REPORTS

Of the Honourable the Minister of Justice on the Acts of the Province of British Columbia passed during the year 1882.

By Command.

JNO. ROBSON,

Provincial Secretary's Office,
4th June, 1883.

Provincial Secretary.

The Under Secretary of State for Canada to His Honour the Lieutenant-Governor.

OTTAWA, 17th May, 1883.

SIR,—I have the honour to transmit to you herewith, for the information of your Government, a copy of an Order of His Excellency the Governor-General in Council, signifying the disallowance by His Excellency of the Act of the Legislature of British Columbia passed on the 21st April, 1882, intituled "An Act to consolidate and amend the laws relating to Gold and other Minerals excepting Coal," with His Excellency's certificate as to the date of its receipt, appended thereto.

I have, at the same time, to enclose a copy of the report of the Honourable the Minister of Justice, referred to in the Order in Council.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

DEPARTMENT OF JUSTICE,
8th May, 1883.

The undersigned would respectfully call attention to Chap. 8, intituled "An Act to consolidate and amend the laws relating to Gold and other minerals excepting Coal," passed by the Legislature of British Columbia in 1882, 45 Victoria.

The undersigned observes that by section 4 of this Act, the Lieutenant-Governor is authorized to appoint such persons as he may deem proper as Gold Commissioners or Assistant Gold Commissioners, either for the whole Province or for any particular district therein.

By section 5 there purports to be established a Court or Courts in mining districts to be presided over by a Gold Commissioner or Assistant Gold Commissioner; and by section 6 it is declared that each of these Courts "shall be a Court of Record, and shall have jurisdiction as "a Court of Law and Equity to hear and determine all mining disputes arising in the district "or locality in which it is appointed to be held, including actions arising upon contracts "between any free miners and other persons relating to the supply to such free miners of "goods, merchandize, materials, or implements used in mining or in connection therewith; and "the Gold Commissioner shall have power in such disputes or actions to give such judgment "as he may deem just, and to enforce the same according to the practice of the Supreme Court "or any Superior Court, by writ of execution, process of contempt, proceedings for attachment "of debts or other process, or by any means provided by this Act." By other sections of the Act the jurisdiction of the Mining Court may be exercised by every County Court, and appeals are allowed from the Mining Court to the Supreme Court, or any Superior Court sitting in the Judicial District within which the Mining Court appealed from may be situated.

It will be seen, therefore, that by this Act the appointment of a Judge performing high judicial functions, whose appointment under "The British North America Act, 1867," should be made by the Governor in Council, is in effect to be made by the Lieutenant-Governor of British Columbia. The undersigned is of opinion that legislation thus offending against the constitutional principles laid down by "The British North America Act, 1867," should not be allowed to go into operation, and he humbly advises that the Act in question be disallowed.

(Signed) A. CAMPBELL,
Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
Saturday, 12th day of May, 1883.

PRESENT: HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of that Province, did on the 21st day of April, 1882, pass an Act, which has been transmitted, intituled "An Act to consolidate and amend the laws relating to Gold and other Minerals excepting Coal;"

And whereas the said Act has been laid before the Governor-General in Council, together with a Report from the Minister of Justice recommending that the said Act should be disallowed.

His Excellency the Governor-General has, thereupon, this day been pleased, by and with the advice of the Queen's Privy Council for Canada, to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) JOHN J. MCGEE,
Clerk of the Queen's Privy Council, Canada.

I, Sir John Douglas Sutherland Campbell, commonly called the Marquis of Lorne, Governor-General of Canada, do hereby certify that the Act passed by the Legislature of British Columbia, the 21st day of April, 1882, intituled "An Act to consolidate and amend the laws relating to Gold and other minerals excepting Coal," was received by His Excellency the Governor-General on the 13th day of May, 1882.

Given under my hand and seal this 12th day of May, A. D. 1883.

(Signed) LORNE.
[L. S.]

The Under Secretary of State for Canada to His Honour the Lieutenant-Governor.

OTTAWA, 17th May, 1883.

SIR,—I have the honour to transmit to you herewith, for the information of your Government, a copy of an Order of His Excellency the Governor-General in Council, and of the Report of the Honourable the Minister of Justice therein referred to, with respect to the Acts, being Chapters one to eighteen inclusive, passed by the Legislature of the Province of British Columbia in the Session of 1882, 45 Victoria.

I have, &c.,
(Signed) G. POWELL,
Under Secretary of State.

Certified copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council on the 12th day of May, 1883.

The Committee of the Privy Council have had before them a Report, dated 8th May, 1883, from the Minister of Justice, with respect to the Acts, being Chapters one to eighteen, inclusive, passed by the Legislature of the Province of British Columbia in the Session of 1882, 45 Victoria.

The Committee advise, on the recommendation of the Minister of Justice, that the said Acts be left to their operation, save as regards chapter eight, which the Minister advises be disallowed for reasons set forth in a separate Report.

(Signed) JOHN J. McGEE.

OTTAWA, May 8th, 1883.

To His Excellency the Governor-General in Council.

The undersigned has had under consideration the Acts passed by the Legislature of the Province of British Columbia in the Session 1882, which are chaptered and intituled as follows:—

Chap. 1—An Act to amend the "Coroners' Act, 1879."

,, 2—An Act to amend the Act respecting the Supreme Court of Canada and the Exchequer Court of Canada.

Chap. 3—An Act to provide for the establishment of a Provincial Superior Court.

,, 4—An Act to amend the Drainage, Dyking, and Irrigation Acts.

,, 5—An Act to amend the "British Columbia Line Fences and and Water Courses Act, 1876," and the "British Columbia Line Fences and Water Courses Act Amendment Act, 1881."

Chap. 6—An Act to amend the "Land Act, 1875," and the "Land Amendment Act, 1879."

Chap. 7—An Act respecting free grants of land in certain cases.

,, 9—An Act to amend the "Municipality Act, 1881."

,, 10—An Act to amend the law relating to the Legal Professions.

,, 11—An Act to authorize the admission of Samuel Perry Mills as a Solicitor and Barrister-at-Law.

Chap. 12—An Act to authorize the admission of Charles Wilson as a Barrister and Solicitor of British Columbia.

Chap. 13—An Act for the relief of Andrew Leamy, of Yale, British Columbia.

,, 14—An Act to Incorporate the New Westminster and Port Moody Railway Company.

Chap. 15—An Act to Incorporate the Vancouver Land and Railway Company.

,, 16—An Act to repeal the "Esquimalt and Nanaimo Railway Act, 1875."

,, 17—An Act to amend the "Public School Act, 1879."

,, 18—An Act for granting certain sums of money for the Public Service of the Province of British Columbia.

The undersigned respectfully recommends that the Acts mentioned be left to their operation, save as regards Chap. 8, which, for reasons given in a separate report, the undersigned recommends be disallowed.

(Signed) A. CAMPBELL,
Minister of Justice.