



BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

NO. 28.

An Ordinance to assimilate and amend the Law prohibiting the sale or gift of Intoxicating Liquor to Indians.

[2nd April, 1867.]

WHEREAS, it is expedient to assimilate the Law prohibiting the sale or gift of Intoxicating Liquor to Indians in all parts of the Colony of British Columbia, and to amend the same; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. "The Indian Liquor Act, 1860," of the Colony of Vancouver Island and its Dependencies, and "The Indian Liquor Ordinance, 1865," of the Colony of British Columbia, are hereby repealed. Repeal of preceding Acts and Ordinances, with proviso.
Provided however that such repeal shall not have the effect of reviving any Proclamations, Ordinances, or Acts respectively repealed by the said Act or Ordinance hereby repealed or either of them; and provided also that all liabilities and penalties imposed and accruing, due under the said repealed Act and Ordinance or either of them, and all remedies and punishments for recovering and enforcing the same, shall still notwithstanding such repeal remain in full force and effect and be capable of being enforced and inflicted as if such Act and Ordinance were still in force, but not further or otherwise.

II. Any person selling, bartering, or giving, or attempting to sell, barter, or give Intoxicating Liquor to any Indian of the Continent of North America, or of the Islands adjacent thereto, shall be liable on conviction for each such offence, to a fine not exceeding \$500. Imposes a penalty of \$500 for selling liquor to Indians.

III. Any person found in possession of Intoxicating Liquor of any description in the house, tent, or place of abode of any Indian, is liable under this Ordinance to be deemed *prima facie* to be in such house, tent, or place of abode, for the purpose of giving such Intoxicating Liquor to Indians, and shall upon conviction be liable to a fine not exceeding \$500, and imprisonment not exceeding six months. Persons found in Indian dwellings with liquor punishable.

IV. When it shall be proved to the satisfaction of the convicting Justice, that the person charged has been before convicted under this Ordinance, or either of the Act or Ordinance hereby repealed, the Justice may, on conviction, commit such offender to prison for a term not exceeding twelve months with hard labour, without the option of a fine, should such Justice see fit so to do. 2nd offence liable to 12 months' imprisonment with hard labour.

V. In any case where it shall be proved to the satisfaction of the convicting Justice, that the offender has not attained the age of sixteen years, the Justice may order such offender to be once or twice privately whipped; in lieu of or in addition to the aforesaid penalties, at the discretion of the Justice. Offender under 16 years of age may be privately whipped.

VI. Any person holding any wholesale or retail Liquor License in the Colony, who shall be convicted under this Ordinance shall, at the discretion of the convicting Justice, be liable to the forfeiture of Penalties on licensed vendors of liquor infringing this Ordinance.

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of his License, in addition to the other penalties, and shall not be entitled to a renewal of such License in any part of the Colony, for a term of two years from the date of such conviction.

Vessel, &c., engaged in the traffic to be confiscated.

VII. When it shall be proved before any Justice, that any vessel, boat, canoe, or conveyance of any description, whether on the Coast of British Columbia; or on any river, lake, or stream in the Colony, is employed in carrying Intoxicating Liquor to be supplied to any Indian or Indians, such vessel, boat, canoe, or conveyance so employed, shall be declared forfeited; and every person engaged in the conveyance, sale or distribution of such Liquor in manner aforesaid, on board of such vessel, boat, canoe, or conveyance so employed, shall be liable to all the penalties provided for under this Ordinance, for persons convicted of selling Liquor to Indians.

Giving liquor to Indians when justifiable.

VIII. It shall be lawful, nevertheless, for any Justice before whom any charge is brought under this Ordinance, notwithstanding anything herein contained to the contrary, to acquit any person who has given Intoxicating Liquor to Indians, medicinally or under such other circumstances as may appear justifiable.

One-third of penalty to go to informer.

IX. Any person giving information leading to the conviction of any person under this Ordinance, shall be entitled to receive one-third of any pecuniary penalty inflicted under this Ordinance, at the discretion of the convicting Justice.

Search for liquor on board ship.

X. It shall be lawful for any Officer of Customs, or for any Superintendent or Inspector of Police, or any other Officer specially appointed by the Governor for that purpose, or for any Officer of Her Majesty's Navy on full pay, at his discretion to rummage and search for fermented, spirituous or intoxicating Liquor, any ship, boat, canoe, or other vessel suspected of containing intoxicating Liquor for the use of Indians, and upon reasonable ground in that behalf, to detain and seize the same, and bring her for the purpose of investigation and adjudication to any convenient Port or Place within the said Colony, and every Master of a ship, boat, canoe or other vessel having on board his ship, boat, canoe or other vessel, any fermented, spirituous or intoxicating Liquors not satisfactorily accounted for shall forfeit and pay a penalty not exceeding \$1000, and all such last mentioned fermented, spirituous or intoxicating Liquors shall be forfeited.

On what conditions Liquor may be shipped to the North-west Coast.

XI. No Ship, Boat, Canoe, or other Vessel having Fermented, Spirituous, or Intoxicating Liquors on board shall leave any Port in the Colony of British Columbia for any part of the Coast of the said Colony, or for any Port or Place on the Coast of Russian America, or to the Northward thereof, without the Master of such Ship, Boat, Canoe, or other Vessel, making a declaration in the Form marked 1. in the Schedule to this Ordinance, setting forth the quantities, description, and destination of such Liquors as aforesaid as may be on board, and obtaining from the Officer of Customs at the Port of departure a Permit to carry such Liquors, which Permit may be in the Form marked 2. in the said Schedule. It shall be lawful, however, for the Governor to exempt any Vessel from the operation of this Section of this Ordinance whenever the circumstances shall be such as in the opinion of such Governor to render such exemption expedient and desirable.

Penalty for obstructing officers in the performance of duty.

XII. Every person obstructing any Officer of Customs, or of Her Majesty's Navy on full pay, or any Peace Officer, or other Officer specially appointed by the Governor for the purpose of this Ordinance, or any person lawfully acting under their or any of their orders respectively in pursuance of the powers given under this Ordinance, shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding the sum of \$500.

Penalties.

XIII. Whenever any penalty is imposed for any offence under this Ordinance, the same may, unless otherwise provided, be recovered and inflicted by way of summary proceedings before any single Justice of the Peace, and every such penalty may with costs of conviction be levied by distress and sale of the Goods and Chattels of any offender, and in case such Goods and Chattels shall prove

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prove insufficient to satisfy such penalty and costs, then by imprisonment of such person so offending for any term not exceeding twelve calendar months.

XIV. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony or other the Officer administering the Government of this Colony for the time being, and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction.

Interpretation
clause.

XV. In case of any summary conviction under this Ordinance no warrant of commitment upon a conviction shall be held to be invalid by reason of any defect therein, if it be therein alleged that the person offending has been convicted, and there be a good and valid conviction to sustain the same.

Warrant of Commit-
ment.

XVI. This Ordinance may be cited for all purposes as "The Indian Liquor Ordinance, 1867."

Short Title.

Passed the Legislative Council the 14th day of February, A. D. 1867.

CHARLES GOOD,

ARTHUR N. BIRCH,

Clerk.

Presiding Member.

Assented to, in Her Majesty's name, this 2nd day of April, 1867.

FREDERICK SEYMOUR,

Governor.

SCHEDULE.**Form 1.****SHIPPING BILL FOR FERMENTED, SPIRITUOUS, OR INTOXICATING LIQUORS.**

Name & description of ship, boat, canoe, or other vessel.	Whether British or Foreign; if Foreign the Country.	Master's name.	Port or place of destination.	Quantity and description of Liquors on board.	To whom consigned, or if for ship's use.	

I declare the entries in this Bill to be correctly made.

Signed,

Master of the above Ship.

(Station of Clearance).

Dated this

day of

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Form 2.**PERMIT TO CARRY FERMENTED, SPIRITUOUS, OR INTOXICATING LIQUORS.**

Name & description of ship, boat, canoe, or other vessel.	Whether British or Foreign; if Foreign the Country.	Master's name.	Port or place of destination.	Quantity and description of Liquors on board.	To whom consigned, or if for ship's use.	

The Fermented, Spirituous, or Intoxicating Liquors above described, are hereby permitted to be carried and borne to the destinations and for the purposes above specified.

Signed,

(name and description of Officer).

(Station of Clearance).

Dated this

day of

186 .

NEW WESTMINSTER:

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