

No. 53.

At the Court at Osborne House, Isle of Wight, the 19th day
of July, 1862.

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PRESENT:—The QUEEN'S Most Excellent Majesty in Council.

WHEREAS, by an Act passed in the sixth year of the Reign of Her Majesty intituled "An Act to enable Her Majesty to provide for the government of Her settlements on the Coast of Africa and in the Falkland Islands," it was enacted that it should be lawful for Her Majesty, by any Order or Orders to be by Her made with the advice of Her Privy Council, to establish all such laws, institutions, and ordinances, and to constitute such courts and offices, and to make such provisions and regulations for the proceedings in

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such courts and for the administration of justice as might be necessary for the peace, order and good government of Her Majesty's subjects and others within the said settlements. And whereas by an Act passed in the 24th year of the reign of Her Majesty, intituled "An Act to amend an Act passed in the 6th year of Her Majesty Queen Victoria, intituled 'An Act to enable Her Majesty to provide for the government of Her settlements on the coast of Africa and in the Falkland Islands,' " it was enacted that the provisions of the said first recited Act should extend to all possessions of Her Majesty not having been acquired by cession or conquest, nor (except in virtue of the latter Act) being within the jurisdiction of the Legislative authority of any of Her Majesty's possessions abroad, and that it should be lawful for Her Majesty, by any Order or Orders in Council, to authorize and acquire the supreme or other principal court of judicature in any of Her possessions to be specified in such Order, subject always to such conditions and limitations as in the said Order or Orders should be mentioned, to take cognizance of all or any suits, actions or prosecutions for treason or felony which might arise in respect of any act or matter occurring within any possession of Her Majesty, to which either of the above recited Acts should extend, and by such Order or Orders to make regulations respecting the attendance of witnesses in any such suit, action or prosecution, and the mode of enforcing such attendance, and respecting the custody and conveyance of any person charged with the commission of any such crime within such last mentioned possessions, and respecting such other matters as may be requisite for the due trial of such person by such court as aforesaid. And whereas it is necessary to provide for the government of certain territories adjacent to our colony of British Columbia, but not being within the jurisdiction of the Legislative authority of any of Her Majesty's possessions abroad, hereinafter called the Stickeen territories.

Her Majesty, by virtue of the powers vested in Her by the said recited Acts, and of all other powers appertaining to Her is pleased to order, with the advice of Her Privy Council, and it is hereby ordered accordingly, that the said Stickeen territories shall comprise so much of the dominions of Her Majesty as are bounded to the west and south-west by the frontier of Russian America, to the south and south-east by the boundary of British Columbia, to the east by the 125th meridian of west longitude, and to the north by the 62nd parallel of north latitude. And it is further ordered that the Governor for the time being of British Columbia shall be Administrator of the Government of the said territories.

And it is further ordered that the said Administrator shall have full power under the public seal of the colony of British Columbia

to constitute and appoint in the said territories judges, and in cases requisite commissioners of oyer and terminer, justices of the peace, sheriffs and other necessary officers and ministers for the due and impartial administration of justice and putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial matters. Provided that no such appointment shall be made otherwise than provisionally until Her Majesty shall have signified Her approval thereof, nor in any case otherwise than during Her pleasure. And it is hereby ordered that the said Administrator shall have full power and authority to suspend from his office within the said territories any person exercising any office or place by virtue either of any appointment as aforesaid or of any commission or warrant granted or which may be granted by Her Majesty, or in Her name, or under Her authority, which suspension shall continue and have effect only until Her Majesty's pleasure therein shall be made known and signified to the said Administrator.

It is further ordered that the said Administrator shall have full power and authority, as he shall see occasion, in Her Majesty's name and on Her behalf, to grant to any offender convicted of any crime in any court or before any judge, justice or magistrate within the said territories, a pardon either free or subject to lawful conditions, or any respite of the execution of any such offender for such period as to the said Administrator may seem fit, and to remit any fines, penalties or forfeitures which may become due and payable to Her Majesty.

And it is further ordered that the said Administrator shall have power and authority from time to time to make, alter and repeal regulations respecting the use and occupation of lands belonging to Her Majesty within the said territories, and by such regulations to authorize persons to seek or take away gold, silver or other minerals in or from any part of the said territories, and to require from such persons such fee or other payment as to him shall seem fit.

And it is further ordered that all persons infringing any such regulation or regulations, or neglecting to pay such fee, or make such other payment as aforesaid shall be liable to such penalty, not exceeding fifty pounds for any such infringement or non-payment, as in the said regulations may be from time to time declared.

And it is further ordered that the law in force in the said territories shall be the law of England as it existed on the 1st day of January, 1862, so far as the same is applicable to the circumstances of those territories.

And it is ordered that the supreme court of civil justice in British

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Columbia shall and may take cognizance of all or any suits, actions, or prosecutions for treason or felony which may arise in respect of any act or matter occurring within the said territories, and the said court and all officers thereof or of the Government of British Columbia, shall have and exercise, whether in the colony of British Columbia or in the said territories, the same powers in respect of the mode of enforcing the attendance of witnesses in any such suit, action or prosecution, and respecting the custody and conveyance of any person charged with the commission of felony or treason within the said territories, and respecting such other matters as may be requisite for the due trial of such person by the said supreme court as if the act or matter out of which such suit, action or prosecution had arisen had occurred within the colony of British Columbia.

And it is further ordered that the judge of the said supreme court may make general rules of court to regulate the proceedings of any justice of the peace or officer of court appointed under authority of this Order in Council.

And it is further ordered that every such justice, unless otherwise provided by the instrument appointing him, shall have authority to try and determine any civil action or suit in which the cause of such suit or action shall not exceed in value the amount of fifty pounds, and in case the cause of such suit or action shall exceed in value the amount of ten pounds it shall be competent for either party to the same to appeal from the decision of the said justice to the said supreme court.

And it is further ordered that every such justice of the peace may try any person charged with any offence not being treason or felony or with any felony which by the law of England is not punishable by death or transportation, provided that no such justice shall sentence any such person to a fine of more than fifty pounds, nor to imprisonment for more than two months. Provided also that in case any person shall be charged before any such justice with any felony which in the opinion of such justice will not be adequately punished by such fine or imprisonment as aforesaid, it shall be lawful for such justice to direct that the person so charged shall be tried before the supreme court of justice of British Columbia.

And it is ordered that all sheriffs, gaolers, constables and other officers appointed under authority of this Order in Council shall have and exercise the same powers in respect to the apprehension and committal of offenders, the recovery of penalties, and all other matters affecting the administration of justice as are exercisable by corresponding officers in England, and every justice of the peace so appointed shall have and exercise all such powers for the above purpose as would be exercisable by two justices of the peace in England.

It is hereby ordered that all powers herein conferred on the Governor of British Columbia shall be exercisable by him so long as he shall be in the said territories, or in the colony of British Columbia, or in the colony of Vancouver Island. But in case of his absence from all of the said colonies all such powers shall be exercisable by the officer administering the Government of British Columbia.

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And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.
