviour, discharge such persons, and appoint others in the room of those who vacate, die, or are discharged.

To remove officers for incompetence or misbehaviour.

Officers appointed to receive money to give security.

XXII. Every such Officer or other person appointed to any Office in anywise concerning the receipt of money shall, before entering upon the duties of his office, execute a Bond, with two sufficient Sureties, in such form and for such amount as the Directors determine, for the just and faithful execution of his office, according to the Rules of the Society.

Societies may make advances to members on security of Real Estate, and may take any property as further security.

XXIII. Such Society may advance to Members, other than any or either of the Directors thereof, on the security of unadvanced shares in the said Society, any portion of the funds of such Society, and may receive and take from any person or persons, or bodies corporate, any real property as original security, or any property of any nature or kind soever, as further or additional security for any advances made as aforesaid.

Society may become absolute owner by foreclosure of any property mortgaged to it.

XXIV. Every such Society may take and hold any property or securities thereon *bona fide* mortgaged or assigned to it, either to secure the payment of the shares subscribed for by its Members, or to assure the payment of any debts due to the said Society; and may become the absolute owner thereof by foreclosure.

In certain cases, Society may proceed in mortgage by sale, &c.

XXV. Whenever any such Society has received from a shareholder an assignment, mortgage, or transfer of any property to secure the payment of any advance made by, or debt due to, such Society, and containing an authority to such Society to sell such property in case of non-payment of any stipulated number of instalments or sums of money, and to apply the proceeds of such sale to the payment of the advances, interest, and other charges due to the Society, such stipulations and agreements shall be valid and binding, and the Society may cause the same to be enforced; and may proceed on any such security for the recovery of the moneys thereby secured, either at Law or in Equity, or otherwise, and generally may also pursue the same course, exercise the same powers, and take and use the same remedies, to enforce the payment of any debt or demand due to the Society as any person or body corporate may by Law take or use for a like purpose.

After default for 3 months successively Society may sell property held in mortgage.

XXVI. In case of default being made in payment of any sum of money secured, or intended to be secured, by any deed of security taken by any such Society, or any part of any such sum, for the space of Three Months successively after any or either of the days or times at which the same became payable, it shall be lawful for such Society to offer the property comprised in any such deed of security, or any part or parts of such property, for sale by Public Auction, and either together or in parcels.

Representatives of deceased officers of Society to deliver over papers and moneys after demand.

XXVII. If any person appointed to an office by the Society, and being intrusted with and having in his possession, by virtue of his office, any moneys or effects belonging to the Society, or any deeds or securities relating thereto, dies, or becomes bankrupt or insolvent, his legal representative, or other person having a legal right, shall within fifteen days after demand made by the orders of the Directors of the Society, or the major part of them assembled at any meeting thereof, deliver over all things belonging to the Society to such person or persons as the Directors appoint.

Ordinance to extend to aliens, &c., but no *feme coverte* or infant to be a Director.

XXVIII. This Ordinance shall extend to aliens, denizens, females, co-partners, and corporate bodies. *Femes Covertes* and infants may hold shares in any Society incorporated under this Ordinance, in the same manner as male adults; and for the purpose of dealing with such shares, shall be considered as *Femes Soles* or male adults respectively; and this Ordinance shall be construed in the most beneficial manner for promoting the ends thereby intended; but no *Feme Coverte*, or infant, shall be a Director of any such Society.

How Society may invest surplus funds.

XXIX. Every such Society may invest any surplus funds in the Stocks of any Chartered Bank in, or other Public Security of, the

the Colony; and all dividends, interest, and proceeds arising therefrom, shall be brought to account, and be applied to the use of the Society, according to the Rules thereof.

XXX. Every such Society, by its Rules, Regulations, or By-Laws authorized to borrow money, shall not borrow, receive, take, or retain, otherwise than in stock and shares in such Society, from any person or persons, any greater sum than three-fourths of the amount of capital actually paid in on unadvanced shares, and invested in securities or in property by such Society; and the whole of the property and capital of the Society shall be liable for the amount so borrowed, received, or taken by any such Society.

Amount Society may borrow limited.

XXXI. Any such Society may hold absolutely Real Estate for the purposes of its place of business, not exceeding the annual value of Three Thousand Dollars in any one place, exclusive of the improvements which may be made by any such Society thereon.

Real Estate for place of business.

XXXII. Such Society shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any share or shares of its stock may be subject, and the receipt of the party in whose name any such share or shares stand in the Books of the Society, or if such share or shares stand in the names of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, notwithstanding any trust to which such share or shares may then be subject, and whether or not such Society has had notice of such trust, and the Society shall not be be bound to see to the application of the money paid upon such receipt.

Society not bound to see to trust to which its stock is subject.

What receipt sufficient.

XXXIII. No portion of the funds of any Society established under this Ordinance shall be advanced to any or either of the Directors of such Society, nor to nor for his or their use, upon any security or otherwise; and should any advance be made contrary to the spirit of this Ordinance, the Director or Directors receiving the same shall forfeit to the Society a sum equal to ten times the amount so advanced, and shall cease to be a Director of such Society.

No loan to be made to a Director.

Any Director receiving a loan to pay a fine of ten times the amount received.

XXXIV. Every such forfeit or fine may be recovered before a Stipendiary Magistrate of British Columbia, in a summary way, by Warrant of distress of the Goods and Chattels of such Director or Directors. In case of default of payment of such forfeit or fine, and of the insufficiency of such distress, such Director or Directors shall be liable to imprisonment for a term not exceeding Twelve Calendar Months, at the discretion of the Magistrate who shall have issued the Warrant of distress.

Recovery of fine.

XXXV. In case any Director or Directors, the Secretary and Treasurer, or Secretary, or Treasurer, or Clerk of any such Society shall take, charge, or receive any bribe, commission, or gratuity for negotiating any Loan from, or procuring any advance to be made by any such Society, such person or persons shall incur a penalty of Five Hundred Dollars, and shall upon conviction thereof be removed from office, and forfeit to the Society all his or their interest in such Society.

Officers who receive a bribe or commission to procure a loan to incur a penalty of $500.

XXXVI. If the Directors of any such Society shall declare any dividend when the Society is known by them to be insolvent, or any dividend, the payment of which would to their knowledge render it insolvent, they shall be jointly and severally liable to the extent of the aggregate amount of the dividend so declared for all the debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office. Provided, always, that if any of the Directors shall be absent at the time the dividend or dividends shall be so declared, or shall object thereto, and shall forthwith file their objection in writing with the Secretary or Clerk of the Society, they shall be exempt from the said liability.

Directors to be liable for debts of dividend declared when the Society is known by them to be insolvent.

XXXVII. Inasmuch as the stability of Societies established under this Ordinance, will depend in great measure on the valuation of the assets of such Societies, and the division of the profits from time to

No portion of profits of Society to be divided until the table on which the securities held by the So-

ciety have been valued shall have been sanctioned by an officer to be appointed by the Governor.

to time found or declared to have been made by such Societies, no such Society shall be at liberty to divide any of the profits found or declared to have been made by such Society, until the table on which the securities held by such Society shall have been valued, and shall have been sanctioned or approved of by such Officer as the Governor or Officer Administering the Government may from time to time appoint; and if any dividend shall be paid on or in respect of any share in the capital of such Society before such table as aforesaid shall have been sanctioned or approved as aforesaid, each of the Directors who shall not have objected thereto, and shall not have filed his objection in writing with the Secretary or Clerk of the Society, before any such payment, shall incur a penalty of Five Hundred Dollars.

When the assets of Society to be valued and accounts are to be audited.

Return to be made to Colonial Secretary.

XXXVIII. In the month of December, in each year, the Assets of the Society shall be valued, and the accounts audited; and on or before the 14th day of the month of January, then following, a Return, duly verified by the declarations of the Auditor and Treasurer, shall be made to the Colonial Secretary, in which shall be stated in a tabular form,

The name of the Society;
The Nominal Capital;
The Actual Capital;
The number of unadvanced Shares held in accumulating Stock, and the amount paid thereon;
The amount of permanent Stock not deposited as security for moneys advanced by the Society;
The amount borrowed or received on deposit;
The nature of the presumed Assets, with a concise statement of the securities in a tabular form;
The losses and expenses during the year;
The profits divisible per Share;
And such other information as the Governor or Officer Administering the Government shall from time to time, by notice published in the *Government Gazette*, order or require.

Penalty on default in making Return.

XXXIX. If any Society established under this Ordinance, makes default in making a Return to the Colonial Secretary in compliance with the foregoing directions, such Society shall incur a penalty not exceeding Twenty-five Dollars for every day during which such default continues.

Examination of affairs of Society by Inspector approved by the Governor.

XL. Upon the application of one-fifth in value of the holders of unadvanced shares in any Society established under this Ordinance, the Governor or Officer Administering the Government may appoint one or more Inspectors to examine into the affairs of the Society, and to report thereon in such manner as he may direct.

Powers of Inspector.

XLI. It shall be the duty of all Officers and Agents of the Society to produce for the examination of the Inspectors all Books and Documents in their custody or power. Any Inspector may examine upon oath the Officers and Agents of the Society, in relation to its business, and may administer such oath accordingly. If any Officer or Agent refuses to produce any such Book or Document, or to answer any question relating to the affairs of the Society, he shall incur a penalty not exceeding Twenty-five Dollars in respect of such offence.

Result of examination, how dealt with.

XLII. Upon the conclusion of the examination, the Inspectors shall report their opinion to the Colonial Secretary. Such report shall be written or printed, as the Colonial Secretary directs. A copy shall be forwarded by the Colonial Secretary to the registered Office of the Society, and a further copy shall, at the request of the Shareholders upon whose application the inspection was made, be delivered to them, or to any one or more of them. All expenses of and incidental to any such examination as aforesaid, shall be defrayed by the Shareholders upon whose application the Inspectors were appointed.

Power of Society to appoint Inspector.

XLIII. Any Society registered under this Ordinance may, in a general meeting, appoint Inspectors for the purpose of examining into the affairs of the Society. The Inspectors, so appointed, shall have

have the same powers and perform the same duties as Inspectors appointed by the Governor or Officer Administering the Government, with this exception: that, instead of making their report to the Colonial Secretary, they shall make the same in such manner and to such persons as the Society in general meeting directs; and the Officers and Agents of the Society shall incur the same penalties in case of any refusal to produce any Book or Document to such Inspectors, or to answer any questions, as they would have incurred if such Inspectors had been appointed by the Governor.

Official copy of report of Directors to be evidence.

XLIV. A copy of the report of any Inspectors appointed under this Ordinance, authenticated by the Seal of the Society into whose affairs they have made inspection, shall be admissible as evidence in any legal proceeding.

Recovery of Penalties, other than those provided for in Section XXXIV.

XLV. All offences under this Ordinance, other than those provided for by Section XXXIV. of this Ordinance, made punishable by any penalty, may be prosecuted summarily before two or more Justices, in manner directed by an Act passed in the Session holden in the eleventh and twelfth years of the Reign of Her Majesty Queen Victoria, chapter 43, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of Session within England and Wales, with respect to summary convictions and orders."

Application of Penalties.

XLVI. The Justices imposing any penalty under this Ordinance, may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding the person on whose information or at whose suit such penalty has been recovered; and subject to such directions, all penalties shall be paid to the Treasurer of the Colony, and shall be carried to the credit and form part of the Revenue of the Colony.

Service of notice.

XLVII. Notices requiring to be served by the Company upon Shareholders, may be served either personally, or by leaving the same, or sending them through the Post Office in a letter addressed to the Shareholders at their registered places of abode.

In case of joint owners of a share, on whom notice to be served.

XLVIII. All notices directed to be given by the Societies shall, with respect to any share to which persons are jointly entitled to, be given to whichever of the said persons is named first in the register of the Societies, and notice so given shall be sufficient notice to all proprietors of such share.

How notice to be advertised.

XLIX. All notices required by this Ordinance to be given by advertisement, shall be advertised in a newspaper circulating in the City or District in which the registered Office of the Society is situated.

Provision as to winding up of company.

L. The provisions of any Ordinance or Act for the time being in force in British Columbia, relating to the winding up of Companies, shall apply to all Societies incorporated under this Ordinance.

Interpretation Clause.

LI. The word "Society" in the foregoing Sections of this Ordinance shall be understood to include and to mean any Society, Company, or Institution established under the provisions and authority of this Ordinance; the word "Rules" to include Rules, Orders, By-Laws, and Regulations; 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.

LII. This Ordinance may be cited for all purposes as "The Investment and Loan Societies Ordinance, 1869."

Passed the Legislative Council the 9th day of March, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 20th day of August, 1869.

PHILIP J. HANKIN,
Administering the Government.

have the same powers and perform the same duties as Inspectors appointed by the Governor or Officer Administering the Government, with this exception: that, instead of making their report to the Colonial Secretary, they shall make the same in such manner and to such persons as the Society in general meeting directs; and the Officers and Agents of the Society shall incur the same penalties in case of any refusal to produce any Book or Document to such Inspectors, or to answer any questions, as they would have incurred if such Inspectors had been appointed by the Governor.

Official copy of report of Directors to be evidence.

XLIV. A copy of the report of any Inspectors appointed under this Ordinance, authenticated by the Seal of the Society into whose affairs they have made inspection, shall be admissible as evidence in any legal proceeding.

Recovery of Penalties, other than those provided for in Section XXXIV.

XLV. All offences under this Ordinance, other than those provided for by Section XXXIV. of this Ordinance, made punishable by any penalty, may be prosecuted summarily before two or more Justices in manner directed by an Act passed in the Session holden in the eleventh and twelfth years of the Reign of Her Majesty Queen Victoria, chapter 43, intitled "An Act to facilitate the performance of the duties of Justices of the Peace out of Session within England and Wales, with respect to summary convictions and orders."

Application of Penalties.

XLVI. The Justices imposing any penalty under this Ordinance, may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding the person on whose information or at whose suit such penalty has been recovered; and subject to such directions, all penalties shall be paid to the Treasurer of the Colony, and shall be carried to the credit and form part of the Revenue of the Colony.

Service of notice.

XLVII. Notices requiring to be served by the Company upon Shareholders may be served either personally, or by leaving the same, or sending them through the Post Office in a letter addressed to the Shareholders at their registered places of abode.

In case of joint owners of a share, on whom notice to be served.

XLVIII. All notices directed to be given by the Societies shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons is named first in the register of the Societies, and notice so given shall be sufficient notice to all proprietors of such share.

How notice to be advertised.

XLIX. All notices required by this Ordinance to be given by advertisement, shall be advertised in a newspaper circulating in the City or District in which the registered Office of the Society is situated.

Provision as to winding up of companies.

L. The provisions of any Ordinance or Act for the time being in force in British Columbia, relating to the winding up of Companies, shall apply to all Societies incorporated under this Ordinance.

Interpretation Clause.

LI. The word "Society" in the foregoing Sections of this Ordinance shall be understood to include and to mean any Society, Company, or Institution established under the provisions and authority of this Ordinance; the word "Rules" to include Rules, Orders, By-laws, and Regulations; 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.

LII. This Ordinance may be cited for all purposes as "The Investment and Loan Societies Ordinance, 1869."

Passed the Legislative Council the 5th day of March, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 20th day of August, 1869.

PHILIP J. HANKIN,
Administering the Government.

BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

* *

No. 28.

An Ordinance respecting "The Companies' Ordinance, 1866."

[20*th August*, 1869.]

WHEREAS it is expedient to amend "The Companies' Ordinance, 1866," and also to extend the provisions thereof to that part of this Colony formerly known as 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 "Vancouver Island Joint Stock Companies' Act, 1860," is hereby repealed; but such repeal shall not invalidate any acts heretofore done, or affect any rights acquired under such Act. Repeals Act of 1860.

II. From and after the passing of this Ordinance, "The Companies' Ordinance, 1866," and all the provisions and enactments thereof shall, save as hereinafter modified, have full force and effect throughout the Colony. Ordinance of 1866 extended.

III. The Governor may from time to time appoint such person as he shall think proper to act as Registrar of Joint Stock Companies. Registrar.

IV. The expression "the Court" used in Section III. of "The Companies' Ordinance, 1866," shall in its interpretation also mean the "Supreme Court of Vancouver Island," and every Chief Justice or Judge thereof; and the words "the said Supreme Court of Civil Justice" in Section VI. of the said Ordinance, shall be construed to mean the Supreme Court of the Mainland of British Columbia and the Supreme Court of Vancouver Island, respectively, and any Chief Justice or Judge thereof. Interpretation of terms.

V. All the words after the figures "1862" in Clause XI. of the said Ordinance, are hereby repealed; and instead thereof, the following words shall be read as part of such Clause:—"provided that it shall be lawful for the Chief Justice or Judge of either of the said Supreme Courts of this Colony, with the sanction of the Governor, to vary or modify such Rules or Orders as occasion may require." Rules or Orders may be varied.

VI. The said "Companies' Ordinance, 1866," and this Ordinance shall be construed and read together as one Ordinance, and be cited as "The Companies' Ordinance, 1869." Companies' Ordinance, 1866, to be read with this. Short Title.

Passed the Legislative Council the 1*st day of March, A. D.* 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 20*th day of August*, 1869.

PHILIP J. HANKIN,
Administering the Government.

VICTORIA, B. C.:
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BRITISH COLUMBIA.

ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

No. 28.

An Ordinance respecting "The Companies' Ordinance, 1866."

[20th July, 1867.]

WHEREAS it is expedient to amend "The Companies' Ordinance, 1866," and also to extend the provisions thereof to that part of this Colony formerly known as Vancouver Island and its Dependencies;

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

I. The "Vancouver Island Joint Stock Companies' Act, 1860," is hereby repealed; but such repeal shall not invalidate any acts heretofore done, or affect any rights accruing under such Act.

II. From and after the passing of this Ordinance, "The Companies' Ordinance, 1866," and all the provisions and enactments thereof shall, save as hereinafter modified, have full force and effect throughout the Colony.

III. The Governor may, from time to time, appoint such person as he shall think proper to act as Registrar of Joint Stock Companies.

IV. The expression "the Court" used in Section III. of "The Companies' Ordinance, 1866," shall in its interpretation also mean the "Supreme Court of Vancouver Island," and every Chief Justice or Judge thereof; and the words "the said Supreme Court of Civil Justice" in Section VI. of the said Ordinance, shall be construed to mean the Supreme Court of the Mainland of British Columbia and the Supreme Court of Vancouver Island, respectively, and any Chief Justice or Judge thereof.

V. All the words after the figures "1862" in Clause XI. of the said Ordinance, are hereby repealed; and instead thereof, the following words shall be read as part of such Clause:—"Provided that it shall be lawful for the Chief Justice or Judge of either of the said Supreme Courts of this Colony, with the concurrence of the Governor, to vary or modify such Rules or Orders as occasion may require."

VI. The said "Companies' Ordinance, 1866," and this Ordinance shall be construed and read together as one Ordinance, and be cited as "The Companies' Ordinance, 1867."

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

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Officer.

Assented to, on behalf of Her Majesty, this 20th day of August, 1867.

PHILIP J. HANKIN,
Administrator of the Government.

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