L. S.

BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

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No. 6.

An Ordinance respecting the investigation of accidents by Fire.

[1st *May*, 1868.]

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

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

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

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

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

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

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

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

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

These provisions not to limit Coroner's powers.

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

Interpretation.

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

Fines, &c., declared Public Revenue.

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

Short Title.

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

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

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

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

FREDERICK SEYMOUR,
Governor.

NEW WESTMINSTER:

PRINTED AT THE GOVERNMENT PRINTING OFFICE.