PAPERS

Relating to the Acts passed by the Legislature of the Province of British Columbia during the Session of 1891; also respecting 55 Vic., Chap. 38, intituled "An Act to authorize the granting of a certain Land Subsidy for and in aid of the Nelson and Fort Sheppard Railway."

By Command.

A. CAMPBELL REDDIE,
Deputy Provincial Secretary.

Provincial Secretary's Office,
August, 1892.

The Under Secretary of State to the Lieutenant-Governor.

OTTAWA, 16th May, 1892.

SIR,—His Excellency the Governor-General has had under his consideration in Council certain Statutes, mentioned in the accompanying Schedule, passed by the Legislature of British Columbia in the year 1891, and I am now to inform Your Honour that His Excellency has been advised that the said Acts may be left to their operation.

I have, &c.,
(Signed) L. A. CATELLIER,
Under Secretary of State.

SCHEDULE.

Chapter.

2. An Act to amend the "Civil Service Act."
3. An Act to amend the "Companies Act, 1890."
4. An Act to amend the "Constitution Act."
5. An Act for expediting the decision of Constitutional and other Provincial Questions.
7. An Act to further amend the "County Courts Act."
8. An Act to amend the "Supreme Court Act."
9. An Act to further amend the "Provincial Voters' Act."
10. An Act to secure compensation for personal injuries suffered by workmen in certain cases.
11. An Act to amend the "Game Protection Amendment Act, 1890."
12. An Act to amend the "Grave-yard Act."
13. An Act to authorize the creation and issue of Inscribed Stock, and for other purposes.
15. An Act to amend the "Land Act."
16. An Act to amend the "Land Registry Act" and amending Act.
17. An Act respecting Land Surveyors.
18. An Act to further amend the "Legal Professions Act."
19. An Act respecting Actions of Libel and Slander.
20. An Act to provide for the establishment of Free Libraries.

21. An Act respecting the sale of Fermented and Spirituous Liquors.
22. An Act to provide Seven Hundred Thousand Pounds for consolidating the Public Debt, and for other purposes.
23. An Act for the benefit of Mechanics and Labourers.
24. An Act to amend the "Act respecting the Union of certain Methodist Churches of Canada."
25. An Act relating to Gold and other Minerals, excepting Coal.
26. An Act relating to Placer Mines.
27. An Act to recompense the members of the Mining Commission.
28. An Act to prohibit the sale or gift of Tobacco to Minors in certain cases.
30. An Act respecting the Corporation of New Westminster.
31. An Act to make valid the Jurors' Books, Rolls, and Lists for the New Westminster Jury District for the year 1891.
32. An Act to amend the "Official Administrators' Act."
33. An Act to establish a Pharmaceutical Association in the Province of British Columbia.
34. An Act to amend the "Railway Aid Act, 1890."
35. An Act to amend the "British Columbia Railway Act."
36. An Act to amend the "Columbia and Kootenay Railway Subsidy Act, 1890."
37. An Act to amend the Act intituled "An Act in aid of the Shuswap and Okanagan Railway Company."
38. An Act to amend the "Religious Institutions Act."
39. An Act to confirm the sale of the site of the Royal Hospital, with the buildings thereon.
40. An Act respecting the Public Schools.
41. An Act to incorporate Benevolent and other Societies.
42. An Act relating to Industrial and Provident Societies.
43. An Act for granting certain sums of money for the Public Service of the Province of British Columbia.
44. An Act to amend "An Act to provide for the collection of a tax on persons."
45. An Act to amend the "Assessment Act."
46. An Act to amend "An Act respecting the University of British Columbia."
47. An Act to incorporate the Nicola, Kamloops and Similkameen Coal and Railway Company.
48. An Act to incorporate the British Columbia Dyking and Improvement Company.
49. An Act to enable the Okanagan Land and Development Company, Limited Liability, to construct Telephone Lines and Tramways in the Towns of Enderby and Vernon.
50. An Act to incorporate the Upper Columbia Navigation and Tramway Company.
51. An Act to incorporate the Order of the Oblates of Mary Immaculate in the Province of British Columbia.
52. An Act to amend the "Ashcroft and Cariboo Railway Company Act, 1890."
53. An Act to incorporate the Burrard Inlet Railway and Ferry Company.
54. An Act to incorporate the Burrard Inlet and Fraser Valley Railway Company.
55. An Act to incorporate the Chilliwhack Railway Company.
56. An Act to amend the "Crows' Nest and Kootenay Lake Railway Company Act, 1888."
57. An Act to incorporate the Liverpool and Canoe Pass Railway Company.
59. An Act to incorporate the Nicola Valley Railway Company.
60. An Act to incorporate the Vancouver and Lulu Island Railway Company.
61. An Act to incorporate the Vancouver and Lulu Island Electric Railway and Improvement Company.

62. An Act to incorporate the Vancouver, Northern, Peace River and Alaska Railway and Navigation Company.
63. An Act to incorporate the Vernon and Okanagan Railway Company.
64. An Act to incorporate the Victoria and North American Railway Company.
65. An Act to incorporate the Kootenay Lake Telephone Company, Limited.
66. An Act to amend the "New Westminster and Burrard Inlet Telephone Company's Incorporation Act, 1886."
67. An Act to incorporate the Vernon and Nelson Telephone Company.
68. An Act to incorporate the Hot Springs and Goat River Tramway Company.
69. An Act to incorporate the Nanaimo Electric Tramway Company, Limited.
70. An Act to incorporate the Toad Mountain and Nelson Tramway Company.
71. An Act respecting the Westminster and Vancouver Tramway Company and the Westminster Street Railway Company.
72. An Act to amend "Vancouver Incorporation Act, 1886," and amendments thereto.
73. An Act to amend the "Vancouver Water Works Act, 1886."

OTTAWA, 17th May, 1892,

SIR,—Referring to previous correspondence on the subject of the Acts of the Legislature of British Columbia passed in the year 1891, I have now the honour to transmit to you herewith, for the information of your advisers, a certified copy of a Minute of the Honourable the Privy Council, covering a report of the Honourable the Minister of Justice on chapters 1, 6, 14, 29, and 58 of the said Acts.

I have &c.,

(Signed) L. A. CATILLIER,
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 11th May, 1892

The Committee of the Privy Council have had under consideration a report dated 10th May, 1892, from the Minister of Justice with respect to the following Acts of the Legislature of British Columbia passed in the year 1891, certified copies of which Acts were received by the Secretary of State on the 12th of May, 1891, being chapters 1, 6, 14, 29, and 58.

The Committee concurring in the report and recommendations of the Minister of Justice advise that the Secretary of State be authorized to forward a copy of this Minute to the Lieutenant-Governor of British Columbia.

JOHN J. MCGEE,
Clerk of the Privy Council.

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

DEPARTMENT OF JUSTICE,
OTTAWA, 10th May, 1892.

To His Excellency the Governor-General in Council:

The undersigned has the honour to report on the Acts of the Legislature of British Columbia passed in the year 1891, certified copies of which Acts were received by the Secretary of State on the 12th May, 1891.

Chapter 1.—"An Act for the protection of Cattle."

This Act purports to subject railways companies under the jurisdiction of the Parliament of Canada to the obligations and requirements of the Provincial Fence Act, thereby extending the obligations of such companies beyond those imposed upon them by the Railway Act of Canada.

The undersigned has doubt as to whether the legislation imposing new obligations upon these railway companies is within the powers of a Provincial Legislature, but as none of the companies likely to be affected by it have called it in question the undersigned does not consider that any public interest would suffer by permitting it to be left to its operation, and he recommends accordingly.

Chapter 6.—"An Act to prevent the spread of Contagious Diseases among Horses and other domestic animals."

Section 14 of this Act authorizes the Lieutenant-Governor in Council to prohibit the importation of diseased animals into the Province.

The undersigned considers that this provision is an infringment on the exclusive powers of the Parliament of Canada to legislate in respect of quarantine, and may also be an infringement upon its exclusive right to legislate in respect to trade and commerce. The object of the whole Act is eminently beneficial, and in the view of the undersigned it may safely be left to its operation, the Lieutenant-Governor of the Province, however, being informed that in the view of Your Excellency's advisers he cannot legally exercise the special power purported to be conferred upon him by the section referred to. The undersigned respectfully recommends accordingly.

Chapter 14.—"An Act to further amend the 'Jurors' Act.'"

The sections of this Act, 8 to 15 inclusive, deal with the subject of juries in connection with the trial of criminal cases. In the view of the undersigned those provisions have to do exclusively with *procedure* in criminal matters, as distinguished from the *constitution* of courts of criminal jurisdiction, and are, therefore, beyond the provincial jurisdiction. Your Excellency's Government, however, is now promoting legislation in Parliament in relation to Criminal Law, containing substantially the same provisions as those referred to, and as no conflict of legislation is likely to arise in practice the undersigned, having in view the other beneficial provisions of the Act in question, respectfully recommends that the Act be left to its operation.

Chapter 29.—"An Act to consolidate and amend the 'Municipal Acts.'"

In recommending that this Act be left to its operation the undersigned does not assent to the proposition that a Provincial Legislature has authority to give a Municipal Council all the powers specified in section 96 of the Act. Any questions, however, as to the sufficiency of by-laws made in pursuance of this authority may be fairly raised in the Courts, and the undersigned would, therefore, recommend that the Act be left to its operation.

Chapter 58.—"An Act to incorporate the Nelson and Fort Sheppard Railway Company."

The undersigned has dealt with this Act in a separate report, dated 21st July, 1891, which report has already been approved by Your Excellency.

Respectfully submitted,

(Signed) JNO. S. D. THOMPSON,

Minister of Justice.

OTTAWA, 21st July, 1892.

SIR,—His Excellency the Governor-General having had under his consideration in Council a report dated the 2nd instant from the Honourable the Minister of Justice with respect to an Act passed at the last Session of the Legislature of British Columbia, being No. 74, intituled "An Act to authorize the granting of a certain land subsidy for and in aid of the Nelson and Fort Sheppard Railway," I am now to transmit for your Honour's information a certified copy of an Order of His Excellency in Council made in the premises.

I have, &c.,

(Signed) L. A. CATELLIER,

Under Secretary of State.

His Honour

The Lieutenant-Governor of British Columbia,

Victoria.

LEGISLATIVE ASSEMBLY,
BRITISH COLUMBIA.

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 14th July, 1892.

On a report dated 2nd July, 1892, from the Minister of Justice stating that reports have been made to him that it would be in the public interest if the view of Your Excellency in respect to an Act passed at the last Session of the British Columbia Legislature, No. 74,* intituled "An Act to authorize the granting of a certain land subsidy for and in aid of the Nelson and Fort Sheppard Railway," were immediately declared.

The Minister has carefully examined the Act in question, and has found nothing therein calling for the exercise of any powers vested in Your Excellency in respect thereto, and he recommends that the same be left to its operation.

The Committee advise that the Secretary of State be authorized to forward a copy of this Minute to the Lieutenant-Governor of British Columbia.

JNO. J. MCGEE,
Clerk of the Privy Council.

His Honour
The Lieutenant-Governor,
Province of British Columbia.

* Chapter 38, Statutes 1892.

VICTORIA, B. C.:
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