

**Tuesday, the 3rd day of May, 1864**

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Young, Jackson, Street, Duncan, Dennes, Franklin, Carswell, De Cosmos, Bayley.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency The Governor.

[No. 6]

Victoria, V. I.  
3rd May, 1864

To the Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen

I have received from Your Speaker a Communication dated the 2nd Instant, bringing to my notice the fact that a Committee of the House had prepared a Bill to institute and carry out a general system of Education for this Colony.

As I understand that the Bill in question contains Clauses levying new taxes and permanently appropriating moneys out of the General Revenue of the Colony in excess of the financial Scheme already laid before the House, I beg to acquaint the House that I entirely concur in the policy of placing a matter so important to the community at large as Education upon a sound and satisfactory basis, and I have much pleasure in recommending the subject to the earnest consideration of the House.

I have the honor to be,  
Gentlemen,  
Your obedient Servant  
(sd.) A. E. Kennedy  
Governor.

Mr. Duncan begged leave to bring before the House, in accordance with His Excellency The Governor's communication, "A Bill Entitled An Act respecting Common Schools" reported from the Committee on Education.

Ordered that above Bill be printed.

Notices of Motion.

Mr. De Cosmos for Monday next (M. B. fol. 69).<sup>78</sup>

    "    "    "    "    "    " (M. B. fol. 69).<sup>79</sup>

Mr. De Cosmos presented a Petition from the Promoters of the "Harewood Railway Company (Limited)" and therewith "A Bill Entitled An Act to authorise the Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District, Vancouver Island."

Ordered to be referred to Committee on Standing Orders and Private Bills.

Mr. Franklin presented a Petition, which was the result of a Public Meeting in Victoria, held on the 9th April, upon the question of Education; stating, at

<sup>78</sup> Motion Book, p. 69: "At next meeting of the House I will move for information as to whether Commissioners have been appointed under the Pilot Act."

<sup>79</sup> Motion Book, p. 69: "At next meeting of the House I will move for information as to whether the Government have taken any steps to carry out the views of this House as expressed in certain Resolutions passed this Session with respect to a reciprocity treaty with the United States."

the same time, that a difference of opinion might arise, as to whether certain expressions therein contained were, or were not, disrespectful to the House.

Mr. Duncan moved that "the Petition be not read."

For Mr. Duncan's motion.                      Against Mr. Duncans Motion.

*Ayes:* 3.

*Noes:* 3.

Messrs. Duncan

Messrs. Franklin

Dennes

Jackson

Carswell

Street

Mr. Speaker, after duly examining the document, *Ruled* That it was not a properly drawn up Petition, and, therefore, out of order.

Mr. Young from the Committee "On Public Expenditure" and from the Committee "On Receipts and Disbursements of Revenue" brought up the Reports of the above Committees respectively.

Ordered To lie on the Table.

Ordered For Monday next—The Education Bill.

The House then adjourned till Monday (9th Inst.).

J. S. Helmcken  
Speaker

### Monday, the 9th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Young, Jackson, Dennes, Bayley, Franklin, De Cosmos, Dr. Tolmie, and Col. Foster.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency The Governor.

[No. 7]

Victoria, Vancouver Island  
9th May, 1864

To The Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen,

I have received the annual report from the Colonial Auditor upon the Accounts of the Colony for the year ending 31st December 1863.

From that report it appears that the total sum expended during the Year amounts to \$157,532.41—while the votes of the House for the same period amounted to \$275,680.00. Detailed Accounts have already been laid before the House from which it will be seen that the principal cause of this large difference between the Votes and the expenditure arises from the non-disbursement of \$87,300.00 appropriated towards the improvement of Victoria Harbour, and the non-bringing to account of the Sum of \$18,857.00 payments for interest and sinking fund on account of the £40,000 Loan. Notwithstanding, however, that the expenditure falls so far short of the Supply there are several items of disbursement which are not covered by any heads of Service, and in some cases the expenditure under the heads of Service has exceeded the Vote of the House.

In both these cases the Vote of the House is necessary to enable the Auditor finally to pass the Accounts for the Year.

I therefore enclose a Statement exhibiting under the regular heads of Service the excess of expenditure over the classified Votes, and of the Sums expended for Services for which no provision was made; amounting in the whole to \$19,804.28 and I beg to recommend to the House the propriety of passing a Vote for the said Sum of Nineteen thousand eight hundred and four dollars and twenty eight cents to close the accounts for the year ending 31st December, 1863.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant,  
(sd.) A. E. Kennedy  
Governor

Colonel Foster from Committee on Standing Orders and Private Bills reported that the Promoters of "A Bill Entitled An Act to authorise The Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District, Vancouver Island" had complied therein with the Standing Orders.

Also that the Promoters of A Bill "Entitled An Act to incorporate the Israelite Congregation, named the Emanuel of Victoria, Vancouver Island" had complied therein with the Standing Orders except in the instance of an Irregularity in Advertisements, which the Committee deemed so unimportant as to recommend that the Standing Orders in that regard be not insisted upon.

Ordered that the Standing Orders be waived in regard of *Advertisement*.

Bills Read a 1st time and referred to Committee on Private Bills.

The Harewood Railway Co. (Limited).

Also "A Bill To incorporate the [Congregation of] Emanuel of Victoria, Vancouver Island."

Notices of Motion.

Mr. Young for next meeting (M. B. fol. [blank]).<sup>80</sup>

Mr. Bayley ,, ,, ,, ( ,, ,, fol. [blank]).<sup>81</sup>

The House then went into Committee, upon "A Bill Entitled An Act respecting common Schools."

Mr. Speaker left the Chair.

Mr. Franklin in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above Bill had agreed to the general principle thereof.

"A Bill Entitled An Act respecting common Schools" was then Read a first time.

The House then adjourned till tomorrow.

<sup>80</sup> Motion Book, p. 71: "I give notice that on Tuesday next the 10th Inst. I will ask the leave of this House to introduce a Bill 'Entitled An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver Island and its Dependencies.'"

<sup>81</sup> Motion Book, p. 71: "I give notice that at the next meeting of this House I shall ask if the Executive of this Colony purpose introducing a Bill into this House for the collection of small Debts for the Town and District of Nanaimo."

## Tuesday, the 10th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Young, Jackson, Dennes, Bayley, De Cosmos, Street, and Dr. Tolmie.

The last Minutes having been read and confirmed.

Mr. Young, pursuant to notice asked leave to bring in A Bill "Entitled An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver's Island and its Dependencies."

Ordered That leave be granted.

Mr. Bayley, pursuant to notice, moved for information as to whether the Executive of this Colony purpose introducing A Bill into this House for the collection of small debts for the Town and District of Nanaimo.

2nded by Mr. Dennes.

Ordered That leave be granted.

Read a 2nd Time and committed.

A Bill Entitled An Act respecting common Schools.

The House then went into "Committee of Supply" upon the Communication received Yesterday from His Excellency The Governor (dated 9th April 1864) and Enclosure, viz.: "A Statement shewing under the proper heads of Service the Excess of Expenditure during the Year 1863 over the Votes of Legislature classified under those particular heads."

Mr. Speaker left the Chair.

Mr. Bayley in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee of Supply having had the above mentioned Statement under consideration, had voted therein a Sum of Nineteen Thousand Eight hundred and four dollars and Twenty Eight cents (\$19804.28).

The House then adjourned till tomorrow at 3 p.m.<sup>82</sup>

## Thursday, the 12th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Young, De Cosmos, Jackson, Franklin, Tolmie, Foster, Street.

The last Minutes having been read and confirmed.

Mr. Young asked leave to present A Petition from certain Residents of Victoria in the matter of "A Bill Entitled An Act respecting common Schools."

Ordered To lie on the Table.

Notice of Motion—for Tuesday next, Mr. De Cosmos.<sup>83</sup>

<sup>82</sup> The House did not meet on Wednesday for lack of a quorum. *Colonist*, 12 May 1864.

<sup>83</sup> Motion Book, p. 71: "On Monday, May 16, I will move the following Resolution. 'That the House fix a day to take into consideration the Despatches between Govr. Douglas and His Grace the Duke of Newcastle, with respect to the constitution of the Legislative & Executive Councils.'" Presumably the clerk corrected the minutes to read "Tuesday" because the House adjourned to that date.

Mr. De Cosmos, pursuant to notice, moved the following Resolution.

*Resolved*, That His Excellency The Governor be respectfully requested to inform this House whether the Government have taken any Steps to carry out the views of this House as expressed in certain Resolutions with respect to a reciprocity treaty between this Colony and the United States of America.

Seconded by Col. Foster, and agreed to.

Mr. De Cosmos, pursuant to notice, also moved the following Resolution.

*Resolved*, That His Excellency the Governor be respectfully requested to inform this House whether the Government have appointed Commissioners under the "Pilot Act, 1864."

Seconded by Dr. Tolmie.

Mr. Young stated that on the 9th Inst. The Governor-in-Council had appointed Mr. Young, the Colonial Secretary, Mr. J. J. Southgate, Mr. Wootton Harbour Master to be Commissioners under the "Pilot Act 1864."

Mr. De Cosmos begged leave to withdraw his Resolution.

Agreed to.

The House then took up the Report of the Committee of Supply (yesterday)—and Read a first time "A Bill To grant a Supplemental Supply of Nineteen Thousand Eight hundred and four dollars and twenty eight cents, for the Service of the Year One thousand Eight Hundred and Sixty three."

Read a first time "A Bill Entitled An Act to provide for the closing of Wells upon unenclosed lands in Vancouvers Island and its Dependencies" (Mr. Young).

Seconded by Mr. Franklin.

The House then went into Committee of the Whole upon "A Bill Entitled An Act respecting Common Schools."

Mr. Speaker left the Chair.

Mr. Franklin in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Bill had, therein, Resolved That the Chair do now rise.

The House then adjourned till tomorrow.

Speaker

### Friday, the 13th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Young, Duncan, Dennes, De Cosmos, Bayley, Street.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency The Governor.

[No. 8]

Victoria, Vancouver Island  
13th May, 1864

To the Honble. The Speaker and Gentlemen of the House of Assembly  
Gentlemen,

I have the honor to forward herewith for the consideration of the Legislative Assembly Copy of a Communication I have this day received from the Municipal Council of the City of Victoria, representing the amount of their existing Liabilities, and requesting that they may be supplied with funds to discharge the same, as, for the reasons stated, they are unable to raise the necessary Moneys.

2. In consideration of all the circumstances of this case, with which the Assembly are already well acquainted, I would submit to the House the propriety of empowering me to pay to the Corporation out of the general Revenue of the Colony the Sum of Six Thousand Dollars to enable the Council to liquidate Liabilities incurred by them in discharge of the duties and responsibilities cast upon them by virtue of their office; and to repay these moneys to the general Revenue, as well as other moneys already expended on behalf of the Corporation, I would recommend that the Legislature should pass An Act by which an additional sum of one half of one per cent can be collected upon the Government Assessment Roll for the City of Victoria for the year ending 30th June 1864, those persons who may have paid Real Estate taxes to the Corporation in December last being exempted from the operation of such Act.

I have the honor to be,  
Gentlemen,  
Your obedient humble Servant,  
(signed) A. E. Kennedy  
Govr.

Enclosure

(Copy)

City Council Chambers  
Broad Street, May 13th/64

*His Excellency Arthur Edward Kennedy C. B. Governor  
of the Colony of Vancouver Island*

May it please Your Excellency

In compliance with your request as conveyed to His Worship The Mayor on the 12th Instant we beg most respectfully to lay before Your Excellency the accompanying statement in Schedule hereto annexed of the indebtedness of the Corporation of this City up to the present time.

Owing to the serious defect in the Act of Incorporation and the failure of the House of Assembly to amend said Act, the Corporation find themselves powerless to raise the necessary funds to meet their present indebtedness.

We therefore humbly pray that Your Excellency will take such measures as to Your Excellency may seem best, and cause to be placed at the disposal of the Mayor and Council a sum sufficient (say Six Thousand Dollars) to pay their liabilities due to the present time.

We would also most respectfully call Your Excellency's Attention to the fact that a portion of the Real Estate Tax levied by the Corporation in December last has been paid in good faith by the Owners of property in the City.

The Council now have serious doubts as to their power of enforcing the payment of the balance due on that Assessment; they therefore feel that a great injustice would be done those who have paid were we to retain the amount.

We therefore humbly pray that Your Excellency will cause to be refunded to the Corporation the Sum of Five Thousand three hundred and Sixty two dollars (\$5362.00) in order that the Council may refund the same to those who have paid.



Also, into Committee of the whole, upon "A Bill Entitled An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver's Island and its Dependencies."

Mr. Speaker left the Chair.

Mr. Bayley in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the foregoing Bill had agreed to the same without Amendments.

Ordered That Report be adopted.

The House then adjourned till Tuesday next (17th).

Speaker

## Tuesday, the 17th day of May, 1864

The House met at 3 p. m. this day pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Dennes, De Cosmos, Duncan, Jackson, Dr. Powell, and Col. Foster.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency The Governor.

[No. 9]

Victoria  
Vancouver Island  
16th May, 1864

To The Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen

I have the honor to acknowledge receipt of Your Speaker's Communication dated the 12th Inst. forwarding Copy of two Resolutions passed by the Legislative Assembly.

2 In reply to the first I have the honor to acquaint you that the matter of the collection of small debts at Nanaimo has not come under my consideration and that in view of the late period of the Session I do not propose at the present time to take any Steps towards the introduction of a Bill to effect that object.

In respect to the second Resolution I beg to inform the House that the subject of Reciprocity between the Colony and the United States of America has not been brought under my notice and consequently I have taken no steps in respect thereto neither does it appear that any recent Action in this matter was taken by my Predecessor.

I have the honor to be,  
Gentlemen,  
Your obedient humble Servant  
(sd.) A. E. Kennedy  
Governor

Also A Communication from His Excellency The Governor.

[No. 10]

Vancouver's Island  
Victoria, 17th May, 1864

To The Honorable The Speaker and Gentlemen of The Legislative Assembly.  
Gentlemen

The Vote of the Legislature for the improvement of the Harbour being already overdrawn it becomes necessary that I should bring the present position



of the undertaking under the consideration of the Legislative Assembly with a view to their providing for the future cost thereof.

2 By an Act of the Legislature passed in 1862 authorising the Governor to borrow the Sum of Forty Thousand Pounds on the Security of the General Revenue. A Sum of £18,000 was set apart for the purpose of improving the Harbour of Victoria.

3 Under that Authority and a Vote of the House the following Expenditure has been incurred.

Cost of Machinery in London not including advance to Engineer &c.	£7542.17.2
Contracts made in the Colony	10,590.10.4
	<hr/>
	£18,133. 7.6
Amount voted	13,595.17.6
	<hr/>
Expenditure in excess	£4,537.10.0

These Sums do not include the cost of a Workshop, Forge, Storehouse or hoisting Tackle, all of which are immediately necessary if the work is to be continued, and for which no Estimate has been made.

4 No Salary has been provided for "A competent Superintending Engineer, estimated by the Surveyor General at £500 per annum a salary in my opinion inadequate to secure the Services of An Officer of that description.

5 The dredging Machine completed, I cannot estimate the wear and tear, salaries and working expenses, generally, at less than Ten Thousand Pounds per annum, though the Surveyor General sets it down at half that Sum.

6 The Surveyor General (as I understand the Report herewith, dated 7th May 1864) is of opinion that this Expenditure "for 3 succeeding Years would be required to make Victoria Harbour." But the board of which that officer was a Member in 1862 impress[ed] upon the Governor "the extensive nature of the undertaking and [to] guard against the expectation that any permanent results can be looked for under a Series of Years," that it "would require the undivided attention and superintendence of an Engineer experienced in such operations and it did not seem probable that such a work could be completed under favorable circumstances, with one Dredging Machine within a period of six or seven years."<sup>84</sup>

7 The original Estimate appended to the Commissioners Report (of Feby. 28th 1862) must have been wholly fallacious, or the Expenditure of 1864 must be exorbitant, for I find the Estimate for a Steam Dredge, twelve Scows, Tug Steamer, and Diving Bell Workshop, Forge Tools, and Sundries amounted to £9,500, while the Actual Outlay for a part only of this Service will cost £18,133.

8 I am of opinion that the estimated working expenses will bear a like proportion to the actual cost.

9. It will appear on reference to the "Tabular Statement" accompanying the Commissioner's Report (and upon which date calculations appear to have been made) that the cost of Five Dredges, a Steam Tug, two diving Bells and 160 punts cost (in Scotland) £39,000, while the one now in process of construction in this harbour will cost £18,133 at least.

10. With these data before them the Legislative Assembly will be enabled to decide upon the sum necessary to place at my disposal for the completion of this formidable undertaking.

I have the honor to be,  
Gentlemen,  
Your obedient Servant  
(signed) A. E. Kennedy  
Governor

<sup>84</sup> The quotation of the report in the minutes is not entirely accurate. See Report of the Victoria Harbour Commission, 28 February 1862, PABC.

## Enclosure

Copy

Office of Lands and Works  
7th May, 1864

The Honble. Colonial Secretary

Sir

In reply to His Excellency's Memorandum of enquiry relative to Victoria Harbour Improvements I have the honor to report

1 That under the "Victoria and Esquimalt Harbour Dues Act 1860" The Governor was empowered to borrow £8000 for Harbour Improvements and under the "Vancouver Island Road and Harbour Loan Act of 1862" £40,000—of which £32,727.5.6 was to be applied to the Harbour.

2 The amount voted in the Estimates for 1864 for Harbour improvement to be charged against the sums above mentioned was as follows

4 Stokers 9 Months @ 75/	\$2700.00
Salaries of 2 Engineers, 9 mo. @ \$120 ea.	2160.00
Master of Screw 9 months @ \$120	1080.00
Crew 2 Men 9 months @ \$50	900.00
Cost of Dredge and Steam Machinery	22564.00
Hull of dredge Tugboat Scows, Barges, Coal, and Working Expenses	30000.00
	\$59,404.00 or
	£12,281.15.6

The foregoing Estimate does not appear to include Workshops, Forge, Storehouse, Small Wharf on Pier with hoisting Tackle. Expenses incurred in London were as follows.

T. & A. Blyth's Bill for Machinery of Dredge, Tug, and four mud Punts.	£4595. 0.0
Duplicates Tools Equipments Materials and Stores	1305. 4.2
Freight and Passage	1173.10.0
Diving Apparatus	149.10.0
Insurance Shipping Charges Brokerage, Dock dues &c.	286. 9.0
Fee to Mr. Wakefield Civil Engineer	26. 5.0
Cost of copying documents	6.19.0
	£7542.17.2

In this latter sum are not included advances made to Engineers on various accounts and to enable them to take out one of their families with them amounting to £167.10.0.

The Establishment of Workshops, Forge, Store-house &c. as before mentioned is now a matter of much importance—if not immediately attended to, where are the Stores to go? or the men to work? I presume the Ship will be due here early in June.

Contracts made in the Colony

1st dated 8th March/64 with James W. Trahey to build the  
Dredge, Hull, and 4 Mud Punts.  
Time 5 Months Price \$34,564.00

2nd dated 9th March/64 with Robert Ewing  
to construct the Steam Tug.

Time 5 Months	Price \$16,800.00
	<u>\$51,364.00 Or</u>
	£10,590.10.4

Both Contractors are bound to fix the Machinery.

The foregoing figures do not include wages or working Engineers and salary of Mr. Leigh now superintending the Works. The working Engineers Wages average £250 per annum each. Mr. Leighs Salary is at the rate of \$1500.00 per annum.

Recapitulation

Amount incurred in London exclusive of advances to Engineers	£7542.17.2
Contracts made in the Colony	10,590.10.4
	<u>18,133. 7.6</u>
Total expenses incurred	18,133. 7.6
Amount voted	13,595.17.6
	<u>£4,537.10.0</u>

The cost of the Hulls in this Colony has been great beyond all anticipation and is double the vote of the House.

The lowest tender from San Francisco offered to supply a Dredge complete to work with single ladder of Buckets in 25 feet of water guaranteed to excavate 600 yards per diem for about the same sum that the woodwork of the Hull of the Dredge is contracted for here.

Peter Donahu's Tender for Dredge delivered complete	\$33,300.00
Trahey's contract for Dredge Hull and Hulls of 4 Punts	34,564.00
Less woodwork of Punts say	1,200.00
	<u>\$33,364.00</u>

The Estimate for Iron works in this lowest (San Francisco) Tender was 50 Per Cent above Blyth's showing that no mistake was made in procuring the Iron work from England as regards price.

Work to be done

To deepen the whole Harbour to 14 or 15 feet of water at lowest tides would approach an excavation of One Million cubic yards—More detailed thus

	c. yds.
To remove the Bar	349,267
To deepen from Wharf to Songhees Village	18,880
.. .. the Central Basin	47,777
The James' Bay Excavation	464,074
	<u>880,000</u>
Total	880,000

From the foregoing figures it is obvious that the removal of 500,000 C. yards would vastly benefit the Harbour. This would occupy the Dredge if properly worked 2-3 years: making due allowance for accidents the foregoing is a moderate Estimate.

No estimate has been included for removing Rock for except on a Small Scale this would not be required. If would cost \$5.00 per Cubic Yard if above water \$11.00 if below.

Annual Expenses.

The Estimate on this point of the Harbour Commission which I assisted in the preparation of would show that An Expenditure of £5000 a Year, which would include £500 a year for the Services of a competent Superintending Engineer whose whole time and services would be required and which would include £500 a year for wear and tear and contingencies for 3 succeeding years [blank] be required to make Victoria Harbour.

Divers are not an important item since blasting in deep water is not contemplated to any extent. Working Engineers Wages average £250 per annum each.

In reply to His Excellency's queries 8, 9, and 14, I am not aware that any executive arrangements have been made which would throw the sole responsibility of Success or failure of the Harbour Improvement on One Superintending Officer and with regard to the Harbour Proclamation it would be of course impossible for the Postmaster engaged at an indoor occupation to say whether ashes were being thrown overboard a Steamer or not &c. but I would respectfully suggest that the Superintending Engineer might also do Harbour Masters and Light-house duty.

I have, &c.

(signed) J. Despard Pemberton  
Surveyor General

Ordered for Friday next The Consideration of above Correspondence.

Col. Foster, from the Committee on Standing Orders and Private Bills reported that the Promoters of "A Bill entitled An Act 'To authorise the Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District, Vancouver Island'" had proven the Preamble thereto, and complied with the Standing Orders. The Committee therefore beg to recommend the passage of the said Bill.

Also, in the matter of "A Bill Entitled An Act to incorporate the Israelite Congregation named 'The Emanuel of Victoria, Vancouver Island'" That the Preamble had been proven, & the Standing Orders complied with. The Committee therefore begged to recommend the passage of the said Bill.

Ordered for Friday next, (20th) 2nd Reading of above Bills.

Bills read a 3rd Time and passed.

A Bill Entitled An Act to provide for the closing of Wells upon unenclosed lands in Vancouver Island and its Dependencies.

Also A Bill To grant a Supplemental Supply of Nineteen thousand Eight hundred and four dollars and Twenty Eight cents for the Service of the Year one Thousand Eight Hundred and Sixty Three.

The House then went into Committee of the whole upon the Communication of His Excy. The Governor dated, received and read, 13th May 1864 with enclosure signed by The Mayor and Council of the City of Victoria.

Mr. Speaker left the Chair.

Mr. Jackson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the foregoing Communication from His Excellency the Governor had resolved "That the Governor be empowered to pay \$6000.00 out of the General Revenue to the Mayor and Council of the City of Victoria for civic purposes." Also "That a Tax of one Half of one per centum be levied on all real Estate within the City of Victoria for civic purposes; but that all persons who have paid Taxes under the Real Estate Tax By-law passed by the Mayor and Council of the said City be exempted from the said Tax.

Ordered That Bills be brought in accordingly.

### Wednesday, the 18th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the chair and Messrs. Tolmie, Jackson, De Cosmos, Dennes.

The last Minutes having been read and confirmed.

The House took up the Report of the "Committee of Supply."

Ordered That Report be agreed to.

Bills read a first time.

A Bill Entitled An Act to impose a Tax of One half of One per cent upon all Real Estate within the City of Victoria and for other purposes relating thereto.

Also "A Bill Entitled An Act to enable the Governor to pay out of the General Revenue Six Thousand Dollars for Civic purposes."

The House then adjourned till tomorrow.

J. S. Helmcken

### Thursday, the 19th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Drs. Tolmie, Powell, and Messrs. Jackson, Franklin, De Cosmos.

The last Minutes having been read and confirmed.

Bills read a 2nd time and committed.

A Bill Entitled An Act to enable the Governor to pay out of the General Revenue Six thousand dollars for Civic purposes.

Also "A Bill Entitled An Act to impose A Tax of One half of One per centum upon all Real Estate within the City of Victoria and for other purposes relating thereto."

In Supply The House then went into Committee of the Whole upon the above Bills.

Mr. Speaker left the Chair.

Mr. Jackson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the foregoing Bills. With regard to the first Had agreed to the same with Amendments. With regard to the Second Had agreed to the same with Amendments.

Ordered That Report be adopted.

Ordered For tomorrow.

3rd Reading of above Bills.

The House then adjourned till tomorrow.

Speaker.

### Friday, the 20th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Drs. Tolmie, Trimble, Powell, Messrs. Dennes, Duncan, De Cosmos, Franklin, and Col. Foster.

The last Minutes having been read and confirmed.

Read a 3rd Time and passed.

A Bill Entitled An Act to enable the Governor to pay out of the General Revenue, Six Thousand Dollars for civic purposes.

Also, "A Bill Entitled An Act to impose A Tax of One Half of One per centum upon all Real Estate within the City of Victoria and for other purposes relating thereto."

Read a 2nd time and committed.

A Bill Entitled An Act to authorise the Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District, Vancouver Island.

Also, "A Bill Entitled An Act to incorporate the Israelite Congregation, named 'The Emanuel, of Victoria, Vancouver Island.' "

The House then went into Committee of the whole upon His Excellency's Communication dated 17th May, and read on the same day to the House, on the Subject of the Expenditure (in excess of Sum already voted by the Legislature) required for the improvement of Victoria Harbour.

Mr. Speaker left the Chair.

Mr. Jackson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the foregoing Communication begged to report progress and ask leave to sit again.

Ordered That report be received and leave granted.

Col. Foster presented a Petition from the Inhabitants and Property holders of Esquimalt praying for "a Suspension of the Works in the matter of the improvement of Victoria Harbour."

The House then adjourned till Thursday (26th).

J. S. Helmcken  
Speaker

### Thursday, the 26th day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Drs. Trimble, Tolmie, Powell, Messrs. Franklyn [Franklin], Jackson, Duncan, De Cosmos, Dennes, Carswell, Bayley, and Col. Foster.

The last Minutes having been read and confirmed.

Mr. De Cosmos rose to a question of Order.

1st Referring to the Proceedings of this day in the Committee upon Crown Lands, Mr. De Cosmos stated that he had seconded a motion made by Dr. Tolmie "that the draft-report (which he had been deputed by the Committee to frame) be re-committed" and that the Chairman declined to open the question again as it had been already settled.

2nd Mr. Dennes moved that "The Report be adopted as amended."

3rd He, Mr. De Cosmos moved An Amendment "That the Report be adopted to Section 20, and that the Committee proceed to consider all the subsequent Clauses of the draft report with amendment to Section 20."

Mr. Speaker ruled

1st That a Report cannot be recommitted by a Committee to itself, but must be recommitted by the House.

2nd That Mr. Dennes's motion was in Order.

3rd That the Resolution of Mr. De Cosmos was "out of Order" in that it meant the reconsideration of Clauses already rejected.

Mr. Speaker then read the following Communication from the Honble. The Legislative Council.

Vancouver Island  
Council Chamber  
May 20th 1864

To the Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen

I have the honor to return to Your Honorable House "A Bill Entitled An Act to provide for the periodical publication of the Liabilities and Assets of Banks in

Vancouver Island and its Dependencies" and for the registration of the names of the proprietors thereof which had this day passed the Legislative Council as amended.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant

(signed) E. J. Nesbitt

Council Amendment to Banking Bill

Paragraph 6. After the 12th line insert the following words "together with the amount of Capital or shares individually held."

Council Amendment agreed to.

Read a first time.

Ordered for tomorrow.

In Committee "The Harewood Railway Bill (Limited)."

Also, "A Bill Entitled An Act to incorporate the Israelite Congregation named 'The Emanuel of Victoria, Vancouver Island.'"

Order of the Day.

On the Motion of Mr. De Cosmos, seconded by Dr. Tolmie The Consideration in Committee of the Communication of His Excy. The Governor dated 17th May, on the subject of the expenditure (in excess of the Sum already voted by the Legislature) required for the improvement of Victoria Harbour was postponed till Monday next (30th Inst.)

Question.

For Mr. De Cosmos's motion

Against the Motion

*Ayes:* 5.

*Noes:* 3.

Messrs. De Cosmos

Messrs. Jackson

Franklin

Trimble

Powell

Foster

Tolmie

Dennes

Mr. Speaker then read a letter from the Honble. W. A. G. Young, Colonial Secretary of the Colony of Vancouver Island and its Dependencies—resigning his seat as Member for the City of Victoria.

J. S. Helmcken  
Speaker

**Monday, the 30th day of May, 1864**

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Drs. Trimble, Tolmie, Powell, Messrs. Jackson, Franklin, Duncan, De Cosmos, Dennes, Bayley, and Col. Foster.

The last Minutes having been read and confirmed.

The Amendment by the Honble. The Council to "A Bill Entitled An Act to provide for the periodical publication of the Liabilities and Assets of Banks



in Vancouver Island and its Dependencies and for the registration of the names of the proprietors thereof" was Read a 2nd time and agreed to.

Mr. De Cosmos presented a Petition from certain Property Holders of the City of Victoria praying for "An Appropriation for The improvement of Victoria Harbor."

Also from The Chamber of Commerce praying for an Appropriation "sufficient to make the experiment of working the Dredging Machine for at least one year."

Ordered To lie on the Table.

The House then went into Committee of the whole upon His Excellency the Governor's Communication dated 17th May, on the subject of the Expenditure (in excess of Sum already voted by the Legislature) required for the Improvement of Victoria Harbour.

Mr. Speaker left the Chair.

Mr. Jackson in the Chair of the Comtee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned correspondence, begged to report progress, and asked leave to sit again.

Ordered That report to be received and leave granted.

Notice of Motion by Dr. Trimble (M. B. fol. 73).<sup>85</sup>

The House then adjourned til tomorrow.

J. S. Helmcken

## Tuesday, the 31st day of May, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, Dennes, Carswell, Jackson, Bayley, De Cosmos, Foster, and Drs. Tolmie, Trimble, Powell.

The last minutes having been read and confirmed.

Dr. Trimble, pursuant to notice, moved (M. B. fol. 73) the following Resolution.  
*Resolved* That His Excellency The Governor be respectfully requested to lay before this House all the correspondence between the Lands and Works Office and Contractors, relating to the Dredge, Tug-boats and Punts.

Mr. Dennes seconded.

Agreed to.

The House then went into Committee of the whole upon a Communication from His Excellency The Governor dated 17th May, on the subject of the Expendi-

<sup>85</sup> Motion Book, p. 73: "I will move that this House respectfully request His Excellency the Governor to lay before this House all the correspondence between the Lands and works office and contractors, relating to the Dredge, Tug-boats and Punts."

ture (in excess of Sum already voted by the Legislature) for the improvement of Victoria Harbour.

Mr. Speaker left the Chair.

Mr. Jackson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Communication had Resolved That the Governor be empowered to apply the balance of the Loan to the completion of the Dredge, Tugboat and Scows &c. That the question of annual expenditure for carrying on the work will be a question of a future Session when the Money shall be required.

Ordered That Report be received.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

### Wednesday, the 1st day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. De Cosmos, Jackson, Dennes, Carswell, and Dr. Tolmie.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from the Honble. The Council.

Council Chamber  
May 31st 1864

To the Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen,

I have the honor to transmit to Your Honorable House "A Bill Entitled An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver Island and its Dependencies" which, with the amendments attached thereto, was, yesterday, read a third time and passed the Legislative Council.

I have the honor to be,  
Gentlemen,  
Your obedient Servant  
(signed) Edwin James Nesbitt

#### Council Amendments

Clause 3. Add the following Words to the Clause.

And that the said Penalty may be recovered by distress and default of a sufficient distress by imprisonment for a period of not more than one week.

Add the following Clauses.

No. 5 That in the event of said Penalty remaining unrecovered for the Space of Twenty four hours after the order of the Justice, the amount of the Penalty shall be deemed to be a charge within the meaning of An Act entitled "the Land Registry Act, 1860" upon the Real Estate on which such Well is situate and the Surveyor General is hereby authorised and required to register the order in that behalf as a charge against such Real Estate on the Books of the Registrar General of Titles of Real Estate in Vancouver Island and its Dependencies.

6 Every Justice of the Peace shall within twelve hours from the time which such order is made transmit the same order to the Surveyor General, or Mayor and Council as the case may require and the said Surveyor General and Mayor in Council are hereby required to register the same within the space of twelve hours from the receipt of the same.

7 No fees shall be taken by the Registrar General on the Registration of an Order on behalf of the said Mayor and Council but the same shall be added to the amount of the charge so registered in addition to the amount mentioned in the order.

8 The Registrar is hereby authorised to cancel any such registered charge upon satisfactory evidence that the same has been satisfied duly verified by a Justice of the Peace for the particular district in manner directed by the 40th Section of the Land Registry Act 1860. The amount so paid in satisfaction of such registered charge, shall be paid over by the Justice of the Peace so recovering the same to the Treasurer of Vancouver Island and its Dependencies if the same has been paid in respect of an open well in the rural districts of Vancouver Island, for the use of Her Majesty, her Heirs and Successors and in the event of the same being paid in in respect of an open Well within the Municipal Limits, the same amount shall be paid over to the Mayor and Council.

Read a 1st time, Above Amendments by the Honble. The Council.

The House then took up the Report of the Committee (yesterday) and agreed to the same.

Dr. Tolmie thereupon introduced "A Bill Entitled An Act to authorise the Governor to appropriate certain Moneys for the completion of a Dredging Machine and other instruments and appliances connected therewith" which was Read a first time.

The House then went into Committee upon "A Bill Entitled An Act to authorise the Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in the Mountain District, Vancouver Island."

Also "A Bill To incorporate the Israelite Congregation named 'The Emanuel of Victoria, Vancouver Island.'"

Mr. Speaker left the Chair.

Mr. Jackson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the before mentioned Bills had agreed to the same, respectively, without amendments.

Ordered That Report be received.

Ordered for tomorrow.

3rd Reading of "The Harewood Railway Co. (Lim.) Bill."

Also of "A Bill To incorporate the Israelite Congregation named 'The Emanuel of Victoria, Vancouver Island.'"

The House then adjourned till tomorrow.

## Thursday, the 2nd day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, De Cosmos, Dennes, Duncan, Jackson, and Drs. Trimble, Powell.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excy. The Governor.

[No. 11]

Victoria  
1st June 1864

To the Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen

I have the honor to acknowledge the receipt of Your Speakers Communication dated 31st May 1864 forwarding A Resolution requesting me to lay before the Legislative Assembly, all the correspondence between the Lands and Works office and Contractors relating to the Dredge, Tug-boat and Punts, and to inform you, in reply that these Papers have been moved for and are now before the Legislative Council.

I have the honor to be,  
Mr. Speaker and Gentlemen  
Your most obedient Servant  
(signed) A. E. Kennedy  
Governor

Read a 2nd time and committed "A Bill Entitled An Act to authorise The Governor to appropriate certain Moneys for the completion of a Dredging Machine and other instruments and appliances connected therewith."

Read a 3rd time and passed "A Bill Entitled An Act to incorporate the Israelite Congregation named 'The Emanuel, of Victoria, Vancouver Island.' "

Also "A Bill Entitled An Act to authorise The Harewood Railway Company (Limited) to make a Railway from Departure Bay, Nanaimo District, to the Harewood Coal Fields in Mountain District, Vancouver Island."

The House then took under consideration, Read a 2nd Time, and agreed to The Amendments by the Honble. The Council to "A Bill Entitled An Act to provide for the closing of Wells upon unenclosed Lands in Vancouver Island and its Dependencies."

The House then went into Committee of the whole upon "A Bill Entitled An Act to authorise The Governor to appropriate certain Moneys for the completion of a Dredging Machine, and other instruments and appliances connected therewith."

Mr. Speaker left the chair.

Mr. Jackson in the Chair of the Committee.

The Chairman reported that the Committee having had under consideration the above mentioned Bill had agreed to the same without Amendments.

On motion of Dr. Powell, seconded by Mr. De Cosmos The Standing Orders were suspended, and "A Bill Entitled An Act to authorise The Governor to

appropriate certain Moneys for the completion of a Dredging Machine and other instruments and Appliances connected therewith" was Read a 3rd time and passed.

Dr. Powell gave notice of Motion (M. B. fol. 73).<sup>86</sup>

The House then adjourned till Tuesday next.

J. S. Helmcken  
Speaker

### Tuesday, the 7th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the chair, Drs. Trimble, Tolmie, Powell, and Messrs. Street, Franklin, De Cosmos, Duncan.

The last Minutes having been read and confirmed.

Dr. Trimble moved for a Writ for the election of a Member for the City of Victoria, vice Mr. W. A. G. Young, Colonial Secretary, resigned.

Agreed to.

Dr. Trimble as Chairman of the Committee on Crown Lands of the Colony presented to the House the Report of that Committee, and moved its adoption.

Mr. Dennes seconded.

Dr. Powell rose to a point of Order. He wished to know whether the Report had been regularly adopted. He did not consider a quorum to have been present when the question was put as he was about leaving the Room at that moment the only members remaining were Messrs. Dennes and Trimble. He had been asked to vote but stated he would not. He asked for Mr. Speaker's decision upon the point. Mr. Speaker after hearing several conflicting Statements from Members of the Committee, considered that the Minutes of the Proceedings would decide the point and, having duly examined them gave his opinion that the Report had been irregularly adopted—in as much the "Noes" had not been recorded. The Report should, therefore, be returned to the Committee—but only to decide whether the Report should be adopted by the Committee or not—and so correct the informality.

Dr. Trimble insisted upon his Resolution for the adoption of the Report by the House.

<sup>86</sup>Motion Book, p. 73: "I give notice that on Tuesday next, I will move that His Excellency The Governor be requested to appropriate the Sum of Twenty five hundred Dollars out of the General Revenue to the temporary Establishment of a common School in the City of Victoria and that this House pledges itself to grant the same."

Upon question that the decision of the Chair be supported, the House divided.

*Ayes:* 5.

Messrs. Powell  
Tolmie  
Street  
Franklin  
De Cosmos

*Noes:* 3.

Messrs. Trimble  
Duncan  
Dennes

The Report was then referred back to the Committee on Crown Lands of the Colony.

Dr. Powell, pursuant to notice, moved the following Resolution.

That His Excellency the Governor be requested to appropriate the sum of Twenty Five Hundred Dollars out of the General Revenue for the temporary Establishment of a Common School in the City of Victoria and that this House pledges itself to grant the same.

Mr. Speaker said the Resolution was informal in as much as it proposed a Grant which had not been initiated by Executive. He would, however, leave the question to the House.

Dr. Powell then asked the House to fix a day to go into Committee on above Resolution.

*Ayes:* 3.

Messrs. Powell  
Franklin  
and De Cosmos

*Noes:* 5.

Messrs. Trimble  
Tolmie  
Street  
Duncan  
Dennes

The Resolution was therefore lost.

The House then adjourned till Thursday next.

J. S. Helmcken

### Thursday, the 9th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Dennes, Duncan, De Cosmos, Carswell, Franklin, Street, Foster and Drs. Tolmie, Powell.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency The Governor.

[No. 12]

Vancouver's Island  
Victoria, June 9th 1864

To the Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen

In return to Your Communication of the 31st Ultò. requesting that the House may be furnished with any papers in my possession having reference to the improvement of Victoria Harbour I have the honor to transmit the enclosed Papers, together with a Schedule of the same.<sup>87</sup>

I have the honor to be,  
Gentlemen,  
your most obedient Servant  
(sd.) A. E. Kennedy  
Governor

Also A Communication from the Honble. The Council, giving cover to certain Amendments to "A Bill Entitled An Act to impose a Tax of One half of One per centum upon All real Estate within the City of Victoria and for other purposes relating thereto."

Clause 1, Line 3. After the word "the" insert the words "incorporated limits of the." Strike out the last line and a half and insert for the use of the corporation "of the City of Victoria."

Clause 2. Strike out the word "collect" and insert the word "receive."

Clause 3 Line 3. After the word "the" insert the word "final." Line 4. Strike out the words "this Act" and in lieu thereof insert the words "the real estate assessment Roll for said City."

Clause 5 Line 2. After the word "in" insert the words "the Government Gazette and in."

Clause 6. Add the following "Provided always that a Copy of the Municipal Assessment Roll made under the Provisions of the said Municipal By-law shall be furnished by the Municipality duly verified under the hand and seal of the Mayor and Corporation to the Treasurer within seven days from the passage of this Act detailing the persons who have and who have not paid the said Tax and the details of the property in the 'unknown List' in respect of which default and payment have been made."

Clause 7. Line 1. After the word "Act" strike out the rest of the Clause and, in lieu, insert the following Words "shall be paid over, as the Governor may from time to time direct to the Mayor and Council of the City of Victoria for Civic purposes."

After Clause 7, Insert the following clause.

It shall be lawful for the Governor of Vancouver Island for the time being to deduct from the Moneys collected under this Act, the amount for the time being advanced by the Treasurer to the Municipality or paid by the Treasurer in discharge of any indebtedness of the Municipality theretofor to be verified by the Treasurer and to place the Moneys so deducted to the credit of the General Revenue.

Read a 1st time, Above Amendments by the Honble. The Council.

The House then adjourned till tomorrow.

J. S. Helmcken

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<sup>87</sup> Neither the papers nor the schedule are included in the minutes, nor are they attached to the original message Kennedy transmitted to the House.

## Friday, the 10th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, De Cosmos, Duncan, Dennes, Street, and Dr. Powell, Trimble, Tolmie.

The last Minutes having been read and confirmed.

The House took under consideration The Amendments by The Honble. The Council, to "A Bill Entitled An Act to impose A Tax of One half of One per centum upon all real Estate within the City of Victoria and for other purposes relating thereto" which Amendments were agreed to seriatim with the exception of the Amendment in (v. R. f. 552) Section 3 Line 4, as follows, "Strike out the words 'this Act,' and in lieu thereof insert the words 'the Real Estate Assessment Roll for said City.'"

Upon question as to whether the foregoing Amendment be adopted or not, the House divided.

For the Amendment

*Ayes:* 1.

Mr. Duncan

Against the Amendment

*Noes:* 5.

Messrs. Franklin

Tolmie

Powell

De Cosmos

Trimble

The Amendment was therefore lost.

Upon question as to whether the Amendment (v. R. f. 552) be adopted "After Clause 7—Insert the following clause. It shall be lawful for the Governor of Vancouver Island for the time being, to deduct from the Moneys collected under this Act, the amount for the time being advanced by the Treasurer to the Municipality or paid by the Treasurer in discharge of any indebtedness of the municipality theretofor to be verified by the Treasurer, and to place the Moneys so deducted to the credit of the General Revenue"—The House divided.

For additional clause

*Ayes:* 7.

Messrs. Franklin

Duncan

Dennes

Powell

Street

Trimble

Tolmie

Against additional Clause

*Noes:* 1.

Mr. De Cosmos

Dr. Trimble from the Committee on the Crown Lands of the Colony presented to the House the Report of that Committee.

Mr. Duncan moved that Report be adopted.



Mr. Dennes seconded the Motion.

Mr. De Cosmos moved that the Report be referred back to the Crown Lands' Committee with the draft report, to bring in a new report.

Dr. Tolmie seconded the Motion.

Mr. Duncan then moved that the Debate be postponed till Monday.

Mr. Dennes seconded.

Carried.

Mr. Speaker then read a Communication from the Honble. The Council giving cover to certain Amendments to "A Bill Entitled An Act to alter and amend the Fireman's Protection Act, 1861."

Clause 1. To be struck out.

„ 2 To be struck out.

„ 4 Line 7. Insert the words "as hereinafter defined."

„ 6 To be struck out.

„ 8 Line 2 After the words "false certificate" insert "or certificate which has expired," Add the following Clause.

Provided always that no person liable by law to serve as a Juror shall be excluded from serving as such Juror by reason of being a Fireman Entitled to exemption under this Act.

Read a 1st Time The Preceding Amendmts. by The Honble. The Council.

Dr. Powell moved that the Standing Orders be suspended and the Amendments by the Honble. The Council to Firemans Protection Act, 1861 be read a 2nd time.

Mr. Street 2nded.

Agreed to.

Dissiente Mr. De Cosmos.

Section 1. Amendment carried.

„ 2. To be struck out—carried.

„ 4 Line 7. Insert the words "As hereinafter defined." Carried.

„ 6 To be struck out. Carried.

„ 8 Line 2 After the words "false certificate" "or certificate which has expired" add the following clause.

Provided always that no person liable by law to serve as a Juror shall be excluded from serving as such Juror by reason of being a Fireman entitled to exemption under this Act.

Carried.

Dissentiente Mr. De Cosmos.

Read a 2nd time and agreed to foregoing Amendments.

The House then adjourned till Monday.

J. S. Helmcken  
Speaker

## Monday, the 13th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, Street, Duncan, Dennes, Bayley, De Cosmos, Carswell, and Drs. Tolmie, Trimble, Powell.

The last Minutes having been read and confirmed.

Dr. Tolmie rose to correct certain mis-statements that had been made by the Reporters of the Public Journals, in reporting a Speech made by him in the Debate on the Crown Lands' Committee Report.

Mr. Franklin, from the Conference, reported that the Legislative Assembly, represented by Messrs. Franklin, Carswell, Duncan, Dennes had held a Conference with the Honble. The Legislative Council this day at 2 p. m. in the matter of "A Bill To authorise The Governor to appropriate certain Moneys for the completion of a Dredging Machine and other instruments and appliances connected therewith."

The Honble. The President of the Council stated that On referring to the Act of 1862 authorising a Loan of £40,000—he found that £22,000. were to be expended in Roads, and £18,000. on the Harbour. In the Bill which is the subject of the present Conference, the words "balance of £40,000." appear—and he presumed that the word "balance" applied to the unexpended portion of the £18,000.

Mr. Franklin, Manager, stated that such was the intention of the Bill.

The conference then took under consideration the Rejection by the Legislative Assembly of the Amendment by the Honble. The Council "Section 3, Line 4" &c. in the matter of "A Bill Entitled An Act to impose a Tax of one half of One per centum upon all Real Estate within the City of Victoria and for other purposes relating thereto."

"Section 3" which based the taxation on the Municipal Roll of "1864" was amended by the Conference to "1863"—and it was agreed that Amended Bills should be sent down from the Honble. The Legislative Council to the Legislative Assembly, in the above cases.

### Order of the Day.

The House then took under consideration the Report of the Crown-Lands' Committee. Adjourned Debate.<sup>88</sup>

Dr. Powell moved the following Resolution.

That the Report be recommitted and the Committee be instructed to render a final Report at the next sitting of this House.

Seconded by Col. Foster.

Mr. De Cosmos obtained leave to withdraw his Resolution, in favor of Dr. Powell's.

<sup>88</sup> The following minute was crossed out by the clerk: "Dr. Trimble stated that the Committee had rejected the Report from Section 20, because it was not framed upon the Evidence." Cf. minutes for Wednesday, 15 June 1864, p. 143 below.

Upon Question "That Report be adopted" the House divided.

*Ayes:* 3.  
Messrs. Trimble  
Dennes  
Duncan

*Noes:* 8.  
Messrs. Tolmie  
Franklin  
Powell  
Street  
De Cosmos  
Bayley  
Carswell  
Foster

The Motion was therefore lost.

Dr. Powells Amendment was then put.

For the Amendment

*Ayes:* 8.  
Messrs. Tolmie  
Franklin  
Powell  
Street  
De Cosmos  
Bayley  
Carswell  
Foster

Against the Amendment

*Noes:* 2.  
Messrs. Trimble  
and Dennes

Ordered That the Committee on Crown Lands meet at 11 a. m. tomorrow.

The House then adjourned till Wednesday next.

J. S. Helmcken  
Speaker

### Wednesday, the 15th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, Powell, De Cosmos, Dennes, Duncan, and Dr. Trimble.

The last Minutes having been read and confirmed.

Mr. De Cosmos moved that the Paragraph, in the Minutes of Yesterdays Proceedings, particularising the speech of the Chairman of the Committee on Crown Lands, be erased.

Dr. Powell seconded.

Agreed to.

The House then took up and agreed to the Report of the Conference with the Honble. The Legislative Council in the matter of "A Bill Entitled An Act to authorise The Governor to appropriate certain Moneys for the completion of A Dredging Machine and other instruments and appliances connected therewith."

Also in the matter of "A Bill Entitled An Act to impose a Tax of One Half of One per centum upon all Real Estate within the City of Victoria and for other purposes connected therewith."

Dr. Trimble from the Committee on the Crown Lands of the Colony, begged leave to lay upon the Table of the House, the Report of that Committee together with the opinions observations & minutes of the Proceedings.

Dr. Powell seconded.

Agreed to—ordered to lie on table.

Mr. Duncan gave notice of Motion.<sup>89</sup>

Mr. De Cosmos moved that the Report be considered in Committee of the whole tomorrow.

Dr. Powell seconded.

Agreed to.

The House then adjourned till tomorrow.

Speaker

### Thursday, the 16th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Drs. Trimble, Tolmie, Powell, and Messrs. Street, Franklin, De Cosmos, Duncan, Dennes, Bayley.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency The Governor.

[No. 13]

Vancouver Island  
Victoria 16th June 1864

To the Honble. The Speaker and Gentlemen of the Legislative Assembly  
Gentlemen

I have the honor to submit for the information of the Legislative Assembly the duplicate of a Despatch from Her Majesty's Secretary of State for the Colonies conveying instructions in reference to the disposal of a Lot of Crown Lands (marked Z) which has been frequently under the consideration of the Assembly.<sup>90</sup> This Despatch completes the series of correspondence already laid before the Assembly by my Predecessor.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant  
A. E. Kennedy  
Governor

<sup>89</sup> "Mr. Duncan gave notice that he would move to-morrow (Thursday) that His Excellency be respectfully requested to appoint a commission with adequate powers to inquire into all matters in connection with the Crown Lands." *Colonist*, 16 June 1864.

<sup>90</sup> See Newcastle to Douglas, 16 March 1864, CO 410/1, pp. 451-453.

The House then went into Committee of the whole upon The Crown Lands Committee Report.

Mr. Speaker left the chair.

Dr. Powell in the chair of the Committee.

Mr. Speaker resumed the chair.

The Chairman reported that the Committee having had under consideration the above mentioned Report begged to report Progress therein and asked leave to sit again.

Ordered That Report be received and leave granted.

The House then adjourned till tomorrow.

### Friday, the 17th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, De Cosmos, Street, Dennes, Duncan, Carswell, and Drs. Trimble, Tolmie, Powell.

The last Minutes having been read and confirmed.

Mr. Speaker read a Communication from The Honble. The Council giving cover to certain Amendments to "A Bill Entitled An Act for the Regulation of Electric Telegraphs within the Colony of Vancouver Island and to secure secrecy and fidelity in the transmission of Telegraphic Messages."

Clause 5 Line 22. After the word "jurisdiction" leave out the remainder of the clause.

Clause 10 Line 1. Strike out the words "Clerks and persons in the employ."

Clause 12 Line 7. Insert "such" after the word "Attorney."

Clause 13 To be struck out.

Clause 14 To be struck out.

Clause 15 To be struck out.

Clause 16 To be struck out.

Clause 17 To be struck out.

Clause 19 After the word "before" (in line 3) insert the words "two or more Justices of the Peace or a Stipendiary Magistrate" in lieu of the words "any Justice or Justices of the Peace."

Clause 19 Line 4 After the word "Justices" strike out the remainder of the clause and insert in lieu the following words "Or Stipendiary Magistrate are hereby authorised to deal with each case summarily or to commit the offender for trial."

Read a first time—Above Amendments.

Also Amendments by the Honble. The Council to "A Bill Entitled An Act to incorporate the Israelite Congregation named 'The Emanuel of Victoria, Vancouver Island.'"

After clause 1 Insert the following Clause.

Clause 2 "That a Copy of the Articles of Constitution aforesaid shall be deposited with the Colonial Secretary verified by the Signatures of the President

and Secretary of the said Congregation within 14 days from the passage of this Act and that a Copy of any Resolution in any wise altering or repealing any of the provisions of the said Constitution and verified in manner aforesaid shall be likewise deposited with the said Colonial Secretary within the time aforesaid."

Read a first time above Amendments.

The House then went into Committee of the whole upon the Report of The Crown Lands Committee.

Mr. Speaker left the Chair.

Dr. Powell in chair of Committee.

Mr. Speaker resumed the chair.

The Chairman reported that the Committee having had under consideration the above-mentioned Report begged to report progress therein and asked leave to sit again.

Ordered That Report be received and leave granted.

Ordered For Monday next.

The Consideration of Amendments by the Honble. The Council to "A Bill for the Regulation of Electric Telegraphs."

Also, to "A Bill to incorporate the Congregation Emanuel."

The House then adjourned till Monday (20th).

## Tuesday, the 21st day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, Dennes, De Cosmos, Duncan, Street, Carswell, Drs. Trimble, Tolmie, and Col. Foster.

The last Minutes having been read and confirmed.

The House took under consideration certain Amendments by the Honble. The Council to "A Bill Entitled An Act for the regulation of electric Telegraphs within the Colony of Vancouver Island and to secure secrecy and fidelity in the transmission of Telegraphic Messages."

Read a 2nd time and agreed to (above Amendments).

Also, certain Amendments by the Honble. The Council, to "A Bill Entitled An Act to incorporate the Israelite Congregation named 'The Emanuel of Victoria Vancouver Island' " were Read a 2nd time and agreed to.

Order of the Day.

The House then went into Committee of the whole upon the Report of The Crown Lands' Committee.

Mr. Speaker left the Chair.

Mr. Dennes in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above Report begged to report progress and asked leave to sit again.

Ordered That Report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

### Thursday, the 23rd day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the chair, Drs. Trimble, Tolmie, Powell, Messrs. Carswell, De Cosmos, Franklin, Dennes, Duncan, and Col. Foster.

The last Minutes having been read and confirmed.

Order of the Day.

The House went into Committee of the whole upon The Crown Lands' Committee Report.

Mr. Speaker left the chair.

Dr. Powell in the chair of the Committee.

Mr. Speaker resumed the chair.

The Chairman reported that the Committee having had under consideration the above mentioned Report desired to report progress therein and asked leave to sit again.

Ordered That report be received and leave granted.

The House then adjourned till tomorrow.

### Friday, the 24th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, Duncan, De Cosmos, Dennes, Foster, De Cosmos, Carswell, and Drs. Powell, Trimble, Tolmie.

The last Minutes having been read and confirmed.

The House went into Committee of the whole upon The Report of the Committee on The Crown Lands of the Colony.

Mr. Speaker left the Chair.

Dr. Powell in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee, having had under consideration the above mentioned Report, begged to report progress and asked leave to sit again.

Ordered That Report be received and leave granted.

## Monday, the 27th day of June, 1864

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Franklin, Duncan, Dennes, Carswell, De Cosmos, Drs. Trimble, Tolmie, Powell, and Col. Foster.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency The Governor.

[No. 14]

Vancouver Island  
Victoria 27th June, 1864

To The Honble. The Speaker and Members of the Legislative Assembly  
Gentlemen,

I have the honor to transmit the Copy of a Despatch received from Her Majesty's Secretary of State for the Colonies in reply to the Resolution of the Legislative Assembly transmitted by my Predecessor in a Despatch dated the 12th February, 1864.

The House will observe on reference to the Estimates which they have passed for the year 1864, that provision has not been made for the Salaries of the following Officers, namely,

The Chief Justice  
The Attorney General  
The Colonial Treasurer  
The Surveyor General

I have the honor to be,  
Gentlemen,  
Your very obedient Servant  
(sd.) A. E. Kennedy  
Governor

### Enclosure

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Vancouver Island  
No. 2.

Downing Street  
30th April, 1864

Sir,

I have received Sir James Douglas' Despatch No. 3 of the 12th February enclosing A Resolution of the House of Assembly of Vancouver Island in which the House declines to pass the Civil List Act proposed in the Duke of Newcastle's Despatch marked "Separate" of the 15th of June last. I regret that the House of Assembly did not feel able to concur in the proposals submitted to it on this Subject.

I am desirous however to prevent as far as possible the disappointment and inconvenience to Individuals which this decision might occasion.

It appears from the Resolution of the Assembly that the Crown Land Fund for the year 1863 amounted to £4,500. but that a considerable portion of this Sum consisted of the proceeds of Sales effected in former Years. There may be Sources of Revenue, such as fines and forfeitures, fees of office, the proceeds of which The Crown could justly appropriate, but in the absence of any precise information on this head, I can only authorise you to issue Warrants for the payment of the Salaries of the Governor and the Colonial Secretary at the respective Rates of £3000. and £600. per annum assigned to them by my Predecessor, out of any funds which may be under the direct control and at the disposal of the Crown.

It will of course rest with the Legislature to make provision for the remuneration of the other officers employed under the Government in



any way and from any source which may seem most appropriate to them.

Besides the Civil List, Sir James Douglas's Despatch raises a still larger and more important question, namely, the Union of the Colonies under one Governor, though with some distinct administrative Departments.

On this subject I am desirous of having the benefit of your views as you shall have acquired, on the spot, sufficient knowledge and experience to enable you to form your opinion and to supply reliable information for the assistance and guidance of Her Majesty's Government in considering the question. I shall, in like manner, ask Governor Seymour, to whom I shall communicate a Copy of this Despatch to furnish his views on the same matter, and I need scarcely say that it will not only be unobjectionable but highly desirable that you and he should consult freely on the subject, although it will be the most convenient course that ultimately each should report to me independently the conclusions which he may form on the subject.

I have &c.  
(signed) Edward Cardwell

Governor Kennedy, C. B.

The House then went into Committee of the whole upon the Report of The Committee of Crown Lands.

Mr. Speaker left the Chair.

Dr. Powell in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above-mentioned Report had adopted therein certain Resolutions embodied in an address to His Excellency the Governor, as follows.

To His Excellency, A. E. Kennedy, C. B.  
Governor of Vancouver Island, &c. &c. &c.

May it please Your Excellency

We, Her Majesty's dutiful and loyal subjects, the House of Assembly of Vancouver Island in this present Session convened, have had under consideration the Crown Lands of the Colony with the object of determining the advisability of accepting the control of them in return for voting a Civil List mentioned in the Despatch of His Grace the Duke of Newcastle of June, 1863.

During our investigations we have learned the following facts and have formed the following opinions.

1. That the Hudson's Bay Company of England became possessed of all the Crown Lands of the Colony, without any exception by virtue of and under the conditions contained in a Royal Grant made on January 13th 1849, and, as Trustees of the Crown, they were bound by the Grant to sell the Crown Lands for colonisation purposes, and that the gross proceeds of the Sales after deducting therefrom one tenth for the special benefit and use of the Company, were to be devoted to the Colonisation and settlement of the Island.

2. That the Hudson's Bay Company have sold a part of the Crown Lands to divers persons for the purposes of Colonisation and settlement; that a part of the Crown Lands have been set apart as Reserves for Public Purposes; and that the title to the remaining portion of the Crown Lands is still vested in the Company in conformity with the conditions of the Grant of January 13th 1849.

3. That the Hudson's Bay Company are willing to convey back the unsold remainder of the Crown Lands, including certain Reserves for Public Purposes, to the Crown in accordance with the conditions of an Indenture made in London on February 3rd 1862 between Her Majesty and the Hudson's Bay Company.

4. That during the Investigations of this House into the condition of the Crown Lands, it has learned that the Hudson's Bay Company have sold portions of Sections 18, and 32, and hold Section 31 (all of Victoria District) with portions of Sections 18 and 32 as their private property; that the approximate Sum of money

received for Sales in Sections 18 and 32 is \$426,237. and that the approximate value of the property still held by the Company as their private property in Sections 18, 31, and 32 is \$339,200. making the total amount of the Sales and the value of the property in these Sections still in possession of the Company \$765,437.; and it appears that not one farthing has been paid by the Company for the said Sections 18, 31, and 32; that the Company have not accounted to the Colonial Trust Fund for the said \$426,237. or for the said property valued at \$339,200. and that by the conditions of the Royal Grant of January 13th 1849, the Company were bound to account to Her Majesty for the property known as Sections 18, 31, and 32, aforesaid and the sales thereof in the same manner as for other portions of the Crown Lands.

5 That by virtue of the said Indenture of February 3rd 1862, it is proposed to allow the Hudson's Bay Company to remain in undisputed possession of the said \$426,237 in sales, and the said \$339,200 in property, and further that it is proposed in the said Indenture to convey away all the water frontage in Victoria Harbour, and Cadboro' Bay, fronting on land sold or held by the Company abutting on the water of Victoria Harbour and Cadboro Bay, and that the said water frontage may be stated on an approximate estimate to be worth \$500,000.

6. That if the said Indenture of February 3rd 1862 be not annulled the Crown will lose the vast Sum of \$1,265,437. or thereabouts in money and property, less one tenth of the aforesaid \$426,237.

7 That if the said Indenture of February 3rd, 1862, be annulled and a settlement made between the Crown and the Hudsons Bay Company on the conditions of the Royal Grant of January 13th 1849, that is to say by crediting the Company with the value of their Establishments in the Colony on the expiry of the Royal License of exclusive Trade with the Indians on the North West Coast of America which terminated on May 30th 1859, and also by crediting the Company with the advances made by them for colonising the Island, there would, in all probability be a Balance which the Company would be bound to account for to the Crown of about \$1,000,000. in money and property.

8 That in the opinion of this House there is no good and sufficient reason to justify a Settlement between the Crown and the Hudsons Bay Company on the conditions set forth in said Indenture of February 3rd 1862.

9. That in the opinion of this House, the said Indenture of February 3rd 1862 ought to be annulled and a settlement made between the Crown and Hudsons Bay Company in conformity with the conditions of the Royal Grant of January 13th 1849.

10. That, in the opinion of this House if a final Settlement be made between the Crown and the Hudsons Bay Company on the conditions set forth in the said Indenture of February 3rd 1862, not only will there be a serious injury done to the finances of the Colony materially affecting the proposition of His Grace the Duke of Newcastle, but that Her Majestys Government will sustain a serious loss in the sums already paid out of the Imperial Treasury to the Company for the Colonisation of the Island which, in the opinion of this House, would be restored if a settlement were made between the Crown and Company on the conditions of the Grant of January 13th 1849.

11. That, in the opinion of this House, Your Excellency ought to impress on Her Majesty's Government the necessity that exists for annulling the said Indenture of February 3rd 1862, in order to make a Settlement between the Crown and Company in conformity with the conditions of the Royal Grant of January 1849, and furthermore that Your Excellency ought on behalf of the Crown to appoint a Commission empowered to administer oaths and send for persons and papers to enquire into the Sums of money expended specially and essentially by the Company for colonising this Island in accordance with the Royal Grant of 1849 and furthermore to enquire whether any Sales of land in the said Sections 18, 31, and 32, have been made by the Company since January 1st 1862; and furthermore to determine what lands of this Colony and the value thereof have been lawfully sold by the Company, and to learn the amount of money deducted from the gross proceeds of such sales by the Company as the tenth allowed to them in the Royal Grant of 1849.

12. That, in the opinion of this House, no attempt should be made to disturb third parties in the possession of Lands derived from the Hudson's Bay Company

except such lands be part of existing Public Reserves lawfully made in accordance with the Royal Grant of 1849 and even in the latter case no attempt should be made to disturb third parties in the possession of such Lands except great public inconvenience would probably arise therefrom, and in case the Hudsons Bay Company have sold illegally or by mistake parts of public Reserves they should be made to restore such portions or indemnify the Crown to the value thereof as the public interest may require.

13. That, in the opinion of this House, Your Excellency ought to take all and every such measures either by sending one or more Agents to England to lay the condition of the Crown Lands before Her Majesty's Government or the Imperial Parliament or both, or by employing able Counsel in England to take proceedings to annul the said Indenture of February 3rd 1862 and bring about a speedy settlement between the Crown and Hudson's Bay Company on the conditions of the Royal Grant of 1849.

14. That in the opinion of this House, Your Excellency should stop all proceedings now pending to confirm the Hudson's Bay Company in possession, as their private property, of any portion of Sections 18, 31, and 32, aforesaid, till such time as the measures hereinbefore or hereinafter mentioned shall be taken and shall have been finally concluded.

15 That in the opinion of this House Your Excellency ought not to take any Steps to confirm Mr. Leopold Löwenberg in the possession of Section Z of James Bay Government Reserve; but that it should be held as part of the original ten Acres reserved for the Crown as an Indian Reserve in 1854 of which the Hudsons Bay Company received due notice in a letter dated September 15th [1st] 1854 addressed by Mr. J. D. Pemberton, Surveyor General to A. Barclay, Esqre., Secretary of the Hudson's Bay Company;<sup>91</sup> and for the further reason that Mr. D. McTavish in a letter dated Victoria V. I. 21st January 1863 addressed to Thomas Fraser Esqre. Secretary of the Hudson's Bay Company, stated that it was proposed by the Company to convey to the Crown ten Acres in the said "Government Buildings" or "James Bay Government Reserve;" whereas if the said Section Z be confirmed to Mr. Leopold Lowenberg the original Reserve of Ten Acres proposed by Mr. McTavish to be conveyed to the Crown will be diminished by the Area of said Section Z; and, furthermore it is our wish that Your Excellency may be pleased to communicate this our opinion to Her Majesty's Principal Secretary of State for the Colonies before taking any steps to confirm Mr. Leopold Lowenberg in the possession of Section Z in accordance with the instructions in the Despatch of His Grace the Duke of Newcastle, dated March 16, 1864.

16 That in the opinion of this House, Your Excellency should take such measures as may for ever prevent the Church Reserve in the City of Victoria from being let out in lots or covered with private Residences, or business places of any kind in order that it may be for ever preserved as a public Square.

We, the House of Assembly in Vancouver Island, would therefore humbly pray that Your Excellency may be pleased to take the facts and opinions hereinbefore set forth into Your earnest consideration, and appoint such a Commission and for such purposes as are hereinbefore stated, and that Your Excellency may be pleased to take such other measures as are hereinbefore mentioned and any other means that may from time to time appear expedient to Your Excellency to annul the said Indenture of February 3rd 1862, and bring about a final Settlement between the Crown and Hudsons Bay Company on the basis of the conditions of the Royal Grant of January 13th 1849 and secure a speedy reconveyance of the Island by the Company to the Crown.

And as in duty bound  
We will ever pray &c. &c. &c.

House of Assembly  
Victoria, V. I.  
27 June, 1864

Ordered That Report be received.

<sup>91</sup> Hudson's Bay Company, Land Office, Victoria, Correspondence Outward, 1851-1858, PABC. See also *Papers in Connection with Crown Lands in British Columbia and the Title of the Hudson's Bay Company* (Victoria: Government Printing Office, 1881).

On motion of Mr. Duncan The Standing Orders were suspended, in order to expedite the adoption of the foregoing Resolutions.

Mr. De Cosmos moved that the foregoing Resolutions embodied in an Address to His Excellency the Governor, be adopted.

Mr. Dennes seconded.

Question (for adoption of Resolutions).

*Ayes:* 6.

Messrs. Franklin  
Duncan  
Dennes  
Carswell  
Trimble  
De Cosmos

*Noes:* 2.

Drs. Tolmie  
Helmcken

The Resolutions were therefore carried.

Mr. De Cosmos gave Notice of Motion.<sup>92</sup>

### Wednesday, the 29th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the chair, Messrs. Franklin, Carswell, Duncan, De Cosmos, Dennes, and Drs. Trimble, Powell.

The last Minutes having been read and confirmed.

Mr. De Cosmos rose to a question of privilege; to correct certain mis-statements which had been made by the Reporters of the public Journals in their Reports of the Speech he had made in the debate upon the Report of the Committee upon The Crown Lands of the Colony.

Dr. Trimble Chairman of the Committee upon The Crown Lands of the Colony referred to Mr. Speaker certain Accounts that had been presented by Witnesses for attending to give Evidence on the Crown Lands Committee.

Mr. Speaker ruled that where Witnesses are resident near House of Assembly, they are not entitled to received pay.

Mr. De Cosmos, pursuant to notice, moved that the Report of the Crown Lands Committee with the address to His Excellency the Governor be printed.

Dr. Trimble seconded.

Mr. Dennes moved an Amendment that the Evidence and minutes of the proceedings of the Committee be also printed.<sup>93</sup>

Mr. Franklin seconded.

<sup>92</sup> *Colonist*, 28 June 1864: "Mr. De Cosmos moved the report be printed."

<sup>93</sup> See *Minutes of Proceedings of a Select Committee of the House of Assembly . . . and Report of the Committee on Crown Lands, Vancouver Island* [Victoria: 1864].

Question "For the Amendment."

*Ayes:* 3.

Messrs. Trimble  
Franklin  
Dennes

*Noes:* 3.

Messrs. Duncan  
Carswell  
De Cosmos

Mr. Speaker gave his casting vote in favor of the Amendment.

The House then went into Committee of the whole upon A Communication received from His Excellency The Governor, dated 27th Inst. enclosing A Despatch ("No. 2"—Downing Street, 30th April) from Her Majesty's Principal Secretary of State for the Colonies, upon the subject of the Absence of Provision in the Estimates for the Salaries of the Chief Justice, Attorney General, Colonial Treasurer, and Surveyor General.

Mr. Speaker left the Chair.

Mr. Dennes in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Communication from His Excellency the Governor had, therein, agreed to the following Resolutions.

1 That this House is of opinion that the Salaries mentioned should be paid, as heretofore, out of the Crown Revenues, and would recommend that course.

2 That this House has not refused to vote those Salaries during the present Session, but only acted according to precedent; the House never having voted a Civil List, but only a proposition for one.

Ordered That Report be received.

Upon motion of Mr. De Cosmos seconded by Mr. Duncan, The Standing Orders were suspended, and The Resolutions above mentioned were agreed to unanimously.

The House then adjourned till tomorrow.

### Thursday, the 30th day of June, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Drs. Trimble, Tolmie, Powell, and Messrs. Franklin, De Cosmos, Carswell, Duncan.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency the Governor.

[No. 15]

Vancouver Island  
Victoria 30th June, 1864

To the Honorable The Speaker and Members of the Legislative Assembly  
Gentlemen,

I have received by the hands of your Speaker the Copy of Resolutions in reply to a Communication which I had the honor to make to the Legislative Assembly on the 27th Instant, transmitting the Copy of a Despatch from Her Majesty's Secretary of State for the Colonies No. 2 dated 30th April 1864.

The Legislative Assembly in reply to that communication resolve "That this House is of opinion that the Salaries mentioned (namely the Chief Justice, Attorney General, Treasurer and Surveyor General) should be paid, as heretofore, out of the Crown Revenues and would recommend that course."

The terms of the Despatch of the Secretary of State which you have had under consideration unfortunately prohibit me from adopting that recommendation, and clearly point out that the Salaries of the Governor and Colonial Secretary only are chargeable to that fund.

It is therefore obvious that unless the Legislature make provision for the remuneration of the remaining Officers of the Government from some other source, as pointed out by the fourth paragraph of the Secretary of State's Despatch, their Salaries must cease and a question will then arise as to the authority under which they have received Salary since the 1st January, 1864.

I have the honor to be,  
Gentlemen,  
Your very obedient Servant  
(signed) A. E. Kennedy,  
Governor

Mr. Franklin moved "That the House go into Committee of whole, to-morrow—upon the before mentioned Communication."

Dr. Tolmie seconded.

Mr. De Cosmos moved an Amendment "That the Standing Orders be suspended, and the House go into Committee upon His Excellency's Communication, this day."

Dr. Trimble seconded.

The House then divided.

Question. For Mr. Franklin's motion.

Against the Motion.

*Ayes:* 4.

*Noes:* 3.

Messrs. Franklin  
Tolmie  
Duncan  
Carswell

Messrs. Trimble  
De Cosmos  
Powell

The Motion was therefore Carried.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

### Friday, the 1st day of July, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Drs. Trimble, Tolmie, Powell, Col. Foster, and Messrs. Franklin, Duncan, Dennes, De Cosmos, Carswell.

The last Minutes having been read and confirmed.

The House went into Committee of the whole upon a Communication from His Excellency the Governor, received yesterday, in reply to certain Resolutions transmitted by the Legislative Assembly to His Excellency on the 29th Ulto.—in reference to Despatch "No. 2" dated "Downing Street, 30th April 1864"

from The Right Honble. The Secretary of State for the Colonies to His Excellency Governor Kennedy.

Mr. Speaker left the Chair.

Mr. Dennes in the Chair of the Committee.

Mr. Speaker resumed the Chair, the Committee having referred to him a question of Order which had been raised by Mr. De Cosmos, as to whether or not it would be compatible with Precedent and with the Standing Orders of this House, to vote Salaries for the Government officers specified in His Excellency's Communication, those Salaries having already been disposed of and settled, during the present Session, when the Civil List was under consideration of the House.

Mr. Speaker ruled that the question could not be brought up again during the present Session.

The House then went into Committee of the whole upon The Communication of His Excellency the Governor (aforesaid).

Mr. Speaker left the Chair.

Mr. Dennes in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the aforesaid Communication of His Excellency the Governor begged to report progress therein and asked leave to sit again.

Ordered That Report be received and leave granted.

Mr. De Cosmos moved "That 'the Standing Orders' be suspended, and the House be ordered to meet tomorrow (Saturday) at 3 p. m."

The House divided.

Question.

(for Mr. De Cosmos's Motion)

(against the Motion)

*Ayes:* 3.

*Noes:* 1.

Messrs. De Cosmos

Mr. Franklin

Trimble

Dennes

Ordered That the House meet tomorrow at 3 p. m.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

## Saturday, the 2nd day of July, 1864

### Extra-ordinary Session

The House met this day at 3 p. m. pursuant to adjournment, and in obedience to the Order of the House made yesterday.

Present: Mr. Speaker in the Chair, Messrs. De Cosmos, Duncan, Dennes, Street, Carswell, Franklin, and Drs. Tolmie, Trimble, Powell.

The last Minutes having been read and confirmed.

The House went into Committee of the whole upon A Communication received from His Excellency the Governor dated 30th June 1864, in reply to certain Resolutions passed by the Legislative Assembly on the 29th Inst. upon the subject of the absence of Provision in the Estimates for the Salaries of the Chief Justice, Attorney General, Colonial Treasurer and Surveyor General.

Mr. Speaker left the Chair.

Mr. Dennes in the chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the foregoing Communication from His Excellency The Governor had Resolved That this House after having had the Message of His Excellency the Governor of June 30th under consideration is of the opinion:

1 That the question of voting Salaries for the Chief Justice, Attorney General, Colonial Treasurer, and Surveyor General, cannot, in accordance with the established usage of this House, be entertained again in the present Session, in as much as this House has already expressed an opinion on the subject.

2 That this House is still impressed with the opinion that the present Crown Revenues, pending their acceptance by the Colony in return for the Civil List, should, as heretofore, bear the entire burden of the Civil List; but inasmuch as Her Majesty's Principal Secretary of State for the Colonies in his Despatch of April 30th, 1864, only authorises His Excellency the Governor to pay out of the Crown revenue the Salaries of the Governor and Colonial Secretary; and as His Excellency the Governor does not deem himself empowered to issue his Warrant for the payment of the Salaries of the Chief Justice, Attorney General, Colonial Treasurer, and Surveyor General out of the Crown Revenues; and as great public and individual inconvenience or injury may arise from the nonpayment of the Salaries of these officials, this House hereby pledges itself to indemnify His Excellency the Governor in case he shall take the responsibility of paying the said Salaries out of the Crown Revenues while awaiting further instructions from Her Majesty's Government.

3 That in case His Excellency the Governor shall not consider himself justified in paying the Salaries of the Chief Justice, Attorney General, Colonial Treasurer, and Surveyor General, out of the Crown Revenues on the pledge of indemnity of this House, or in the case the Crown Revenues from any cause be insufficient for that purpose, this House recommends His Excellency the Governor to issue his warrant for the payment of the whole or part of the said Salaries out of the General Revenue whilst awaiting further instructions from Her Majesty's Government on this subject, and an answer on the question of a joint Civil List with British Columbia; and in case His Excellency the Governor shall issue his Warrant for the payment of the whole or part of the said Salaries out of the General Revenue, this House hereby pledges itself to indemnify him for so doing.

4 That this House wishes it to be distinctly understood that the pledges herein given, and the recommendation to use the General Revenue are not to be construed to mean an intention on its part to make the General Revenue permanently liable for the Civil List of the Colony either on the terms of the Despatch of [15] June, 1863, or on the conditions set forth in the Despatch of April 30, 1864; but that the intention of this House is merely to afford temporary aid to the Executive in the present Exigency.

5. That with regard to the Salaries paid since the 1st day of Jany. 1864, the House is of opinion that they have been paid according to precedent out of the Crown Revenues—those officers having always been considered Crown officers, and that such a course is consonant with the views of this House.



6. That His Excellency be respectfully requested on the part of this House to urge upon Her Majesty's Government the necessity that exists for continuing to pay the Crown Officers out of the Crown Revenues as heretofore.

Ordered That Report be received, and agreed to.

On the motion of Mr. Duncan Seconded by Mr. De Cosmos The Standing Orders were suspended and the foregoing Resolutions were adopted.

The House then adjourned at the Call of Mr. Speaker.

## Friday, the 8th day of July, 1864

The House met this day at 12.45 p. m. at the call of Mr. Speaker.

Present: Mr. Speaker in the Chair, Messrs. De Cosmos, Dennes, Duncan, Carswell, Street, Jackson, Franklin, Drs. Tolmie, Trimble, Powell, and Col. Foster.

The last minutes having been read and confirmed.

Mr. Speaker read the Writ of Election for the District of the City of Victoria returning two Members viz.: Mr. Charles Bedford Young and Mr. George Cruickshank [Cruikshank] (by a tie-vote) in the place of Mr. W. A. G. Young Colonial Secretary resigned.

Mr. Speaker suggested that it would be advisable to postpone the Settlement of the question until the next Session of the House.

Agreed to unanimously.

A Summons then came from His Excellency The Governor, by Mr. Nesbitt, Clerk of the Honble. The Legislative Council.

Mr. Speaker—The Governor desires this Honorable House to attend His Excellency forthwith in the Legislative Council Chamber.

Mr. Speaker, with the House went up to attend his Excellency accordingly.

His Excellency The Governor then addressed both Houses of the Legislature as follows.

Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly

1. The State of the Public Business enables me to release you from further attendance and bring this protracted Session to a close.

2. Questions materially affecting the progress of the Colony must come before you at an early period on which I would invite you to acquaint yourselves with the opinions of your constituents prior to the re-assembling of the Legislature.

3. The first and most important of these questions is the proposed Union of British Columbia and Vancouver Island under one Government.

4. As this object can only be obtained with the previous concurrence of the Legislatures of both Colonies, the Course adopted by the Legislative Assembly of Vancouver Island in February last has delayed the consideration of it.

5. The conditions attached to the proposal then Submitted to Her Majesty's Secretary of State for the Colonies were such as could not, in my opinion be accepted by the Sister Colony, or entertained by Her Majesty's Government.

6. Such a Union to be beneficial and lasting must be effected on a basis both practical and equitable. Like all other Unions I apprehend that mutual concessions will be required and personal predilections and prejudices must be laid aside.

7. If on examination it be found that such a Union is in favor with the people of this or both Colonies, and will conduce to their honor and prosperity, it will receive my disinterested and hearty support. I have no doubt that the question fairly put before the Public will be considered with the calmness and moderation becoming so grave a subject.

8. Unreasonable demands and pretensions can but raise new difficulties between two Colonies whose best interests, whether under one or separate Governments are bound up together.

9. A question of scarcely less importance is the acceptance and disposal of the Crown Lands and Revenue of Vancouver Island; while this question remains unsettled, the survey, leasing, sale, and general management of public lands, must be left in their present very unsatisfactory state, to the serious detriment of the best interests of this Colony.

10. The Course which has been taken in reference to the proposal of the Secretary of State for the Colonies for a permanent Civil List has resulted in delay and embarrassment.

11. That this Colony has ample resources to provide for its own Government on a becoming Scale cannot be doubted, and I feel confident that the people, if appealed to, will cheerfully accede to a provision for the public servants commensurate with the responsibilities and duties of their respective positions.

12. The important subject of emigration must be left untouched while the possession and disposal of the Crown Lands remain unsettled. A Colony without a fixed population cannot be permanently prosperous.

13. I have deferred acknowledging the receipt of the Resolutions adopted by the Legislative Assembly on the subject of Crown Lands, waiting the receipt of the Evidence and Report upon which they are founded and without which I am unable to decide upon the course best calculated to give effect to the views of the House.

14. The House may be assured that I will deal justly and impartially with the subject, as far as it lies within my jurisdiction.

15. I will direct my earnest attention to the economical application of the Supplies you have granted for the current Year, to secure the attainment of the objects for which they were voted.

16. I am happy to assure you of the peace, prosperity, and order which prevail throughout the Colony. The absence of pauperism and serious crime are subjects of solid congratulation.

17. I find that the following Acts passed during the Session received the Assent of my Predecessor on behalf of Her Majesty.

The Mayor and Council of Victoria Indemnity Act 1863.

The Victoria Pilot Act 1864.

The Provisional Act for the Election of Mayor and Councillors, 1863.

The Chief Justices Pension Act, 1864.

The first Telegraph Act, 1864.

The Governors Indemnity Act, 1864.

An Act to apply the Sum of \$257,279.00 out of the General Revenue of the Colony of Vancouver Island to the Service of the Year, 1864.

18. I have assented in Her Majesty's name to the following Acts passed during the Session, viz.:

The Bridges Protection Act, 1864.

An Act to repeal the Vancouver Island Stamp Act, 1862.

The Bank Note Act, 1864.

The Banking Act, 1864.

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An Act to apply the Sum of Twenty Six thousand dollars (\$26,000.00) out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the Year, 1864.

An Act to grant a Supplementary Supply of (\$19,804.28) Nineteen thousand eight hundred and four dollars and twenty eight cents, for the Service of the Year 1863.

An Act to provide for the closing of Wells upon unenclosed lands in Vancouver Island and its Dependencies.

The Telegraph Regulation Act, 1864.

The Fireman's Act, 1864.

The Harewood Railway Company Act, 1864.

The Congregation Emanuel of Victoria Incorporation Act.

The Governor's Victoria City Aid Act, 1864.

The Victoria City Half per cent Tax Act, 1864.

The Supplementary Supply Act, No. 4, 1864.

Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly

19. I now in Her Majesty's name prorogue this Council and Assembly and they are hereby prorogued accordingly, until Monday the 3rd October next.

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