BRITISH COLUMBIA

V. R.

PROCLAMATION

By His Excellency, JAMES DOUGLAS, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its Dependencies.

WHEREAS, by an Act of Parliament made and passed in the session of Parliament held in the 21st and 22nd years of the Reign of Her Majesty Queen Victoria, Chapter XCIX, intituled "An Act to Provide for the Government of British Columbia," the limits of the said Colony were defined, and Her Majesty was authorized to invest the Governor thereof with such powers as in the said Act of Parliament are mentioned;

And whereas by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, Her Majesty has been pleased to appoint JAMES DOUGLAS to be Governor of British Columbia; And the said Governor is required by the said Commission, amongst other things, formally to proclaim the said Act within the said Colony of British Columbia.

Therefore I, James Douglas, Governor of the said Colony, now proclaim and publish the said Act for the information and guidance of Her Majesty's subjects, and others whom it may concern, as follows:

ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

Victoræ Reginæ.

CAP. XCIX.

An Act to provide for the Government of British Columbia.

[2d August, 1858.]

WHEREAS, divers of Her Majesty's Subjects and others have, by the Licence and Consent of Her Majesty, resorted to and settled on certain wild and unoccupied Territories on the North-West Coast of North America, commonly knowu by the Designation of New Caledonia, and from and after the passing of this Act to be named British Columbia, and the Islands adjacent, for Mining and other purposes; and it is desirable to make some temporary Provison for the Civil Government of such Territories, until permanent Settlements shall be thereupon established, and the Number of Colonists increased; Be it therefore enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Boundaries of British Columbia.

I. British Columbia shall, for the purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of America, to the East by the main Chain of the Rocky Mountains, to the North by Simpson's River, and the Finlay Branch of the Peace River, and to the West by the Pacific Ocean, and shall include Queen Charlotte's Island, and all other Islands adjacent to the said Territories, except as hereinafter excepted.

Her Majesty, by Order in Council may make or provide for the making of Laws for the Government of Her Majesty's Subjects and others in British Columbia

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, to make, ordain, and establish, and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time to Time appoint as Governor of British Columbia, to make Provison for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively.

Her Majesty may establish a local Legislature in British Columbia.

III. Provided always, That it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of British Columbia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient.

Certain provisions of 43 G. III. C. 138, and 1 & 2 G. IV. c. 66 as regards British Columbia repealed.

IV. And whereas an Act was passed in the Forty-third Year of King George the Third, intituled "An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain parts of North America adjoining to the said Provinces": And whereas by an Act passed in the Second Year of King George the Fourth, intituled "An Act for regulating the Fur trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of North America", it was enacted, that from and after the passing of that Act the Court of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same Civil Jurisdiction, Power and Authority, within the Indian Territories and other Parts of America not within the Limits of either of the Provinces of Lower or Upper Canada or of any Civil Government of the United States, as the said Courts had or were invested with within the Limits of the said Provinces of Lower or Upper Canada respectively, and that every Contract, Agreement, Debt, Liability, and Demand made, entered into, incurred, or arising within the said Indian Territories and other Parts of America, and every Wrong and Injury to the Person or to Property, committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of Upper Canada; and in the same Act are contained Provisions for giving Force, Authority and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of America as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian Territories of such other parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time, by any Commission under the Great Seal, to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should not try any Offender upon any Charge or Indictment for any Felony made the subject of Capital Punishment or for any offence, or passing Sentence affecting the Life of any offender, or adjudge or cause any Offender to Suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment, or Transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of Upper Canada:

From and after the Proclamation of this Act in British Columbia the said Act of the Forty-third Year of King George the Third, and the said recited Provisions of the said Act of the Second Year of King George the Fourth, and the Provisons contained in such Act for giving Force, Authority and Effect within the Indian Territories and other parts of America to the Process and Acts of the said Courts of Upper Canada, shall cease to have Force in and to be applicable to British Columbia.

Appeal from Judgments in Civil Suits to the Privy Council.

V. Provided always, That all Judgments given in any Civil Suit in British Columbia shall be subject to Appeal to Her Majesty in Council, in the Manner and Subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of Canada, and to such further or other Regulations as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's Island, as at present established, not to be included in British Columbia.

VI. No part of the Colony of Vancouver's Island, as at present established, shall be comprised within British Columbia for the Purpose of this Act; but it shall be lawful for Her Majesty, Her Heirs and Successors, on receving at any Time during the Continuance of this Act a joint Address from the Two Houses of the Legislature of Vancouver's Island, praying for the Incorporation of that Island with British Columbia, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to British Columbia, snbject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to Vancouver's Island.

"Governor."

VII. In the Construction of this Act the term "Governor" shall mean the Person for the Time being lawfully administering the Government of British Columbia.

Act to continue in force until December 31st, 1862. Expiration of Act not to affect Boundaries, &c.

VIII. This Act shall continue in force until the Thirty-first Day of December One Thousand eight hundred and sixty-two, and thenceforth to the End of the then next Session of Parliament: Provided always, that the Expiration of this Act shall not affect the Boundaries hereby defined, or the Right of Appeal hereby given, or any Act done or Right or Title acquired under or by virtue of this Act, nor shall the Expiration of this Act revive the Acts or Parts of Acts hereby repealed.

And I do further proclaim and publish that the said recited Act shall take effect within the said Colony of British Columbia from the date hereof.

Issued under the Public Seal of the said Colony, at Fort Langley, this nineteenth day of Novemer, 1858, in the Twenty-second year of Her Majesty's Reign, by me,

JAMES DOUGLAS,
Governor. { L. S. }

GOD SAVE THE QUEEN.