
PAPERS

Relating to the Acts passed by the Legislature of the Province of British Columbia during the Session of 1893.

By Command.

JAMES BAKER,

Provincial Secretary.

*Provincial Secretary's Office,
6th March, 1894.*

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 16th February, 1894.

SIR,—I have the honour to transmit, herewith, for your information, certified copy of an Order in Council which, upon the 8th ult., His Excellency the Governor-General was pleased to make, after consideration of a report, dated 15th December last, from the Right Honourable the Minister of Justice upon certain Acts of the Legislature of the Province of British Columbia, passed in the fifty-sixth year of Her Majesty's reign, which Acts His Excellency is advised are unobjectionable and may be left to their operation.

To the said Order in Council is annexed copy of the Schedule and titles of the Acts in question.

I have &c.,

(Signed)

L. A. CATELLIER,

Under Secretary of State.

His Honour

The Lieutenant-Governor of British Columbia,

Victoria, B.C.

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 8th January, 1894.

On a report dated 15th December, 1893, from the Minister of Justice stating that he has examined the Acts passed by the Legislature of the Province of British Columbia, passed in the fifty-sixth year of Her Majesty's reign (1893), the chapters and titles of which are contained in the annexed schedule, received by the Secretary of State of Canada on the 28th day of April, 1893, and that he is of opinion that they are unobjectionable and may be left to their operation.

The Committee, on the recommendation of the Minister of Justice, advise that a certified copy of this Minute, if approved, with a copy of the schedule of the titles of the Acts be forwarded to the Lieutenant-Governor of the Province of British Columbia, for his information.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,

Clerk of the Privy Council.

His Honour the Lieutenant-Governor

of the Province of British Columbia.

SCHEDULE

Of Acts passed by the Legislature of the Province of British Columbia, in the fifty-sixth year of Her Majesty's reign (1893).

Chapter.

1. An Act respecting "Arbitrations."
2. An Act to amend the "Benevolent Societies Act, 1891."
3. An Act to amend the "Bills of Sale Act."
4. An Act to amend the "Registration of Births, Deaths, and Marriages Act."
5. An Act to amend the "Breeding Stock Act."
6. An Act respecting Agisters of Cattle and Keepers of Livery Stables.
7. An Act to amend the "Cattle Act."
8. An Act to amend the "Cattle Ranges Act."
9. An Act to further amend the "Companies Act."
10. An Act to further amend the "County Courts Act."
11. An Act to further amend the "Supreme Court Act."
12. An Act to secure Uniform Conditions in Policies of Fire Insurance."
13. An Act to authorize a certain grant in aid of the construction of a Traffic Bridge across the Fraser River at New Westminster.
14. An Act to amend the "Game Protection Act, 1892."
16. An Act to amend the "Homestead Act."
17. An Act to amend the "Horticultural Board Act, 1892."
18. An Act to amend the "Insane Asylums Act."
19. An Act to amend the "Interpretation Act."
20. An Act to amend the "Jurors' Act."
21. An Act to provide for the establishment of a Bureau of Labour Statistics, and also of Councils of Conciliation and of Arbitration for the Settlement of Industrial Disputes.
22. An Act to amend the "Land Act."
23. An Act to amend the "Land Registry Act" and amending Acts.
24. An Act to amend the "Provincial Land Surveyors' Amendment Act, 1892."
25. An Act to amend the "Legal Professions Act" and amending Acts.
26. An Act to amend the "Married Woman's Property Act."
27. An Act to amend the "Medical Act."
28. An Act to confirm the title to certain Mineral Claims.
29. An Act to amend the "Mineral Act, 1891."
31. An Act to amend the "Consumers (Nelson) Water Works Act, 1892."
32. An Act to amend the "Notaries Appointment Act."
33. An Act to amend the "Official Administrators' Act."
35. An Act to provide for the establishment and maintenance of a Provincial Home for the Aged and Infirm.
36. An Act to make further provision for a Land Subsidy for and in aid of the British Columbia Southern Railway.
37. An Act in aid of certain Railways.
38. An Act to further amend the "Railway Act."
39. An Act to make further provision respecting the Canadian Western Central Railway Company.
40. An Act for the preservation of the Public Roads.
41. An Act to amend the "Public School Act, 1891," and the "Public School Act Amendment Act, 1892."

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42. An Act respecting Settled Estates.
 43. An Act to amend the "Sumas Dyking and Drainage Act, 1892."
 44. An Act for granting certain sums of money for the Public Service of the Province of British Columbia.

PRIVATE ACTS.

45. An Act to incorporate the Anglican Synod of the Diocese of New Westminster.
46. An Act to incorporate the Bedlington and West Kootenay Railway Company.
47. An Act to amend the "Acts relating to the British Columbia Southern Railway."
48. An Act to amend the "Burrard Inlet and Fraser Valley Railway Company Act, 1891."
49. An Act to incorporate Columbian Methodist College.
50. An Act to remove doubts concerning the validity of certain conveyances of land.
52. An Act to incorporate the Kaslo and Slocan Tramway Company.
53. An Act to incorporate the Kootenay, Lake Shore and Lardo Railway Company.
54. An Act to incorporate the Lardeau and Kootenay Railway Company.
55. An Act to incorporate the Mount Tolmie Park and Cordova Bay Railway Company.
56. An Act to incorporate the Nakusp and Slocan Railway Company.
57. An Act to incorporate the Nelson and Arrow Lake Railway Company.
58. An Act to amend the "Nelson Electric Light Company's Incorporation Act, 1892."
60. An Act to incorporate the Pacific Telephone and Cable Company.
61. An Act to incorporate the Red Mountain Railway Company.
62. An Act to create the Roman Catholic Bishop of New Westminster, and his successors in office, a Corporation Sole.
63. An Act to amend the "Vancouver Incorporation Act, 1886," and amendments thereto.
64. An Act to incorporate the Young Men's Christian Association, of Vancouver, British Columbia.
65. An Act to incorporate the Masonic Temple Association, of Victoria, British Columbia.
66. An Act respecting the Official Map of the City of Victoria, and subdivisions of lands within the boundaries of the said city.
67. An Act to incorporate Whetham College.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 16th February, 1894.

SIR,—His Excellency the Governor-General having had under his consideration in Council, a report of the Right Honourable the Minister of Justice, dated 27th December, 1893, regarding certain Acts of the Legislature of the Province of British Columbia, I am now to transmit, for Your Honour's information, a certified copy of an order which, on the 8th ult., His Excellency was pleased to make in the premises, to which is annexed copy of the report above mentioned.

I have, &c.,
(Signed) L. A. CATELLIER,
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 8th January, 1894.

The Committee of the Privy Council have had under consideration the annexed report of the Minister of Justice, dated the 27th December, 1893, in reference to certain of the Acts of the Legislature of the Province of British Columbia.

The Committee, concurring in the said report, advise that a certified copy of this Minute, if approved, be forwarded to the Lieutenant-Governor of British Columbia for his information.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

*His Honour the Lieutenant-Governor
of the Province of British Columbia.*

(Annex to P. C. 12, 8th January, 1894.)

DEPARTMENT OF JUSTICE, CANADA,
OTTAWA, 27th December, 1893.

To His Excellency the Governor-General in Council.

The undersigned has the honour to report upon the following Acts passed by the Legislature of the Province of British Columbia, passed in the 56th year of Her Majesty's reign (1893), received by the Secretary of State for Canada on the 28th day of April, 1893, as follows :—

Chapter 15.—“An Act respecting the Public Health.”

By section 12 of this Chapter, it is provided that the Provincial Board of Health may, subject to the approval of the Lieutenant-Governor in Council, issue such regulations as the Board deems necessary for the prevention, treatment, mitigation and suppression of disease, and that the Board may by such regulations, among other things, provide for the inspection of steamboats and vessels, and the cleaning, purifying, ventilating and disinfecting thereof, and for detaining for such purpose any steamboat and vessel, and anything contained therein, and any person travelling thereby.

Chapter 30.—“An Act to amend the ‘Municipal Act, 1892.’”

Section 18 provides that in every municipality the Council may make, alter, and repeal by-laws for the purpose, among others, of regulating, with a view of preventing the spread of infectious or contagious diseases, the entry or departure of boats or vessels, and the receiving of all passengers or cargoes on board the same.

These provisions appear to relate to some extent to the matter of quarantine, which comes within the legislative powers assigned by “The British North America Act” to Parliament, and in respect of which Statutes have been enacted by Parliament. Such provisions cannot, in the opinion of the undersigned, have effect except as to matters outside the control of the Parliament of Canada and within the control of the Province, as, for example, the passing of boats, vessels, passengers, and cargoes from place to place within the Province. As there is room for their application in such matters, the undersigned would not recommend the exercise of the power of disallowance with regard to these Statutes.

Chapter 34.—“An Act to provide for the erection of new buildings for the accommodation of the Provincial Legislature and the Public Departments.”

This Act recites that it is expedient that new buildings should be provided for the proper and needful accommodation of the Provincial Legislature and the Departments of the Public Service, and that the buildings now in use for such purposes are wholly inadequate therefor; that new buildings can be erected at a cost not exceeding \$600,000, and that authority should be given to pledge the credit of the Province to provide such funds; and it is enacted that the Lieutenant-Governor in Council shall have power to authorize the Commissioner of Lands and Works to enter into a contract for the erection of such new buildings, the consideration money of the contract not to exceed \$600,000; that the Lieutenant-Governor in Council may pay and discharge obligations arising under such contract, out of

such of the surplus moneys forming a portion of the Consolidated Revenue Fund of the Province as may be available therefor; that the Lieutenant-Governor in Council may, in addition to all other moneys authorized to be raised or borrowed by any other Act of the Province, at discretion, borrow or raise any sum of money not exceeding \$600,000, by the sale of debentures or otherwise, and that all sums so realized shall be paid in such manner as the Lieutenant-Governor in Council shall prescribe to the Minister of Finance, and shall be deemed to be surplus money forming a portion of the Consolidated Revenue Fund of the Province, available for the purpose of discharging obligations under the contract hereinbefore referred to.

A petition signed by a great number of the inhabitants of the Province has been presented to Your Excellency in Council objecting to this Statute, mainly upon the grounds, as alleged, that the proposed expenditure cannot be justified upon any ground of necessity or expediency, and that it will involve an addition to the debt of the Province which will seriously curtail its ability to provide for necessary works of development; that owing to the rapid increase in the population of certain parts of British Columbia since the opening of the Canadian Pacific Railway, the Legislative Assembly of the Province has not been for many years representative of the people of the Province, and that the Assembly is non-representative to an extent entirely subversive of the principle of responsible government. The prayer of the petition is not for disallowance of the Act complained of, but the petitioners pray that Your Excellency may be pleased "to veto the Statute so that the same may have no force or effect until and unless it be assented to by a majority of the members of a Legislature properly representative of the people of the Province."

The undersigned caused a copy of this petition to be sent to the Attorney-General of the Province for the purpose of obtaining the views of the Provincial Government in regard thereto, and he has received in reply, through the Honourable the Secretary of State, a copy of a report of a Committee of the Executive Council of the Province, approved by His Honour the Lieutenant-Governor of the Province, embodying the report of the Attorney-General on the subject of the petition. The petition, together with the report of the Executive Council, is hereunto annexed and made a part of this report.

The undersigned observes that the various statements set forth in the petition are very largely met and explained by what is stated in the report of the Executive Council of the Province.

The undersigned desires to point out that there is no power vested in Your Excellency in Council to make a conditional disallowance, or to veto, as prayed for, or to suspend the operation of a Statute, so that the same may have no force or effect until and unless it be assented to by a majority of the members of the Legislature constituted differently from that which exists.

The undersigned would further observe that the power of veto possessed by Your Excellency appears to be the power of disallowance reserved by the British North America Act.

The subject of the enactment complained of in the petition is one peculiarly for the Legislature of the Province to deal with.

The petitioners declare that for want of an Act to redistribute the representation of the Province, the representation of the inhabitants of British Columbia is most inadequately provided for, to a degree which is equivalent to a denial of the advantages of responsible Government, and that while the Government of the Province is supported by a majority of members of the House of Assembly, the number of members who do not support the Government represent more than twice as many voters as those who are Government supporters.

These complaints it is impossible for Your Excellency to pass upon or to redress. The facts on which they are based are, moreover, in dispute. The remedy for the several grievances complained of, assuming them to exist, as alleged, lies with the Legislature of the Province.

The undersigned cannot, therefore, recommend that the power of disallowance should be exercised with respect to this Act.

Chapter 51.—"An Act to incorporate the Kaslo Electric Light, Power, and Water Works Company, Limited."

This Statute purports to give the Company power to divert and appropriate so much of

the waters of the Kaslo River and its tributaries and branches as shall be deemed necessary and desirable for the purpose of supplying the inhabitants of the Town of Kaslo, and parts adjacent thereto, with an abundant supply of water; also for the purpose of generating electricity, and to construct and maintain all erections, wires, wheels, raceways, dams, flumes, or other works necessary for making the water power available.

Chapter 59.—“An Act to incorporate the Osoyoos and Okanagan Railway Company.”

This Company is incorporated for the purpose, among others, of constructing and operating a line of railway from some point at the foot of Okanagan Lake, in the Province of British Columbia, to a point on the Kettle River, at or near the place where the said river crosses the International Boundary for the third time on its course towards the Columbia River, with power also to construct branch lines, and by the terms of the Statute the Company is given power at any point where the terminus of the railway, or any branch thereof, crosses any navigable water, to acquire and hold as its own absolute property, piers, docks, and water lots, and upon the said water lots and in and over the waters adjoining the same, to build elevators, store-houses, engine-houses, sheds, docks, piers, and other structures for the use of the Company, and of the steam and other vessels owned, worked and controlled by the Company, or of any other steam or other vessels, and to collect wharfage and store charges for the use of the same; also to erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving or lying within the same, and to dredge, deepen and enlarge such works.

These provisions of the two last-mentioned Statutes, as well as any other provisions thereof which are intended to empower the respective companies to divert the waters or occupy the bed of any river, are, in the opinion of the undersigned, *ultra vires* of the Provincial Legislature so far as they relate to rivers which have been declared by the British North America Act to be part of the property of Canada, Parliament having the sole power to legislate concerning such property. Having regard, however, to other provisions which are unobjectionable, the undersigned does not deem it advisable to recommend the disallowance of either of these Statutes. Any question which may be raised as to their validity may conveniently be left to be determined by the courts.

The undersigned, therefore, recommends that the several Acts mentioned in this report be left to their operation.

The undersigned further recommends that, if this report be approved, a copy of the same be sent to the Lieutenant-Governor of the Province, for his information.

Respectfully submitted,

(Signed) JNO. S. D. THOMPSON.
Minister of Justice.

VICTORIA, B. C.:

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