PAPERS

Relating to certain Acts passed by the Legislative Assembly of the Province of British Columbia during the Session 1906.

By Command.
HENRY ESSON YOUNG,
Provincial Secretary.

Provincial Secretary's Office,
25th March, 1907.

Extract from a Report of the Committee of the Privy Council, approved by the Governor-General on the 13th March, 1907.

The Committee of the Privy Council have had under consideration a Report, hereto annexed, from the Minister of Justice upon the Statutes of the Legislature of British Columbia, passed in the sixth year of His Majesty's reign, 1906, and received by the Secretary of State of Canada on 29th March, 1906.

The Committee concurring in the said Report submit the same for approval, and advise that a copy of this Minute, together with a copy of the Report of the Minister of Justice, be forwarded by the Secretary of State to the Lieutenant-Governor of British Columbia for the information of his Government.

Rodolphe Boudreau,
Acting Clerk of the Privy Council.

The Honourable the Secretary of State.

Department of Justice, Canada,
Ottawa, 23rd November, 1906.

To His Excellency the Governor-General in Council:

The undersigned has under consideration the Statutes of the Legislature of British Columbia, passed in the sixth year of His Majesty's reign, 1906, and received by the Secretary of State for Canada on 29th March last, and he is of opinion that these may be left to such operation as they may have, subject to the following comments:—

Chapter 32, intituled "An Act to Consolidate and Amend the 'Municipal Clauses Act' and Amending Acts."

Among the by-law-making powers of municipalities under this Act, as defined by section 50, the undersigned observes that those enumerated 90, 91 and 105, relate to the criminal law, and may be *ultra vires*. The undersigned does not admit that enumeration 98 is within the authority of the Legislature, and enumerations 187 and 188 would seem to be *ultra vires* in view of the recent amendments to the Criminal Code, 1892, with regard to trading stamps. Paragraph 30 of section 175 is also subject to the last-mentioned objection. The undersigned does not, however, for these reasons consider that this Act should be disallowed. It will be for the Courts, if objection be raised as to any of these provisions, to determine the question.

Chapter 51, intituled "An Act to Incorporate the British Columbia Central Railway Company."

Chapter 52, intituled "An Act to incorporate the British Columbia Northern and Alaska Railway Company."

Chapter 63, intituled "An Act to incorporate the South-East Kootenay Railway Company."

Chapter 66, intituled "An Act to incorporate the Southern Okanagan Railway Company."

Each of these Acts authorised the incorporated company to construct a railway from or to the boundary of the Province, and is, on that account, the undersigned submits, objectionable. The question of the capacity of a local legislature to confer such powers may, however, be determined by the courts when it arises.

Chapter 55, intituled "An Act to incorporate the Canadian Plate Glass Insurance Company,"

Chapter 62, intituled "An Act to incorporate the Royal Plate Glass Insurance Company of Canada."

In the sections of these Acts defining the powers of the respective companies authority is conferred to make and effect contracts of insurance with any person or corporation against loss or damage by breakage of plate glass and other glass by accident or otherwise, and generally to carry on the business of plate glass and other glass insurance, without any limitation as to the location of the property insured or having regard to the territorial limits of the Province.

The undersigned considers that these sections should be amended so as to expressly confine the business of the companies to the Province of British Columbia, and he recommends that the Provincial Government be requested to reconsider these provisions with a view to obtaining the suggested amendment from the Legislature.

The undersigned recommends that a copy of this report, if approved, be transmitted to the Lieutenant-Governor of British Columbia, for the information of his Government.

Humbly submitted,
A. B. AYLESWORTH,
Minister of Justice.

VICTORIA, B.C.
Printed by RICHARD WOLFENDEN, I.S.O., V.D., Printer to the King's Most Excellent Majesty.
1907