

## FURTHER RETURN

To an Address of the Legislative Assembly for copies of all Orders in Council and correspondence between the Dominion and Provincial Governments, not printed in the Sessional Papers, with reference to the disallowance, or otherwise, of the Provincial Statutes passed in the Sessions of 1884, 1886, and 1887.

By Command

JNO. ROBSON,

*Provincial Secretary.*

*Provincial Secretary's Office,  
7th May, 1888.*

OTTAWA, 23rd April, 1888.

SIR,—I have the honour to acquaint you, for the information of your Government, that His Excellency the Governor-General has had under his consideration in Council the Statutes of the Province of British Columbia passed in the year 1887, the chapters and titles of which are given in the enclosed schedule, and that His Excellency is advised that the said Statutes, with the exception of Chapter 7, intituled "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," be left to their operation.

I transmit herewith copy of a Minute of Council on the subject, with the schedule above-mentioned thereto annexed.

I have, &c.,  
(Signed) G. POWELL,

*Under Secretary of State.*

*His Honour the Lieutenant-Governor  
of British Columbia, Victoria.*

*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 19th April, 1888.*

The Committee of the Privy Council have had under consideration a report, dated 10th April, 1888, from the Minister of Justice upon the Statutes of the Province of British Columbia passed in the year 1887, the chapters and titles of which are given in the annexed schedule, and they advise, on the recommendation of the Minister of Justice, that the said Statutes, with the exception of Chapter 7, intituled "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," be left to their operation.

The Committee further advise that the Secretary of State be authorised to transmit a copy of this Minute to the Lieutenant-Governor of British Columbia for the information of His Government.

(Signed) JOHN J. MCGEE,  
*Clerk Privy Council.*

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 SCHEDULE OF ACTS, BRITISH COLUMBIA, 1887.
 

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- CHAPTER** 1.—An Act respecting Absconding Debtors.  
 „ 2.—An Act respecting Executors, Trustees, and Assignees for the benefit of Creditors.  
 „ 3.—An Act to amend the "Bush Fire Act, 1874."  
 „ 4.—An Act to amend "An Act to provide for the better protection of Cattle Ranges, 1876."  
 „ 5.—An Act to amend the "Companies Act, 1878."  
 „ 6.—An Act respecting the expenses of Coroners' Inquests held within Municipalities.  
 „ 8.—An Act to amend the "Assize Court Act, 1885."  
 „ 9.—An Act to amend the "County Court Jurisdiction Act, 1885."  
 „ 10.—An Act regulating the practice and procedure of the Supreme Court.  
 „ 11.—An Act respecting the estates and to control the civil rights of Habitual Drunkards.  
 „ 12.—An Act to repeal (in part) the "Sumas Dyking Act, 1878."  
 „ 13.—An Act to abolish preferences amongst Creditors in the Administration of the Estates of Deceased Persons.  
 „ 14.—An Act to amend the Law of Evidence.  
 „ 15.—An Act for the better protection of Animals and Birds.  
 „ 16.—An Act to amend the "Jurors' Act, 1883."  
 „ 17.—An Act to amend the "Land Act, 1884."  
 „ 18.—An Act to further amend the "Land Registry Ordinance, 1870."  
 „ 19.—An Act to authorize a Loan of \$1,000,000.  
 „ 20.—An Act respecting the property of Married Women.  
 „ 21.—An Act to amend the "British Columbia Medical Act, 1886."  
 „ 22.—An Act to amend the "Mineral Act, 1884," and amending Acts.  
 „ 23.—An Act to amend the "Municipality Act, 1881," and amending Acts.  
 „ 24.—An Act to aid the development of Quartz Mines.  
 „ 25.—An Act respecting a grant of land to the Kootenay and Athabasca Railway Company, British Columbia.  
 „ 26.—An Act to authorize the granting of a certain subsidy for, and in aid of, the construction of the Shuswap and Okanagan Railway.  
 „ 27.—An Act to amend the "Public School Act, 1885."  
 „ 28.—An Act to amend certain Statutes.  
 „ 29.—An Act to amend "An Act respecting the Consolidation of the Statute Laws of British Columbia."  
 „ 30.—An Act for granting certain sums of money for the Public Service of the Province of British Columbia.  
 „ 31.—An Act to prohibit the owners of Swine from permitting the same to run at large on public roads.  
 „ 32.—An Act to amend the "Assessment Acts."  
 „ 33.—An Act for the Preservation of the Peace within the Municipal limits of the City of Vancouver.

## PRIVATE ACTS.

- „ 34.—An Act to incorporate the Delta Railway Company.  
 „ 35.—An Act to incorporate the Kootenay and Athabasca Railway Company.  
 „ 36.—An Act to incorporate the New Westminster Southern Railway Company.  
 „ 37.—An Act to amend the "Vancouver Incorporation Act, 1886."  
 „ 38.—An Act to enable the Trustees of the Victoria Fire Department Charitable Association to distribute the assets of the said Association among the members thereof.
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OTTAWA, 23rd April, 1888.

SIR,—I have the honour to acquaint you, for the information of your Government, that His Excellency the Governor-General has had under his consideration in Council an Act passed by the Legislative Assembly of the Province of British Columbia in the year 1887, intituled "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," and that His Excellency is advised that the power of disallowance be exercised with regard to the same.

I enclose an Order of the Governor-General declaring his disallowance of the said Act, together with the certificate of His Excellency as to the date of the receipt thereof.

I also transmit a certified copy of a Minute of Council having reference to the said disallowance.

I have, &c.,  
(Signed) G. POWELL,  
*His Honour the Lieutenant-Governor  
of British Columbia, Victoria.* 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 19th April, 1888.*

The Committee of the Privy Council have had under consideration a report, dated 10th April, 1888, from the Minister of Justice, upon Chapter 7 of the Statutes of British Columbia passed in the year 1887, intituled "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," stating that the said Statute provides, in effect, that any person who thinks himself aggrieved by any conviction made under a Statute of Canada, may appeal to any Judge of the Supreme Court of British Columbia. That this legislation is clearly at variance with the provisions of the "British North America Act, 1867," section 91, sub-section 27, it being legislation affecting procedure in criminal matters. That it is for the Dominion Parliament alone to say how a conviction made under the provisions of a Dominion Statute shall be dealt with; whether it shall be a final or an appealable decision, and that in addition to this the Statute in question is at variance with the provisions of the Summary Convictions Act, section 76.

The Minister observes that as any proceedings under these provisions might be highly prejudicial to the interest of parties accused of offences against the Canadian Law, it is expedient, in his opinion, that the Act in question should be disallowed.

The Minister therefore recommends that Chapter 7 of the Statutes of the Province of British Columbia passed in the year 1887, intituled "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," be disallowed.

The Committee advise that the said Act be disallowed accordingly, and that the Secretary of State be authorized to transmit a copy of this Minute to the Lieutenant-Governor of British Columbia for the information of his Government.

(Signed) JOHN J. McGEE,  
*Clerk Privy Council.*

GOVERNMENT HOUSE, OTTAWA,  
Thursday, the 19th day of April, 1888.

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 7th day of April, 1887, pass an Act which has been transmitted, Chaptered 7, and intituled "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates."

And whereas the said Act has been laid before the Governor 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 hereby 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 Privy Council.*

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I, Sir Henry Charles Keith Petty-Fitzmaurice, Marquis of Lansdowne, Governor-General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia on the 7th day of April, 1887, Chaptered 7, and intituled "An Act to establish a Court of Appeal from the Summary Decisions of Magistrates," was received by me on the 23rd day of April, 1887.

Given under my hand and seal this 19th day of April, 1888.

[L.S.] (Signed) LANSDOWNE.