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An Act to provide for the Government of *British Columbia.* [2d *August* 1858.]

WHEREAS divers of Her Majesty's Subjects and others have, by the Licence and Consent of Her Majesty, resorted to and settled on certain wild and unoccupied Territories on the North-west Coast of *North America,* commonly known by the Designation of *New Caledonia,* and from and after the passing of this Act to be named *British Columbia,* and the Islands adjacent, for Mining and other Purposes; and it is desirable to make some temporary Provision for the Civil Government of such Territories, until permanent Settlements shall be thereupon established, and the Number of Colonists increased: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Boundaries of British Columbia.

I. *British Columbia* shall, for the Purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of *America,* to the East by the main Chain of the *Rocky Mountains,* to the North by *Simpson's River* and the *Finlay* Branch of the

 Peace

Peace River, and to the West by the *Pacific Ocean*, and shall include *Queen Charlotte's Island*, and all other Islands adjacent to the said Territories, except as herein-after excepted.

Her Majesty by Order in Council may make or provide for the making of Laws for the Government of Her Majesty's Subjects and others in British Columbia.

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, to make, ordain, and establish, and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time to Time appoint as Governor of *British Columbia*, to make Provision for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively.

Her Majesty may establish a local Legislature in British Columbia.

III. Provided always, That it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of *British Columbia*, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and in for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient.

Certain Provisions of 43 G. 3. c. 138. and 1 & 2 G. 4. c. 66. as regards British Columbia repealed.

IV. And whereas an Act was passed in the Forty-third Year of King *George* the Third, intituled *An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of* Lower *and* Upper Canada *to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of* North America *adjoining to the said Provinces:* And whereas by an Act passed in the Second Year of King *George* the Fourth, intituled *An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of* North America, it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of *Upper Canada* should have the same Civil Jurisdiction, Power, and Authority, within the *Indian* Territories and other Parts of *America* not within the Limits of either of the Provinces of *Lower* or *Upper Canada* or of any Civil Government of the *United States*, as the said Courts had or were invested with within the Limits of the said Provinces of *Lower* or *Upper Canada* respectively, and that every Contract,

Contract, Agreement, Debt, Liability, and Demand made, entered into, incurred, or arising within the said *Indian* Territories and other Parts of *America*, and every Wrong and Injury to the Person or to Property committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of *Upper Canada*; and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada*; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay* as within the *Indian* Territories of such other Parts of *America* as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of *Upper Canada*:

From and after the Proclamation of this Act in *British Columbia* the said Act of the Forty-third Year of King *George* the Third, and the said recited Provisions of the said Act of the Second Year of King *George* the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the *Indian* Territories

tories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada*, shall cease to have Force in and to be applicable to *British Columbia*.

Appeal from Judgments in Civil Suits to the Privy Council.

V. Provided always, That all Judgments given in any Civil Suit in *British Columbia* shall be subject to Appeal to Her Majesty in Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of *Canada*, and to such further or other Regulations as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's Island, as at present established, not to be included in British Columbia.

VI. No Part of the Colony of *Vancouver's Island*, as at present established, shall be comprised within *British Columbia* for the Purpose of this Act; but it shall be lawful for Her Majesty, Her Heirs and Successors, on receiving at any Time during the Continuance of this Act a joint Address from the Two Houses of the Legislature of *Vancouver's Island*, praying for the Incorporation of that Island with *British Columbia*, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to *British Columbia*, subject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to *Vancouver's Island*.

"Governor."

VII. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *British Columbia*.

Act to continue in force until Dec. 31, 1862.

Expiration of Act not to affect Boundaries, &c.

VIII. This Act shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and sixty-two, and thenceforth to the End of the then next Session of Parliament: Provided always, that the Expiration of this Act shall not affect the Boundaries hereby defined, or the Right of Appeal hereby given, or any Act done or Right or Title acquired under or by virtue of this Act, nor shall the Expiration of this Act revive the Acts or Parts of Acts hereby repealed.

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