

**SECOND HOUSE OF ASSEMBLY
SECOND SESSION**

**MINUTES OF THE SECOND HOUSE OF ASSEMBLY
OF VANCOUVER ISLAND—SECOND SESSION**

HOUSE OF ASSEMBLY
JAMES' BAY—VICTORIA V. I.

Wednesday, the 26th day of June, 1861

Present: Mr. Speaker Helmcken, The Attorney General, and Messrs. Foster, Burnaby, McDonald, Crease, Gordon, Tolmie, Waddington, Southgate.

His Excellency the Governor, attended by Members of the Legislative Council, entered the House and addressed the Legislative bodies as follows.

Gentlemen of the Legislative Council and of the House of Assembly

Since the close of the last session of Parliament, the Colony has enjoyed uninterrupted tranquility, and though a large portion of the population have been induced to try their fortunes in the mines of British Columbia, causing by their absence a temporary stagnation of trade, there is every reason to believe from the rich and extensive discoveries of gold made in that Colony, that trade will soon revive, and the existing depression be succeeded by a season of greater prosperity.

I am happy to think that there is nothing in the internal state of the Colony to excite disquietude, and that the changes lately effected in the land laws, whereby every settler is enabled to acquire land, and to make a homestead in the Colony without expense or delay, have given very general satisfaction, and will greatly promote the early settlement of the country.

The dissensions at present existing in the United States give rise to feelings of profound anxiety and regret, and I hope, for the great interests of humanity, that those differences may be found capable of an amicable adjustment. Her Majesty's Government, while tendering their good offices for the accommodation of those difficulties, have explicitly declared their intention of maintaining a strict neutrality, and taking no part in those disputes.

I regret to inform you that the final settlement of the claims of the Hudson Bay Company against Her Majesty's Government on account of the colonization of Vancouver Island, has not been yet effected; but the question continues under the consideration of the Privy Council. I have not failed, however, to represent to Her Majesty's Government the inconvenience and delay attendant upon dealings in land in consequence of the legal estate being still in the Company, and I am assured that although the drawbacks are at present unavoidable, yet it is hoped that they will soon be at an end. I have at the same time to inform you that Her Majesty's Government will enter into no final arrangement with the Company in regard to the disposal of the ground in the vicinity of Victoria until the Government of the Colony has been consulted.

I have lately addressed Her Majesty's Government on the subject of establishing a direct Postal Service with England; and in transmitting the memorial of the inhabitants of Victoria on the same subject, I have fully explained the difficulties under which we labor, and the unfortunate position in which the Colony is now placed in regard to its communications with the Mother Country, and I trust those representations will enlist the sympathies of Her Majesty's Government, and induce them to give their favorable consideration to the subject.

I have assured Her Majesty's Government that every exertion will be made to have the Colony of Vancouver Island respectably represented at the Industrial Exhibition to be held in London, in 1862, a subject which I have no doubt will engage your early attention.

Gentlemen of the House of Assembly:

I will cause the Estimates for the year to be submitted to you. They have been framed with a due regard to economy, and to the efficiency of the public service. The formation of a Volunteer Corps, and of a party intended for the exploration of Vancouver Island, will render necessary a temporary increase of expenditure; but I am persuaded you will cheerfully vote whatever sums you may find to be requisite for objects of such vital importance as the exploration and protection of the Colony.

I have also to recommend that some pecuniary assistance should be granted in aid of the Fire Companies of this town, a body whose objects and actions are of the most laudable character, and whose heavy expenditure is almost entirely defrayed from their private resources.

I would also press strongly on your attention the vital importance of encouraging settlement by the opening and improvement of main roads into the agricultural districts.

Gentlemen of the Legislative Council and of the House of Assembly:

I have great satisfaction in informing you that I have received a communication to which is affixed the signatures of upwards of two hundred gentlemen, who have offered to form themselves into a Volunteer Corps for the purpose of protecting property, and, in case of need, to assist in defending the integrity of Her Majesty's dominions. You will, I am sure, share the satisfaction which I feel at this proof of their spirit and loyalty, and of their wise determination to adopt precautionary measures of self-defence, which are additional safeguards for the maintenance of peace. I have applied to Her Majesty's Government for a supply of rifles to arm, without expense to the Colony, any Volunteer Companies that may be formed.

At an early period a bill for the incorporation of the Town of Victoria will be laid before you for your consideration. Measures will be introduced to quiet titles derived through aliens, and to enable aliens to acquire, after a certain residence in the Colony, the privileges of British subjects; also to amend the present practice and pleadings of the civil courts and to accommodate the jury system to the ability of the Colony. A system of Bankruptcy Law will be submitted for your approval, and as great urgency exists for the passage of such a measure, I feel sure I need not recommend it to your earliest consideration.

The trial of Indian prisoners before the ordinary tribunals, being found to involve considerable expense, without any compensating certainty in the result, a less expensive system, more adapted to the ends of justice, will be prepared and submitted to you.

These and other measures will be brought under your notice as the progress of public business will permit, and I earnestly hope that your councils may be so guided as to insure the happiness and prosperity of the people of the Colony.

At the conclusion of his Speech His Excellency retired attended as before.

Mr. Burnaby moved—seconded by Mr. Crease that the Address in reply to His Excellency's speech be postponed until tomorrow the 27th inst.

Carried.

Mr. Cary gave notice of Motion, see Book p. 1.¹

Mr. Gordon gave notice of Motion, see Book p. 2.²

¹ The motion book for the remaining sessions of the Second House is missing. The *Colonist*, 27 June 1861, reported Cary's motion as follows: "That on the 27th of June he would introduce a bill to incorporate the Town of Victoria; also a bill to provide for the naturalization of aliens; a bill for preventing frauds upon creditors by secret bills of sale of personal chattels; a bill to facilitate the remedies on bills of exchange and promissory notes by the presentation of frivolous or fictitious defences to actions thereon; a bill to amend the procedure of the courts of justice in civil cases; on the 14th of July, a bill to amend the law with regard to juries."

² *Colonist*, 27 June 1861: "Mr. Gordon gave notice that on the 28th day of June he would introduce a bill to provide for and regulate the sale of wines, spirituous and malt liquors."

Rules and orders of previous Session to be continued during the present until otherwise altered.

House then adjourned until Thursday 27 June at 3 oclk. P. M.

Speaker

Thursday, the 27th day of June, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Gordon, Tolmie, Coles, Waddington, Burnaby, Southgate, McDonald, Foster.

The former Minutes having been read and confirmed.

Mr. Speaker read message from His Excellency the Governor.

Victoria Vancouver Island
27th June 1861

Gentlemen

I have the honour to inform you that the two acts set forth in the accompanying Schedule have received my assent.

(sgd.) James Douglas
Governor

Schedule

Land Registry Act 1860—January 18th 1861
Powder Magazine Act 1860—February 6th 1861.

Mr. Burnaby moved the following Address.

Seconded by Mr. Southgate.

May it please your Excellency

The House has received your Excellency's speech with satisfaction and in reply thereto begs to express its anxious desire to take the several measures therein referred to, together with such others as may be brought before it, under its consideration with all practicable despatch and to the utmost of its ability.

Carried.

Mr. Cary—That in lieu of the former rule "Five Members shall form a quorum."³

Seconded by Mr. Crease.

Carried by a majority of one in favor of Five.

Mr. Cary—That in the absence of the Chairman of Ways and Means, a Chairman pro. temp. may be elected in his stead.

Mr. Waddington seconded.

Carried.

Read 1st time—"Bill to incorporate the City of Victoria" and ordered to be printed.

Read 1st time—"Aliens Bill."

Read 1st time—"Bill to facilitate the remedies on Bills of exchange & promissory notes by the prevention of frivolous or fictitious defences to actions thereon."

Read 1st time—"Bill for preventing frauds upon Creditors by secret Bills of sale of personal Chattels."

³ On 12 March 1860 (p. 165 above) the quorum was set at seven members.

Committee on the Address: Messrs. Burnaby, Crease, McDonald.

House adjourned until Friday 28th at 3 o'clock P. M.

J. S. Helmcken
Speaker

Friday, the 28th day of June, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Crease, Burnaby, Gordon, Tolmie, McDonald, Waddington.

The former Minutes having been read and confirmed.

Mr. Foster, Mr. Burnaby & Mr. Crease gave notice of Motion.⁴

The Address to His Excellency's speech Read 1st time.

Read 1st time Bill to provide for and regulate the sale of Wines, Spirituous and Malt liquors.

House adjourned until Monday 1st July 1861 at 3 o'clock P. M.

J. S. Helmcken
Speaker

Monday, the 1st day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Coles, Crease, Burnaby, Waddington, Tolmie, McDonald, Gordon.

The former Minutes having been read and confirmed.

2nd Reading of the Address to His Excellency's the governor's Speech.

Mr. Foster—Motion—That a Committee of three be named to report on the necessity of revising Court fees generally in Vancouver Island with power to summon Witnesses and take evidence on the subject.

Committee: Messrs. Foster, Crease, and The Attorney General.

Two a quorum with power to summons Witnesses.

⁴ *Colonist*, 29 June 1861: "Mr. Foster gave notice of the following Bills; a Bill to authorise a commission to report what English statutes are applicable to the Colony; a Bill to authorise a public hospital; a bill to limit the period for the collection of debt; a Bill to abolish imprisonment for debt.

"Mr. Foster also gave notice of the following motions; For a Committee to report on the revision of court fees, with authority to summon witnesses &c., and a committee to report on the system of supplying information at the Land office to immigrants.

"Mr. Burnaby gave notice of a motion that the House consider the late decision of the Supreme [Court] Judge with regard to the illegality of the Road Act.

"Mr. Crease gave notice of a bill for the regulation of the legal profession; and a bill for the limitation of foreign actions."

House then went into Committee of the whole on Mr. Burnaby's Motion (see Motion Book page 3.)⁵

Mr. Crease in the Chair.

When the following Amendment was carried—read 3rd Reading in place of 2nd Reading at the commencement of the 1st Resolution.

Motion read 1st time.

House adjourned until Tuesday 2nd July at 3 o'clock.

J. S. Helmcken
Speaker

Tuesday, the 2nd day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Crease, Burnaby, Gordon, Tolmie, McDonald, Waddington.

The former Minutes having been read and confirmed.

Mr. Fosters Motion That a Committee be named to report on the system existing in the Land Department regarding the facilities for Emigrants to obtain land in Vancouver Island and its Dependencies and to report such improvements in the system as may be deemed advisable.

2nd Reading of Mr. Burnabys Motion.

Mr. Burnaby gave notice of Motion—on Tuesday 9 July I shall ask leave to bring in "A Bill to close cemeteries existing within the limits of Victoria Town and to provide for and regulate an Extra-Mural Cemetery in their stead."

His Excellency the Governor will receive the Address in reply to his speech at ½ past 3 o'clock on Wednesday.

The House adjourned until Wednesday at 3 o'clock P. M.

J. S. Helmcken
Speaker

Wednesday, the 3rd day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Southgate, McDonald, Waddington, Foster, Gordon.

The former Minutes having been read and confirmed.

The Committee named to report on the system existing in the Land Department regarding the facilities for Emigrants to obtain Land in Vancouver Island and

⁵ *Ibid.*

its dependencies and to report such improvements in the system as may be deemed advisable: Messrs. Southgate, McDonald, Foster, Waddington, Burnaby.

3 to form a quorum.

The House at ½ past 3 waited upon His Excellency the Governor with the following Address.

May it please your Excellency

The House has received your Excellency's speech with satisfaction and in reply thereto begs to express its anxious desire to take the several measures therein referred to together with such others as may be brought before it, under its consideration with all practicable despatch and to the utmost of its ability.

2nd Reading of Liquor Bill.

House adjourned until Thursday 4 July at 3 o'clock P. M.

J. S. Helmcken
Speaker

Thursday, the 4th day of July, 1861

A quorum not being present the House adjourned until 3 o'clock P. M. tomorrow 5th July.

J. S. Helmcken
Speaker

Friday, the 5th day of July, 1861

Present: Mr. Speaker, the Atty. General, and Messrs. Crease, Foster, Gordon, Southgate, McDonald, Waddington, Burnaby.

The former Minutes having been read & confirmed.

Mr. Speaker read message from His Excellency the Governor.

4th July 1861

Gentlemen

I beg to submit to your House the difficulties at present existing with regard to the formation of the Road to Esquimalt in consequence of there being no funds under my control which I can appropriate to such service.

2 No sum has been voted by the House specially for the construction of the Road in question but under The Victoria Harbour Act 1860 a sum not exceeding £2000 can be so expended.

3 I have not yet received information of this Act having been sanctioned by Her Majesty in Council, and therefore unable to take any steps under it.

4 I have however no reason to suppose that the required sanction will be withheld.

5 It is highly desirable that the work of making the Esquimalt Road should not be longer delayed, else the improved communication will not be secured before the winter season.

6 I feel that these circumstances will be readily appreciated by the House; and therefore, under them, I beg the House will authorise me to make use of the sum of £2000 out of the General Revenue of the Colony not voted to any specific purpose so that I may take the necessary steps for the work of the Esquimalt Road being at once actively proceeded with. The sum of £2000 to be returned to the General Revenue out of the monies borrowed under the Victoria Harbour Act 1860.

sgd. James Douglas
Governor.

1st Reading of Bill for regulating the Legal profession.

2nd Reading of Alien Bill.

House in Committee on Liquor Bill.

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

Mr. Burnaby gave notice of Motion.⁶

House adjourned until Monday at 3 o'clock—8th July 1861.

J. S. Helmcken
Speaker.

Monday, the 8th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Coles, Crease, Tolmie, Southgate, Burnaby, Gordon, McDonald, Waddington.

The former Minutes having been read & confirmed.

Mr. Waddington brought to the notice of the House the delay in meeting.

Mr. Speaker said it was entirely his fault, had he informed His Honor the Chief Justice before, His Honor would have adjourned the Court.

Mr. McDonald gave notice of Motion, relative to the Sooke Road.

Mr. Foster Brought in Bill to abolish imprisonment for debt.

Read 1st time.

Mr. Crease asked for postponement of "Bill for limitation of Foreign Judgement."

Leave granted.

House in Committee on His Excellency's message relative to the road to Esquimalt (see 5 July Minutes).

Mr. Waddington in the Chair of the Committee.

The Speaker took the Chair.

The Chairman reported that after a long discussion, it be postponed until Thursday next.

⁶ *Colonist*, 6 July 1861: "Mr. Burnaby gave notice that on Monday next he should move or a committee to inquire as to the state of affairs with respect to the graveyard on Johnson street: Whether the graves are upon lots that have been sold to private parties; and whether any arrangements have been made by the Land Office for the removal or preservation of such graves, and if so, of what character?"

House in Committee on Liquor Bill.

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported progress, that the Bill had passed with amendments.

House then adjourned until Tuesday the 9th July at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 9th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Crease, Burnaby, Gordon, McDonald, Waddington.

The former Minutes having been read and confirmed.

2nd Reading of Liquor Bill as amended.

Mr. McDonald motion relative to the resolution passed 30th April 1860 relating to the laying out of the road to Sooke.

The Attorney General said he would give an answer.

Mr. Burnabys motion relative to Cemeteries postponed until this day week July 16th.

Ordered to lie on the table two letters from J. D. Pemberton Esqr. to Capt. Doan⁷ relative to the removal of bodies from the old grave yard to the new.

House in Committee on "Alien Bill."

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration had made amendments thereto and agreed to the same.

House adjourned until Thursday 11 July 1861.

J. S. Helmcken
Speaker

Thursday, the 11th day of July, 1861

Present: Mr. Speaker, The Atty. General, and Messrs. Foster, Burnaby, Southgate, Gordon, Tolmie, McDonald, Waddington.

The former Minutes having been read and confirmed.

⁷ Captain Joseph Homer Doane was a shipmaster from Nova Scotia who went to California in 1849, acquired considerable wealth, and came to Victoria as a commission merchant in 1858. He invested in real estate in the city and attained some prominence in local affairs. In 1861 his landholdings included the block bounded by Johnson, Yates, Douglas, and Broad, the northeast corner of which was the sight of Victoria's first cemetery. See Pemberton to Cary, 19 July 1861, Lands and Works Department, Vancouver Island, 1861 Correspondence, Colonial Correspondence, PABC, and obituary notice in the *Colonist*, 20 January 1883.

2nd Reading of Alien Bill as amended.

House then went into Committee on His Excy. the Governor's message relative to motion of Mr. Burnaby re Cameron.

Mr. Waddington in the Chair.

Discussion suspended, a communication from His Excellency the Governor.⁸

On Motion of Mr. McDonald the Chairman reported progress and asked for leave to sit again.

The House then adjourned until Monday 15th July at 3 oClock.

Monday, the 15th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Tolmie, Coles, McDonald, Waddington, Gordon, Franklin, Foster.

The former Minutes having been read and confirmed.

2nd Reading of Bill for regulating the Legal Profession.

2nd Reading Bill to facilitate the remedies on Bills of Exchange & promissory Notes.

2nd Reading of Bill for preventing Frauds upon Creditors by secret Bills of Sale.

House then went into Committee on the Governors message relative to the Chief Justice opinion, relating to Bills passed last Session.

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the following resolution was carried.

That this House will not, at present proceed further in the matter. (Helmcken)

Mr. Foster gave notice of Motion on the 18th.

I shall bring in a Bill entitled an Act for curing Titles to British subjects, to real Estates derived through Aliens.

Also Permission to bring in A Bill entitled an Act for defining the time of commencing Actions on Contracts and foreign judgements on the 18th inst.

House adjourned until Tuesday 16th inst. at 3 oclock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 16th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Franklin, Waddington, Foster, Gordon, Tolmie.

The former Minutes having been read and confirmed.

⁸ Douglas to the Speaker and Gentlemen of the House of Assembly, 9 July 1861, in reply to an ambiguous resolution of the Assembly passed on 3 July 1861, protesting Judge David Cameron's nullification of various acts of the legislature and suggesting that Douglas suspend Cameron from office. See *Colonist*, 12 July 1861.

Mr. Waddington gave notice of Motion.⁹

3 Reading of Liquor Bill.

Mr. Speaker read message from His Excellency the Governor.

16 July 1861

I have the honor to inform you that having received intimation that Her Majesty the Queen is prepared to confirm the Act mentioned on the other side hereof, I have this day given my assent thereto on Her Majestys behalf.

sgd. James Douglas
Governor

No. 22 Title
Victoria Harbor Act
1860

Date of Assent
16th July 1861

Read 1st time Bill for limitation of Foreign Action.

Mr. Waddington moved for a Committee to inquire into the regulations under which all public monies received at the Land Office, the Harbour Masters Office, the Supreme and Inferior Courts the Police and Post Offices & the Sheriff's Office, by the Registrar of Deeds or other public Officers, are accounted for, whether they are paid over to the Treasury or elsewhere, and if so, at what intervals.¹⁰

Committee: Messrs. Burnaby, Waddington, Franklin.

Consideration of the Cemeteries Bill be postponed.

Carried.

House in Committee.

Mr. Waddington in the Chair on His Exy. the Governors message relative to the Esquimalt Road when the following was Carried.

That His Excellency's communication of this day obviates the necessity for this House to enter into the question raised by His Excellencys communication of the 4th July 1861 in relation to the appropriation for the Esquimalt Road.

Carried.

House in Committee on Bill to facilitate the remedies on Bills of Exchange.

Mr. Waddington in the Chair.

The Chairman reported that the Committee having the Bill referred to them had made amendments & agreed to the same.

House adjourned until Wednesday next 17 inst. at 3 oclock.

Speaker

⁹ *Colonist*, 17 July 1861: "Mr. Waddington gave notice that to-morrow he would move that the House fix an early day to go into committee for the purpose of considering the best means of including immigration to this Colony.

"Also, for a committee to discuss the subject of regular steam mail communication between this port and San Francisco."

¹⁰ This paragraph was added later by the clerk as a replacement for the following: "Mr. Waddington moved for a Committee to ascertain under what regulations payments are made in the Public Offices."

Wednesday, the 17th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Franklin, Tolmie, Foster, McDonald, Waddington, Southgate.

The former Minutes having been read and confirmed.

Mr. Tolmie gave notice of Motion (2).¹¹

2nd Reading of Report of the Committee on the Esquimalt Road.

See Governors letter 4th July.¹²

2nd Reading of amendments to Bill to facilitate the Remedies of Bills of Exchange and Promissory Notes.

Mr. Waddington brought forward his motion relative to Steam communication between Victoria and San Francisco.

Mr. Cary in reply wished the Motion to be postponed until he introduced the Estimates on Tuesday next.

Agreed to, and Mr. Waddington's Motion withdrawn.

Mr. Waddington brought forward his motion relative to the means of promoting immigration to this Colony.

Mr. Cary asked the Hon. Member to postpone his motion until the introduction of the estimates.

Mr. Franklin moved that the House will resolve itself into a Committee on a future day to take into consideration the best means of promoting Immigration to this Colony.

Agreed to.

2nd Reading of Bill to Incorporate the Town of Victoria.

Mr. Speaker read message from the Hon. Council.

17 July 1861

Gentlemen

I am directed by the President of the Council to return to your Hon. House an Act entitled "The Liquor Licence Act 1861" which, as amended, has been this day read in Council a third time and passed.

I have &c.
sgd. Joseph Porter
Actg. Clk of Council

Mr. Attorney General Cary gave notice he should ask the House to go into the Estimates on Tuesday.

House adjourned until Thursday 18th at 3 o'clock.

J. S. Helmcken
Speaker

¹¹ *Colonist*, 18 July 1861: "Mr. Tolmie gave notice that on Monday next he would ask the Attorney-General whether any information had been received in answer to the petition of the House relative to the extinction of Indian titles, and supposing the petition still unanswered, what course the Government intends pursuing in a matter so pressing by requiring attention in the Chemainus and Cowichan Districts, as until the Indian is in some way compensated, there will be no settlement in these fertile districts, although large portions of each are already taken up.

"Also, that on Wednesday next he would ask the Attorney-General when the Cowichan road is to be proceeded with, and the reason for its having been so long delayed.

"Also, whether any measures are to be taken during the present session to improve the approaches from the suburbs towards the centre of the town of Victoria, referring more particularly to the approach from the North which is now in a very bad condition."

¹² Pp. 286-87 above.

Thursday, the 18th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Franklin, Tolmie Waddington, Foster.

The former Minutes having been read and confirmed.

2 {3rd} Reading of Liquor Licenses Act as amended from Council.¹³

Mr. Waddington motion relative to a general inquiry into the management of the Jail and the employment of the Chain gang during the last three years.

Committee: Messrs. Waddington, Tolmie and Franklin.

3rd Reading of Aliens Bill.

2nd Reading of Bill for abolition of imprisonment for debt.

Postponed for one month.

1st Reading of Bill for defining the time of commencing Actions on contracts and foreign Judgements.

1st Reading of Bill for curing Titles of British Subjects derived from Aliens.

House adjourned until Friday 19th July at 3 o'clock.

Speaker

Friday, the 19th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Tolmie, McDonald, Waddington, Gordon, Franklin.

The former Minutes having been read & confirmed.

The Speaker read message from the Hon. Council.

18 July 1861

I am directed by the President of the Council to return to your Honorable House an Act entitled "The Liquor License Act 1861" which, as amended, has this day been read in Council a third time and passed.

I have &c. &c.
sgd. J. Porter
Actg. Clk. of the Council

House in Committee of the whole on Bill to regulate the Legal Profession and Bill for the prevention of frauds upon Creditors by Secret Bills of Sale.

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bills referred to them under their consideration had made amendments thereto & agreed to the same viz. Bill to regulate Legal profession, Bill for prevention of fraud by secret Bills of Sale.

House then adjourned until Tuesday 23rd at 3 o'clock.

J. S. Helmcken
Speaker

¹³ The Liquor Licenses Act received second reading on 9 July 1861. See p. 288 above and *Colonist*, 19 July 1861.

Tuesday, the 23rd day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Gordon, Southgate, Franklin, Tolmie, McDonald.

The former Minutes having been read & confirmed.

Mr. Crease gave notice of Motion.

On the 20th inst. I shall ask leave to introduce "A Bill to enable Aliens to hold and transmit real Estate and to cure titles held or derived through Aliens."

Mr. Cary gave notice of Motion.

Leave to introduce a Bill (on 25th inst.) for the extension of Fireman's Protection Act.

2nd Reading of amendments to Bill for the prevention of secret Bills of Sale.

Mr. Speaker read message from His Excellency the Governor, transmitting the Estimates of the expenditure for the current year accompanied by accounts of the Receipt & expenditure of Revenue for the year 1860.

On motion of Mr. Cary the House went into Committee of the whole on the Estimates.

Mr. Crease in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported That the Committee Reports having listened to the statement of the Attorney General with general satisfaction, but that any further steps respecting it must be left to the House.

House then adjourned until Wednesday 24 at 3 o'Clk.

J. S. Helmcken

Wednesday, the 24th day of July, 1861

A quorum not being present the House adjourned until Thursday 25th inst. at 3 o'clock.

J. S. Helmcken
Speaker

Thursday, the 25th day of July, 1861

Present: Mr. Speaker, The Atty. General, and Messrs. Foster, Burnaby, Southgate, Gordon, Franklin, McDonald, Waddington.

The former Minutes having been read and confirmed.

The Attorney General gave notice of Motion.

Will on Monday the 29th July 1861 bring in a Bill to repeal the "Indian Liquor Act 1860."

Also A Bill to amend the Criminal procedure in cases of Indian prisoners.

Mr. Waddington introduced a letter from Mr. John Coe relative to supplying the Town of Victoria with water.

Ordered to lie on the table.

Mr. Foster presented a petition against the 3rd Reading of the Legal Bill.
3rd Reading of An Act for preventing frauds upon Creditors by Secret Bills of Sale of personal Chattels.

3rd Reading of the "Legal Bill."

1st Reading of Bill to enable Aliens to hold & transmit real estate and to cure titles held or derived through Aliens.

1st Reading of Pawnbrokers Act 1861.

Referred to a Committee of the whole.

1st Reading of an Act for the extension of Firemans Protection Act 1860.

House then went into Committee of the whole on Bill to Incorporate the Town of Victoria.

Mr. Crease in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration had made Amendts. thereto, and asked for leave to sit again.

House then adjourned until Friday 26th inst. at 3 oclk. P. M.

J. S. Helmcken
Speaker

Friday, the 26th day of July, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Foster, Franklin, Waddington, Gordon.

The former Minutes having been read and confirmed.

Mr. Waddington presented a Petition from the Members of the Industrial Exhibition Association of Vancouver Island.

Mr. Speaker read His Excellency's the Governors speech.

Ordered that the House do go into Committee of the whole on "Supply" be granted on Friday 2 August.

2nd Reading of Bill "Limitations of Foreign Actions Amendment Act 1861."

Referred to a Select Committee.

2nd Reading of Bill for defining the time of commencing Actions on Contracts & Foreign Judgements.

Referred to a Select Committee.

Committee on both Bills: The Attorney General and Messrs. Crease, Franklin.

The House then went into Committee of the whole pro forma on Bill to regulate the business of Pawnbrokers.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported "The Committee report that Pawnbrokers shall be licensed, but that that portion of the Bill which specifies the amount of the license be omitted from this Bill."

House in Committee on Bill to incorporate the Town of Victoria.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked leave to sit again.

Leave granted.

House adjourned until Thursday 1st August 1861 at 3 o'clock P. M.

J. S. Helmcken
Speaker

Thursday, the 1st day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Southgate, Burnaby, Franklin, McDonald, Waddington, Crease, Foster.

The former Minutes having been read and confirmed.

Read 1st time "Indian Criminals Act 1861."

Mr. Cary.

Read 1st time Indian Liquor Act 1861.

Mr. Cary.

House in Committee of the whole on "Bill to Incorporate the town of Victoria."

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress that the Committee having the Bill referred to them under their consideration had made amendments thereto and asked for leave to sit again.

Leave granted.

House then adjourned until Friday 2nd August at 3 o'clock P. M.

J. S. Helmcken
Speaker

Friday, the 2nd day of August, 1861

A quorum not being present the House adjourned until Monday 5th inst. at 3 o'clock.

J. S. Helmcken
Speaker.

Monday, the 5th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Franklin, Tolmie, Waddington, Burnaby.

The former Minutes having been read & confirmed.

Mr. Tolmie gave notice of Motion.

1st That the internal improvement of the Colony is of primary importance.

2nd That the utmost necessity exists for the improvement of existing, and the opening of new Roads into the Agricultural Districts.

3 That the proceeds arising from Instalments due upon land if not claimed by the Imperial authorities should after payment of the Civil List, be applied to the opening and improvement of roads into & within the rural districts such a disposition of those moneys being in accordance with the terms upon which those lands were purchased.

4 That placing the amount to be received from instalments upon land, to the general service of the year, not only does away with but is contrary to the terms of purchase, but moreover renders taxation unequal the greater burden falling upon the Agriculturists.

5 Road wanted to Alberni via Esquimalt, Cowichan, and Nanaimo.

House then in Committee of the whole on Bill to incorporate the town of Victoria.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration, had made amendts. thereto and agreed to the same.

House adjourned until Tues. 6th August at 3 o'clock P. M.

J. S. Helmcken

Speaker.

Tuesday, the 6th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Burnaby, Gordon, Franklin, Tolmie, McDonald, Waddington, Crease.

The former Minutes having been read & confirmed.

House in Committee of the whole That a supply be granted.

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee had agreed That a supply be granted for the use of Her Majesty Her Heirs and Successors and also the following Resolution.

That the proceeds arising from the sales of Crown Lands should be applied towards the colonization and improvement of the Island such having been the original intention of Her Majesty's Government in relation thereto and the policy as carried out in other British Colonies.

Mr. Burnaby gave notice of Motion.

A return of all sums voted for the Public service last year with a statement of the amounts actually expended under the several heads voted.

House adjourned until Wednesday 7th inst. at 3 o'clock.

Speaker.

Wednesday, the 7th day of August, 1861

A quorum not being present the House adjourned until Thursday 8th inst. at 3 o'clock.

Speaker.

Thursday, the 8th day of August, 1861

A quorum not being present the House adjourned until Friday the 9th inst. at 3 o'clock.

Speaker.

Friday, the 9th day of August, 1861

Present: Mr. Speaker [and Messrs. Burnaby, Foster, Cary, Gordon, Franklin, McDonald, Waddington, Crease, Southgate.]¹⁴

The former Minutes having been read and confirmed.

Mr. Burnabys resolution Carried.

Mr. Franklins resolution read 2nd time.

House in Committee of the whole on Incorporation Bill.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked leave to sit again.

Leave granted.

House adjourned until Monday 12 August at 3 o'clock.

J. S. Helmcken
Speaker.

¹⁴ Except for the Speaker, the members present were omitted by the clerk but reported by the *Colonist*, 10 August 1861.

Monday, the 12th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, McDonald, Waddington, Franklin.

The former Minutes having been read and confirmed.

Mr. Speaker presented a Petition in favor of "Limitation of Foreign Actions Bill."
Ordered to lie on the Table.

2nd Reading of Pawnbrokers Bill.

2nd Reading of Firemans Protection Act.

House adjourned until Tuesday 13th inst. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 13th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Southgate, Waddington, Gordon, Franklin, Tolmie, McDonald, Foster.

The former Minutes having been read and confirmed.

House went into Committee of "Supply."

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the "Supply" under their consideration "Estimate No. 1" "the following resolution preceeds Estimate No. 1—" "That the Civil List contained in Estimate No. 1 be payable from the time when the Crown Lands and the entire revenue of the Colony, including the instalments due on Land are placed under the control of the Legislature of this Colony.

Ayes: 8. Noes: 1.

Carried.

That the Surveyor Generals salary be £400 instead of £500.

Carried.

At the end of Estimate No. 1 The following Resolution "The Colonial Secretary to receive £250 per annum; or half salary, so long as he may discharge the duties of Colonial Secretary for British Columbia."

Carried.

In Estimate No. 2—No. 1 Supreme Court £550—The following Resolution "Registrar (no Salary) the duties to be discharged by the Registrar General of Real Estate."

Ayes: 6. Noes: 3.

Carried.

Mr. Foster gave notice of Motion.¹⁵

House adjourned until Wednesday 14th inst. at 3 o'clock.

J. S. Helmcken
Speaker

Wednesday, the 14th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Southgate, Burnaby, Franklin, Tolmie, McDonald, Waddington.

The former Minutes having been read & confirmed.

Mr. McDonald presented a Petition against the Indian Liquor Bill.

Ordered to lie on the table.

Ordered—"A complete Statement of all lands sold in Vancouver Island & its dependencies up to the present time with the prices paid for same per acre and the names of purchasers."

2nd Reading of "Indian Liquor Act 1861."

Ordered to be sent to a Select Committee of three (3) with power to call for evidence.

Mr. Foster asked that the Committee for revising court Fees be enlarged.

Ordered Messrs. Burnaby and Southgate be on the Committee.

House then adjourned until Thursday 15th inst. at 3 o'clock.

J. S. Helmcken
Speaker

Thursday, the 15th day of August, 1861

A quorum not being present the House adjourned until Friday 16th August at 3 o'clock.

J. S. Helmcken
Speaker

Friday, the 16th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Southgate, Franklin, Tolmie, Waddington, Foster.

The former Minutes having been read & confirmed.

¹⁵ *Colonist*, 14 August 1861: "Mr. Foster gave notice of a motion that the House be furnished with a complete statement of all lands sold in Vancouver Island and its dependencies, up to the present time, with the prices paid for the same per acre, and the names of the purchasers."

Mr. Speaker read message from His Excellency the Governor relative to the question of "Supply."

2 Reading of Indian Criminal Act.

House in Committee on Incorporation Bill.

Mr. Tolmie in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress & asked leave to sit again.

House adjourned until Monday 19th inst. at 3 oCk.

Speaker.

Monday, the 19th day of August, 1861

A quorum not being present the House adjourned until Tuesday 20th inst. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 20th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Foster, Burnaby, Tolmie, Gordon, Franklin, McDonald, Waddington.

The former Minutes having been read & confirmed.

House went into Committee of "Supply."

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the "Supply" under their consideration had made progress & asked leave to sit again.

Leave granted.

Mr. Foster presented the "Report of the Committee" to report on the existing system in the Land Department regarding the facilities for Emigrants to obtain land in Vancouver Island & its dependencies.

Mr. Cary gave notice of introduction of a "Bill to authorise the expenditure of the unexpended moneys raised by the Victoria 5% of one per cent tax" on Monday next.

House adjourned until Wednesday 21st inst. at 3 o'clock.

J. S. Helmcken
Speaker.

Wednesday, the 21st day of August, 1861

Present: Mr. Speaker, The Atty. General, and Messrs. Foster, Crease, Burnaby, Gordon, Franklin, McDonald, Waddington.

The former Minutes having been read and confirmed.

On motion of Mr. Waddington "the Report of the Committee on the system existing in the Land Department regarding the facilities for Emigrants to obtain Land in Vancouver Island and its dependencies" was read.

House in Committee of the whole on "Bill to extend the provisions of the Fireman's Protection Act 1860."

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration had made amendments thereto and agreed to them.

House in Committee of the whole on "Bill to regulate the business of Pawnbrokers."

Mr. Franklin in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

1st Reading of Amendments to the Firemans Protection Act 1860.

House adjourned until Thursday 22nd Augt. 1861 at 3 oclock P. M.

J. S. Helmcken
Speaker

Thursday, the 22nd day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Southgate, Gordon, Franklin, McDonald, Waddington.

The former Minutes having been read and confirmed.

House went into Committee of "Supply."

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the "Supply" under their consideration had made progress and asked leave to sit again.

Leave granted.

House adjourned until Friday 23rd August at 3 oclock P. M.

J. S. Helmcken
Speaker

Friday, the 23rd day of August, 1861

Present: Mr. Speaker and Messrs. Waddington, Cary, Franklin, Burnaby, Crease, Foster, Tolmie.

The Amendments to the Bill to extend and amend the Fireman's protection Act 1861 brought up for 2nd reading.

Mr. Franklin moved That the Bill be recommitted.

After discussion, Motion by leave withdrawn and 2nd reading of Amendments agreed to, and Bill ordered to be read a third time presently.

2nd reading of "Bill for curing Titles derived through Aliens to real Estate." (Foster) Agreed to.

Ordered to be Committed.

2nd reading of Bill to enable Aliens to hold and transmit Real Estate, and to cure Titles held by and derived through Aliens.

Agreed to and ordered to be committed along with the preceeding Bill accompanied with the following Instructions, moved by Mr. Cary & Seconded by Mr. Waddington viz.

That the Committee be at liberty to *divide* the Act entitled "A Bill to enable Aliens to hold and transmit Real Estate and to cure Titles held by and derived through Aliens."

That the Committee be also at liberty to consolidate such portions of "An Act for curing Titles of British subjects to Real Estate derived through Aliens," with the Act last aforesaid as the Committee may think desirable.

Agreed to.

The House then went into Committee of the Whole.

Mr. Franklin in the Chair.

Mr. Speaker resumed the Chair.

Chairman reported Having had the Pawnbrokers Bill under consideration, had made progress therein, and now asked leave to sit again.

Leave granted.

3rd Reading of Bill to amend and extend the provisions of Fireman's Protection Act 1860.

Ordered to be read 3rd time.

Agreed to and the Bill then passed.

Mr. Waddington gave Notice of his intention to introduce on Wednesday next a Bill to erect a Lighthouse at the entrance of Victoria harbour.

The House then adjourned until Monday August 26th 1861.

J. S. Helmcken

Monday, the 26th day of August, 1861

A quorum not being present the House adjourned until Tuesday 27th at 3 o'clock.

J. S. Helmcken
Speaker

Tuesday, the 27th day of August, 1861

The former Minutes having been read & confirmed.

Mr. Cary presented a Bill to authorise the making of a road from Douglas Street to the North Road.

Read 1st time.

House in Committee of the whole on Supply.

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

Mr. Franklin gave notice of Motion.¹⁶

House adjourned until Wednesday 28th inst. at 3 o'clock.

J. S. Helmcken
Speaker

Wednesday, the 28th day of August, 1861

A quorum not being present the House adjourned until Thursday 29th August at 3 o'clock P. M.

J. S. Helmcken
Speaker

Thursday, the 29th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Franklin, Burnaby, Gordon, Southgate, Crease, Waddington, McDonald, Tolmie, Foster.

The former Minutes having been read and confirmed.

Mr. Speaker read message from His Excellency the Governor.

28th August 1861

Gentlemen

I have the honor of transmitting herewith the following Return requested by the House in your Speakers communication of the 8th August.

(sgd.) James Douglas
Governor

"A Return of all sums voted for the Public Service for the year ending December 31st 1860, with a statement of the amounts actually expended under the several Heads voted."

¹⁶ *Colonist*, 28 August 1861: "Mr. Franklin gave notice that he would move that His Excellency be informed that the House considered it very desirable that another public school should be established in Victoria Town."

House in Committee of "Supply."

Mr. Waddington in the Chair.

The Speaker resumed the Chair.

The Chairman reported progress and asked leave to sit again.

Leave granted.

Mr. Foster asked leave of absence on Private affairs.

House adjourned until Friday 30th inst. at 3 o'clock.

J. S. Helmcken
Speaker

Friday, the 30th day of August, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Franklin, Burnaby, McDonald, Waddington, Foster.

The former Minutes having been read & confirmed.

2nd Reading of Bill to authorise the making of a Road from Douglas Street to the North Road.

Mr. Waddington moved the House do go into Committee of the whole to consider Lighthouse Bill.

Agreed to.

House then went into Committee on Lighthouse Bill and Bill for curing Titles of British subjects derived from Aliens and Aliens Real Estate Act and An Act to regulate the business of Pawnbrokers.

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported Having had "Lighthouse Bill" under consideration had made progress therein, and asked leave to sit again.

Reported Pawnbrokers Bill complete with Amendments.

Also that the Committee had had under consideration the Two Bills "Bill for curing titles of British subjects derived from Aliens" and "Aliens Real Estate Act" with the instructions of the House thereto attached and having considered the matter had decided upon the necessity of amalgamating the matters contained in those two Bills into two separate ones—one enabling foreigners to hold and dispose of lands acquired previous to the passage of the Act. The second to give similar privileges to foreigners for the future and have now to report them complete.

Mr. Cary introduced a Bill to amend the procedure in Civil Cases.

Read 1st time.

House adjd. until Monday 2 Sept. at 3 o'clock.

J. S. Helmcken
Speaker

Monday, the 2nd day of September, 1861

A quorum not being present the House adjd. until Tuesday 3rd at 3.

J. S. Helmcken
Speaker

Tuesday, the 3rd day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Southgate, Gordon, Franklin, Crease, Tolmie, McDonald, Waddington, Burnaby.

The former Minutes having been read and confirmed.

The House went into Committee of "Supply."

Mr. Waddington in the Chair.

The Speaker resumed the Chair.

The Chairman reported progress and asked leave to sit again.

Mr. Crease gave notice of Motion.¹⁷

Mr. Franklin gave notice of Motion.¹⁸

House adjourned until Wednesday the 4th of September at 3 oclk.

J. S. Helmcken
Speaker

Wednesday, the 4th day of September, 1861

A quorum not being present the House adjourned until Thursday 5 Sept. at 3 o'clock.

J. S. Helmcken
Speaker.

Thursday, the 5th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Franklin, Crease, Gordon, Tolmie, McDonald, Waddington, Southgate.

The former Minutes having been read & confirmed.

The House went into Committee of "Supply."

Mr. Waddington in the Chair.

¹⁷ *Colonist*, 4 September 1861: "Mr. Crease gave notice of a motion to request His Excellency to furnish a report of the survey of the Cowichan Road."

¹⁸ *Colonist*, 4 September 1861: "Mr. Franklin moved that the balance of £200 not yet appropriated be added to the School Fund."

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

House adjourned until Friday 6th September at 3 o'clk. P. M.

J. S. Helmcken
Speaker

Friday, the 6th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Franklin, Tolmie, Waddington, Crease.

The former Minutes having been read & confirmed.

3rd Reading of "An Act for the confirmation of Titles of Aliens to Real Estate." 1861."

3rd Reading of "An Act to enable Aliens to Hold and transmit real estate."

2nd Reading of Amendments to the "Pawnbrokers Bill."

House in Committee on "Bill to authorise the continuation of certain Streets in Victoria Vancouver Island."

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported the Committee having the Bill referred to them under consideration had made amendments thereto and agreed to the same.

House adjourned until Monday 9th Septr. at 3 o'clk.

J. S. Helmcken
Speaker.

Monday, the 9th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Tolmie, McDonald, Waddington, Crease, Franklin.

The former Minutes having been read and confirmed.

1st Reading of "Bankruptcy Bill."

Ordered to be printed.

3rd Reading of "Douglas Street Road Bill."

2nd Reading of Amendments to Pawnbrokers Bill.

2nd Reading of Report of Committee of Supply.

Estimate No. 1 agreed to.

Estimate No. 2 agreed to excepting the item of Registrar of Supreme Court salary be recommitted—Mr. McDonald.

Estimate No. 3 agreed to.

Mr. Cary moved the recommittal of "Auditing Public accounts."
Carried.

Mr. Franklin moved that the amount for *Education* be recommitted.
Carried.

Estimate No. 4 agreed to excepting the sum of Exploration of Vancouver Island to be recommitted. Carried.¹⁹

Grant for Industrial Exhibition be recommitted (to know who to be paid to). Carried.

House went into Committee on Incorporation Bill.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

House adjourned until Tuesday 10th Sepr. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 10th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Franklin, McDonald, Gordon.

The former Minutes having been read & confirmed.

Mr. Speaker read message from His Excellency the Governor.

10 Sepr. 1861

Gentlemen

I have the honor to inform you that the Act mentioned on the other side hereof has received my assent.

(sgd.) James Douglas
Governor

No.	Title	Assent
No. 24	Firemans Protection Act 1861	10th Sepr. 1861.

House adjourned until Wednesday 11th inst. at 3 o'clock.

J. S. Helmcken
Speaker

Wednesday, the 11th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Waddington, Franklin, Burnaby, Tolmie.

The former Minutes having been read & confirmed.

House went into Committee on "Bill to incorporate the Town of Victoria."

¹⁹ This paragraph has been crossed out in pencil in the original. See also *Colonist*, 10 September 1861.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Agreed to.

Mr. Burnaby gave notice of Motion.²⁰

House adjourned until Thursday the 12th day of Septr. at 3 oclk. P. M.

J. S. Helmcken
Speaker

Thursday, the 12th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Coles, Crease, Burnaby, Gordon, Franklin, McDonald, Waddington, Tolmie.

The former Minutes having been read & confirmed.

Mr. Franklin presented Petition from Property holders in Broad Street Victoria, praying that the grading of Broad Street may be completed before the Winter Season.

Ordered to lie on the Table for future Action.

House in Committee of the Whole on "Supply."

Mr. Waddington in the Chair.

The Speaker resumed the Chair.

The Chairman reported progress & asked for leave to sit again.

Leave granted.

House adjourned until Friday 13th inst. at 3 oclk. P. M.

J. S. Helmcken
Speaker

Friday, the 13th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Coles, Crease, Tolmie, Waddington, Franklin, Burnaby.

The former Minutes having been read and confirmed.

²⁰ *Colonist*, 12 September 1861: "Mr. Burnaby gave notice of the following motions:

"*Resolved*, That this House consider that a system of colonial accounts should be forthwith commenced and maintained for the future, showing in detail the expenditure actually incurred under the several heads voted, and that such accounts, verified by a public auditor should be presented to this House as soon after the termination of the financial year as possible.

"*Resolved*, That inasmuch as serious difficulties arise from the practice of bringing forward the Estimates for the year so late in the session, this House deems it important to impress upon the Government the necessity that exists for the consideration of the annual Estimates immediately after the commencement of the financial year."

rd Reading of "Pawnbrokers Bill."

House in Committee on "Incorporation Bill."

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

House adjourned until Monday 16th September at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Monday, the 16th day of September, 1861

A quorum not being present House adjourned until Tuesday 17th inst. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 17th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Gordon, Franklin, McDonald, Waddington, Crease, Tolmie, Southgate.

The former Minutes having been read & confirmed.

Mr. Speaker read message from His Excellency the Governor.

17th Sept. 1861

I have the honor to acquaint you with reference to the appropriation of the House of Assembly of £2000 under the "Victoria Harbor Act 1860" towards the improvement of the communication from Victoria to Esquimalt that to complete the work of providing a practicable & good road between those places, a further sum of £600 is required. I therefore submit an Estimate to provide the same for the consideration of the House and I trust the House will think fit to pass the item into the general Estimates for the present year, in order that a thoroughly good communication between Victoria & Esquimalt may be established before the winter sets in.

sgd. James Douglas
Governor.

Estimate 1861

Additional

Improvement of communication between Victoria & Esquimalt £600.0.0

James Douglas
Governor.

Referred to Committee of "Supply."

House in Committee of Supply.

Mr. Waddington in the Chair.

The Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

The "Alien Act 1861" received from the Hon. Council (with Amendments).

Read 1st time.

Mr. Burnaby Motion "A statement of the mode in which the £2000 already voted for constructing the Esquimalt Road has been expended—under whose authority & supervision & the estimated liability actually incurred on the works in question.

Agreed to.

Mr. Cary move that this House goes into Committee of Ways and Means.

House then adjourned until Wednesday 18th inst. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Wednesday, the 18th day of September, 1861

A quorum not being present the House adjourned until Thursday 19th inst. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Thursday, the 19th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Gordon, Franklin, Tolmie, McDonald, Crease.

The former Minutes having been read and confirmed.

Mr. Tolmie gave notice of Motion.

On Monday 23rd Septr. I will ask for a special Committee to prepare a Memorial to the Home Government on the present condition of Vancouver Island Colony.

Mr. Speaker informed the House that the Chairman of Ways & Means had obtained leave of absence for a few days, but in order that the public business might not be impeded, he begged that another Chairman might be selected pro tem.

The first thing the Committee of Supply would have to do would be to elect a Chairman pro tem if it thought proper.

The House then went into Committee of "Supply."

Mr. Speaker resumed the Chair.

The Chairman (Mr. Franklin who had been elected pro tem in the room of Mr. Waddington) reported that the Committee had had under consideration the message of the Governor relative to the grant of a further sum of £600

towards completing the Road to Esquimalt Town. The Committee had agreed to grant the sum of £600 and was of opinion that the same should be inserted in the General Estimates according to the wish of His Excellency the Governor.

Report of Committee of Supply brought up.

Amendments proposed therein agreed to and Estimates Nos. 1, 2, 3 & 4 finally agreed to.

The following Resolutions reported from Committee of Supply also agreed to, vizt.

1 That this House considers that a system of Colonial accounts should be commenced forthwith (embracing the whole of the financial year 1861) or maintained for the future shewing in detail, the expenditure actually incurred under the several heads voted and that such accounts certified to have been duly audited should be presented to this House as soon after the termination of the Financial year as possible.

2 That inasmuch as serious difficulties have arisen from the practice of bringing forward the annual Estimates so late in the year, this House deems it important to impress upon the Government the necessity that exists for the consideration of the annual Estimates immediately after the commencement of the financial year.

The House ordered that Bills of Supply be brought in.

House adjourned until Friday 20th at 3 o'clock P. M.

J. S. Helmcken
Speaker

Friday, the 20th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Franklin, Tolmie, McDonald.

The former Minutes having been read and confirmed.

Mr. Tolmie asked for a General Committee in place of a Special Committee "to prepare a Memorial to the Home Government on the present condition of Vancouver Island Colony" for Wednesday next 25th inst.

Mr. Tolmie gave notice of Motion.

On Monday next I will ask that the subjoined resolution be considered in Committee of Supply on the following day.

That an Address be presented to His Excellency the Governor praying that a sum of money be granted for the re-erection of the bridges on the Metchosin road, and also to remedy the dangerous condition of the approaches to the bridges across Rowe's stream [Millstream].

Mr. Speaker gave notice he would on Tuesday next bring the subject of accounts before the House—showing the disbursement of the money voted for the use of the House.

2nd Reading of "Bill to amend the Procedure in Civil Cases."

House in Committee of the whole on "Indian Criminal Bill."

Mr. Crease in the Chair.

The Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration had made amendts. thereto and agreed to the same.

Mr. Speaker read message from the Hon. Council.

19th Sepr. 1861

Mr. Speaker & Gentlemen

Herewith is returned to your Honorable House an Act entitled "An Act to authorise the continuation of certain Streets in Victoria Vancouver Island" which with the amendment thereto attached, has passed the Council this day.

I have &c.

sgd. Joseph Porter

Actg. Clerk of the Council

House adjourned until Monday 23rd September 1861 at 3 oclock P. M.

J. S. Helmcken
Speaker.

Monday, the 23rd day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Franklin, Tolmie.

The former Minutes having been read & confirmed.

Mr. Tolmies' Motion referred to the Committee of Supply.

2nd Reading of Amendments to Indian Criminal Bill from Council.

House then went into Committee on "Bill to amend the procedure in Civil Cases."

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress, with amendment and agreed to the same.

Ordered to go to 3rd Reading.

House in Committee on Incorporation of the Town.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Mr. Franklin gave notice of Motion.²¹

House adjourned until Wednesday 24 Sepr. 1861 at 3 oclock P. M.

J. S. Helmcken
Speaker

²¹ *Colonist*, 24 September 1861: "Mr. Franklin gave notice that he would move tomorrow that an address be presented to His Excellency the Governor asking that some measure be introduced into this House for the purpose of providing for the further improvement of streets in the town of Victoria, and more particularly such as connect with the Springs and the Cadboro Bay and Cedar Hill roads."

Tuesday, the 24th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Southgate, Franklin, Tolmie, McDonald, Gordon, Crease.

The former Minutes having been read and confirmed.

Mr. Speaker read Amendment from the Hon. Council to "An Act to authorise the continuation of certain Streets in Victoria Vancouver Island."

Ordered to be considered in Committee of "Supply."

House in Committee of "Supply."

Mr. Franklin in the Chair.

The Council amendment to "An Act to authorise the continuation of certain Streets in Victoria Vancouver Island" Agreed to.

Mr. Cary proposed the sum of £530 for the Harbour Masters Office.

Mr. Southgate seconded.

Carried.

Mr. Tolmie's Motion see page 57.²²

Carried.

Mr. Speaker resumed the Chair.

The Chairman reported progress that the Committee having the Supply referred to them under their consideration had agreed to the sum of "£530 for the Harbor Masters office."

The House adjourned until Wednesday 25th September at 3 o'clock P. M.

J. S. Helmcken

Wednesday, the 25th day of September, 1861

A quorum not being present the House adjourned until Thursday 26th inst. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Thursday, the 26th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Southgate, Franklin, Tolmie.

The former Minutes having been read & confirmed.

²² I.e., "That an Address be presented to His Excellency the Governor praying that a sum of money be granted for the re-erection of the bridges on the Metchosin road, and also to remedy the dangerous condition of the approaches to the bridges across Rowe's stream," p. 311 above.

3rd Reading of "Indian Criminal Bill."

3rd Reading of "Bill to amend the procedure in Civil Cases."

Mr. Southgate gave notice of Motion.

Move that the Governor be addressed to cause a separate Cell to be erected for the reception of men committed from H. M. Ships at this part of the Pacific Station.

House went into Committee of Ways and Means.

Mr. Franklin in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

House adjourned until Friday 27th Sepr. at 3 oclock P. M.

J. S. Helmcken
Speaker.

Friday, the 27th day of September, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Gordon, Franklin, Tolmie.

The former Minutes having been read and confirmed.

Ordered that the amendments to the Trade Licenses Act be recommitted.

Alien Act 1861—Amendments from the *Honorable*. Council.

Clause 1 at line 6 strike out the word "two" and insert "three" in lieu thereof.

Not agreed to.

Clause 1 at line 19 strike out the word "provided" and insert the word "enacted" in lieu thereof.

Not agreed to.

To Clause 1 add the words "Provided that nothing herein contained shall confer upon any such Alien the right to be nominated or elected a Member to either branch of the Legislature."

Agreed to.

In the oath in Clause II at line 4 strike out the word "two" and insert "three" in lieu thereof.

Not agreed to.

Clause 4 stricken out, & the following inserted in lieu thereof.

Agreed to.

Clause 4 "The said Alien after receiving such Certificate may apply to the Registrar of the Supreme Court of Civil Justice for naturalization and it shall be the duty of the said Registrar thereupon to publish the said application by posting a notice for one month on the walls of his office describing the name, occupation & residence of the applicant as specified in the Certificate given by the Justice of the Peace and if during that time no valid objection shall be made to the naturalization of such Alien, the Chief Justice shall in open Court,

administer to the said applicant the oath of Allegiance in the Schedule hereunto annexed or, in the case of Quakers, Moravians, Separatists and others who shall declare that they have a conscientious objection to the taking of an Oath, may take their affirmation to the same effect, and on taking or affirming and subscribing the said oath or affirmation of allegiance such Alien shall thereupon be and be deemed to be entitled to all the privileges of British born subjects save and except as is hereinbefore provided.”

In Clause 5 at line 18 of the certificate of Naturalization, after the word “subject” add the words “conferred by this Act.”

Agreed to.

Clause 8 Expunged.

Agreed to.

Clause 9 Expunged.

Not agreed to as being essential to the Bill.

Mr. Tolmie brought forward his Motion see page 57²³ “relative to preparing a Memorial to the Home Government on the present condition of Vancouver Island Colony.”

Ordered to be considered in Committee of the whole on Monday 7th October.

House in Committee of the whole on Incorporation Bill.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported Progress and asked for leave to sit again.

Leave granted.

House adjourned until Monday 30th inst. at 3 oclck.

J. S. Helmcken
Speaker

Monday, the 30th day of September, 1861

A quorum not being present the House adjourned until Tuesday 1st October at 3 o'clock P. M.

J. S. Helmcken
Speaker

Tuesday, the 1st day of October, 1861

Present: Mr. Speaker, Attorney General, and Messrs. Crease, Coles, Southgate, Franklin, McDonald, Tolmie, Burnaby.

The former Minutes having been read and confirmed.

²³ I.e., minutes for 19 September, p. 310 above.

2nd Reading of "Bankruptcy Bill."

Ordered to be committed.

House went into Committee on Ways and Means.

Mr. Franklin in the Chair of the Committee.

Mr. Tolmie moved, seconded by Dr. Helmcken an amendment in the Trade License Act 1861 "That the following scale be adopted."

From £5000 to £10,000	£15
10000 „ 20000	25
20000 „ 30000	35
30000 „ 40000	45
40000 „ 50000	55
Above 50000	60

Ayes: 4. Noes: 4.

The Chairman gave his casting vote Majority in favor 1 (one).

Amendment carried.

Amendment—That an additional license on persons trading casually within the Colony from places not being permanent places of business within the Colony of £5 per annum be also raised.

Carried.

Mr. Southgates Motion relative to the erection of a separate Cell for men of H. M. Fleet stationed at this part of the Pacific Station (see 26th Sepr.).

Carried.

Mr. Speaker resumed the Chair.

The Chairman reported progress that the amendments had been agreed to also Mr. Southgate's Motion.

1st Reading of Bills of Supply.

An Act to apply the sum of £15100 out of the General Revenue of the Colony of Vancouver Island & its dependencies for the service of the year 1861.

And An Act to apply the sum of £4550 out of the General Revenue for the payment of certain Salaries and expenses for the service of the year 1861.

House adjourned until Monday 7th inst. at 3 oclock P. M.

J. S. Helmcken
Speaker.

Monday, the 7th day of October, 1861

A quorum not being present the House adjourned until Tuesday 8th instant at 3 oclock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 8th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Gordon, Franklin, Tolmie, Waddington.

The former Minutes having been read & confirmed.

2nd Reading of An Act to apply the sum of £4550. out of General Revenue for the payment of certain Salaries and expenses for the service of the year 1861.

Committed.

2nd Reading of An Act to apply the sum of £15100 out of the General Revenue of the Colony of V.I. and its Dependencies to the service of the year 1861.

Committed.

House in Committee on Mr. Tolmie's Resolutions.

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress, that the Committee having the Resolutions under their consideration had made amendments thereto and agreed to the same.

1st That the Colony of Vancouver Island can with difficulty sustain the weight of taxation already imposed & can therefore of itself do very little pecuniarily towards the attainment of the undermentioned objects which if now brought about by aid from the Imperial Government, would so speedily increase the population & wealth of the Colony as soon to render it in reality self supporting and rapidly progressive, and an important Mart for British manufactures in the North Pacific (give in appendix statement of taxes leviable—of taxpayers & of population—and of expenditure of revenue).

2nd That the attention of the Imperial Government be respectfully drawn to the benefits which this Colony, and reciprocally the Mother Country, would derive from having, if consistent with Imperial interests, the Headquarters of H. M. Pacific Squadron at this Island—and as a consequence a subsidized Mail service in British boats from Panama to Vancouver Island, such as is now kept up between Panama and Valparasio for the conveyance of Government Mails. These arrangements would when brought about at once give this Colony a respectable and fixed position before the world—would invite and facilitate the introduction of Capital & population and would greatly increase British influence on the Pacific.

3rd That a renewed application be made to the Home Government for the extinction of the Indian title in districts partially, or soon to be occupied, such as Barclay's sound—Kawitchin and Komax, and that aid be asked from the Mother Country to enable us to keep the Indians under proper control in outlying settlements.

4 That we set forth to the Home Government the advantages that would accrue to the Colony, if it had control of the public lands.

5 That the attention of the Imperial Government be respectfully invited to a consideration of the Policy of the United States Government during the last eight years in the neighboring territory of Washington where a large and

fruitful expenditure of public money has had the most beneficial results in causing flourishing settlements to spring up throughout the length & breath of a Country, subjoin details of expenditure in Appendix.

6 Proposed by Mr. Helmcken, seconded by Mr. Waddington That it is recommended that these Resolutions be submitted to a Select Committee of Three with instructions to embody a Memorial to Her Most Gracious Majesty direct.

House adjourned until Wednesday 9th inst. at 3 oclk. P. M.

J. S. Helmcken
Speaker.

Wednesday, the 9th day of October, 1861

A quorum not being present the House adjourned until Thursday 10th inst. at 3 oclk. P. M.

J. S. Helmcken
Speaker

Thursday, the 10th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Southgate, Franklin, McDonald, Waddington.

The former Minutes having been read & confirmed.

On Motion of Mr. Waddington—ordered that a New Writ be issued for election of a Member for “Nanaimo” in place of A. R. Green Esqr.

House in Committee on Bills of Supply.

An Act to apply the sum of £15910 out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the year 1861 and An Act to apply the sum of £4550 out of the General Revenue for the payment of certain Salaries & expenses for the service of the year 1861.

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported Bills of Supply had been Amended & agreed to.

House in Committee on “Incorporation Bill.”

Mr. Crease in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration had made amendments thereto and agreed to the same.

2nd Reading of Mr. Tolmie Resolutions and referred to a Select Committee of three (3).

Messrs. Tolmie, Waddington, Franklin Appointed to draw up a Memorial. House then adjourned until Friday 11th October at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Friday, the 11th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Franklin, Waddington.

The former Minutes having been read and confirmed.

On Motion of Mr. Waddington—Mr. Cary laid on the Table a Return of list of Vessels their Tonnage & Crews that have entered at the Port of Victoria from March 1st to August 31st 1861.

Referred to the Committee on Lighthouse Bill.

Mr. Waddington gave notice of Motion.

I shall move on Tuesday Oct. 16th that a Petition be forwarded to Her Majesty requesting the prompt establishment of a Mint in Victoria.

2nd Reading of Bills of Supply (as amended).

Mr. Crease brought up the Report of the Committee on "Bill for defining the time of commencing actions on Contracts and Foreign Judgements" and "A Bill to amend An Act passed in the last Session of the House of Assembly intituled 'The Limitations of Foreign Actions Act 1860'."

Friday 11th October 1861

Resolved That the House be recommended to reject the Bill for defining the time of commencing Actions on contracts & foreign Judgements.

That this Committee recommends that in lieu of the Bill to amend an Act passed in the last Session of the House of Assembly intituled "The Limitation of Foreign Act[ion]s [Act] 1860."

The following Bill be substituted & passed by the House of Assembly. The same being hereunto annexed and marked A & signed by the Chairman.

(sgd.) H. P. P. Crease,
Chairman.

Report agreed to.

House in Committee on "Bankruptcy Bill."

Mr. Waddington in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

The House then adjourned until Monday 14th October at 3 o'clock P. M.

J. S. Helmcken
Speaker

Monday, the 14th day of October, 1861

A quorum not being present House adjourned until Tuesday 15th inst. at 3 o'clock P. M.

J. S. Helmcken
Speaker

Tuesday, the 15th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Gordon, Franklin, Waddington, Burnaby, Tolmie.

The former Minutes having been read and confirmed.

Mr. Speaker read message from the Hon. Council.

Council Chamber
11th Octr. 1861

Herewith is returned to your Honorable House an Act entitled "An Act for the confirmation of the Titles of Aliens to Real Estate 1861" Which with the amendments thereto attached has passed the Council this day.

&c. &c. &c.
(sgd.) Joseph Porter
Actg. Clk. of the Council.

2nd Reading of Bill to extend the provisions of the Limitations of Foreign Actions Act 1860 reported from Select Committee.

Mr. Waddington Motion relative to a Mint being formed (see 11th October 1861).

I give notice that I shall move on Tuesday October 16th that a Petition be forwarded to Her Majesty, requesting the prompt establishment of a Mint in Victoria.

During the debate in this question the House having been left without a quorum Mr. Speaker declared the House adjourned until Wednesday 16th Octr. 1861.

J. S. Helmcken
Speaker.

Wednesday, the 16th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Franklin, Tolmie, Gordon.

The former Minutes having been read and confirmed.

Mr. Speaker read message from Hon. Council.

Council Chamber
15 Octr. 1861

Gentlemen

By direction of the President of the Council I have the honor to transmit to you the following Extract from the Minutes of Council of this date.

The Amendments of the House of Assembly to the "Act to provide for the naturalization of Aliens" having been considered, The Council agree to the insertion of the word "*provided*" in lieu of "*enacted*" in the first Clause—but the Council disagree with the House of Assembly's other Amendments, namely the insertion of the word "*two*" in lieu of "*three*" in Clause I on line 6, and the repetition of the same words in the "Residential Oath", and to the insertion of Clause IX of the original Bill, and therefore the Council insist upon their Amendments.

It was then moved, seconded and carried, that the following words in the Oath of Allegiance in the Schedule be struck out namely "And I do declare that no Foreign Prince, Person Prelate, State or potentate hath or ought to have any Jurisdiction, Power, Superiority Preeminence or Authority, Ecclesiastical or Spiritual, within the same or any part thereof."

It is ordered that the Clerk do furnish the Hon. the House of Assembly with a Copy of the above Minute.

2 The original and amended Acts are herewith returned to your Honorable House.

I have the honor to be &c. &c. &c.
sgd. Joseph Porter
Actg. Clerk of the Council.

Mr. Burnaby gave notice of Motion.

[Tomorrow I shall ask] Whether the Government [has received any information] with regard to the prolonged absence of the Postmaster of Victoria.²⁴

Mr. Burnaby, I shall propose the following Amendment on "An Act to extend the provisions of the Limitations of Foreign Actions Act 1860."

To insert after the words order or decree the words "Bills on Promissory Notes" and after the word "Judgement" at the end of the first Clause to insert the words "or for a space of *Three years* in the case of Bills or Promissory Notes."

House in Committee on "Bankruptcy Bill."

Mr. Burnaby in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked leave to sit again.

Leave granted.

House adjourned until Thursday 17th October 1861 at 3 o'clock P. M.

J. S. Helmcken
Speaker

Thursday, the 17th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Franklin, McDonald.

The former Minutes having been read and confirmed.

²⁴ *Colonist*, 17 October 1861.

House in Committee on "Bankruptcy Bill."

Mr. Burnaby in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

Mr. Burnaby gave notice of Motion.

Tomorrow I shall ask if any steps have been taken for repairing the road at Rowes Stream and if not whether there is any hopes of such being done before the Winter season.

Mr. Franklin gave notice of Motion.

I shall move that a conference be asked with the Legislative Council upon their amendments to the Alien Bill, to which this House has not agreed.

House adjourned until Friday 18th Octr. at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Friday, the 18th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Crease, Burnaby, Tolmie.
The former Minutes having been read and confirmed.

House in Committee on "Bankruptcy Bill."

Mr. Burnaby in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked for leave to sit again.

Leave granted.

Mr. Crease asked for permission to vacate his seat as Member for Victoria District, he having received the appointment of Attorney General for British Columbia.

The House adjourned until Tuesday 22nd October 1861 at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Tuesday, the 22nd day of October, 1861

A quorum not being present the House adjourned until Wednesday 23rd at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Wednesday, the 23rd day of October, 1861

esent: Mr. Speaker, The Attorney General, and Messrs. Gordon, Southgate, Franklin, Tolmie, McDonald.

The former Minutes having been read & confirmed.

1 Motion of Mr. Attorney General Cary Ordered that a New Writ be issued for the District of Victoria in room of Henry P. Pellew Crease Esqr. resigned.

ills of Supply.

3rd Reading of An Act to apply the sum of £4550 out of the General Revenue.

3rd Reading of An Act to apply the sum of £15910 out of the General Revenue.

on. Council Amendments to "An Act to cure titles to Real Estate held or derived through Aliens."

Agreed to.

on. Council Amendments to "An Act to provide for the naturalization of Aliens."

Agreed to.

corporation Bill.

Amendments agreed to.

To be read 3rd time.

ouse in Committee on "Bankruptcy Bill."

Mr. Franklin in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill under their consideration had made amendments thereto and asked for leave to sit again.

J. S. Helmcken
Speaker.

Copy Extract from the Minutes of Council relative to Aliens Act 1861.

Council Chamber
15th October 1861

The Speaker & Gentlemen of the House of Assembly.

Gentlemen

By direction of the President of the Council I have the honor to transmit to you the following Extract from the Minutes of Council of this date.

The Amendments of the House of Assembly to this "Act to provide for the Naturalization of Aliens" having been considered, the Council agree to the insertion of the word "*provided*" in lieu of "*Enacted*" in the first Clause:—but the Council disagree with the House of Assembly's other Amendments, namely, the insertion of the word "*two*" in lieu of "*three*" in Clause I on line 6, and the repetition of the same words in the "Residential Oath"; and to the re-insertion of Clause IX of the original Bill; and therefore the Council insist upon their Amendments.

It was then moved, seconded and carried, that the following words in the Oath of Allegiance in the Schedule be struck out, namely, "And I do declare that no Foreign Prince, Person, Prelate, State or potentate,

have or ought to have any Jurisdiction, Power, Superiority, Preeminence or Authority, Ecclesiastical or Spiritual within the same or any part thereof."

It is ordered that the Clerk do furnish the Hon. House of Assembly with a copy of the above Minute.

I have &c.
(sgd.) Joseph Porter
Actg. Clk. of Council.

Thursday, the 24th day of October, 1861

A quorum not being present the House adjourned until Friday 25th Octr. at 3 oclk. P. M.

J. S. Helmcken
Speaker

Friday, the 25th day of October, 1861

A quorum not being present the House adjourned until Monday 28th Oct. 1861, at 3 oCclk. P. M.

J. S. Helmcken
Speaker.

Monday, the 28th day of October, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Southgate, Franklin.

The former Minutes having been read & confirmed.

Mr. Southgate presented a Petition from E. Grancini and F. W. Wood praying for extension of time for the establishment of Gas Works and Buildings by the Victoria Gas Company 1860.

Ordered to be referred to the Select Committee on Private Bills.

Committee: Messrs. Tolmie, Franklin, McDonald, Gordon, Coles.

Mr. Speaker read message from His Excellency the Governor stating "The Act to enable Aliens to hold Real Estate 1861" had received his assent.

3rd Reading of "Bill to Incorporate the Town of Victoria."

House in Committee on "Bankruptcy Bill."

Mr. Burnaby in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them had made an Amendment to Clause 9 and reported the Bill complete.

Ordered to go to 3rd Reading.

ouse in Committee on "Bill to extend the provisions of the Limitations of Foreign Actions Act 1860."

Mr. Southgate in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration, had agreed to the Bill.

Ordered to be read 3rd time.

Ir. Cary brought in a Bill to amend the Trades Licenses Act 1860. (Ways & Means)

Read 1st time.

Ir. Burnaby gave notice of Motion.

A Return of the amount of Fees received in the Admiralty Court.

Ir. Cary gave notice of Motion.

An Act to amend the Jury system and An Act to amend the procedure of the Court for the collection of small debts.

he House then adjourned until Tuesday 29th October 1861 at 3 o'clock P. M.

J. S. Helmcken

Speaker.

Tuesday, the 29th day of October, 1861

resent: Mr. Speaker, The Attorney General, and Messrs. Tolmie, Franklin, McDonald, Burnaby.

The former Minutes having been read and confirmed.

Ir. Speaker read message from His Excellency the Governor, stating that the "Supplementary Street Act 1861" had received his Assent 29th Octr. 1861.

On Motion of Mr. Tolmie Ordered that Mr. Burnaby serve "on the Select Committee to prepare a Memorial to the Home Government on the present condition of Vancouver Island Colony" in room of Mr. Waddington.

rd Reading of "Bankruptcy Bill."

rd Reading of "Bill to extend the limitation of Foreign Actions."

nd Reading of Amendment to Trades Licenses Act 1860.

Committed to the whole.

House adjourned until Friday 1st November 1861 at 3 o'clock P. M.

J. S. Helmcken

Speaker.

Friday, the 1st day of November, 1861

resent: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Franklin, McDonald, Tolmie.

The former Minutes having been read and confirmed.

Mr. Speaker read a letter from Alfred Waddington Esqr., Member for Victoria District, asking leave to resign.

Leave granted.

Mr. Speaker read message from His Excellency the Governor.

1st November 1861

Speaker & Gentlemen

I have the honor to enclose herewith, the Return to the Writ issued for the Election of a Member to serve in the present Parliament for the District of Nanaimo.

sgd. James Douglas
Governor

Mr. Speaker read message from Hon. Council enclosing an Act entitled

“An Act for preventing frauds upon Creditors by secret Bills of Sale of personal Chattels” which with the Amendments thereto attached, has passed the Council this day.

I have &c.
(sgd.) Joseph Porter
Actg. Clk. of Council.

Read 1st time.

Mr. Speaker read message from Council 29 Octr. enclosing

“An Act to facilitate the remedies on Bills of Exchange and Promissory Notes by the prevention of frivolous or fictitious defences to Actions thereon,” which with the Amendment thereto attached has passed the Council this day.

I have &c. &c.
sgd. Joseph Porter
Actg. Clk. of the Council

Read 1st time.

On Motion of Mr. Attorney General Cary Ordered that a New Writ be issued for the District of Victoria in the room of Mr. Waddington who has resigned.

Read 1st time “A Bill to regulate the Jury system in Vancouver Island and its dependencies.”

House in Committee of the whole on Bill to amend the Trades Licenses Act 1860.

Mr. Burnaby in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported the Committee having the Bill referred to them under their consideration had made Amendments thereto and agreed to the same.

Ordered to go to 3rd Reading.

The House adjourned until Monday 4th November 1861 at 3 oclk. P. M.

J. S. Helmcken.
Speaker.

Monday, the 4th day of November, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Tolmie, Burnaby, Gordon.
The former Minutes having been read & confirmed.

D. B. Ring Esqr., introduced by Messrs. Tolmie and Burnaby took his seat as Member representing the District of Nanaimo, after taking the usual oaths, in room of A. R. Green Esqr. resigned.

3rd Reading of "Bill to amend the Trades License Act 1860."

2nd Reading of Hon. Council Amendts. to "An Act for preventing frauds upon Creditors by secret Bills of Sale."

Agreed to.

2nd Reading of Hon. Council Amendments to "An Act to facilitate the remedies on Bills of Exchange & Promissory Notes by the prevention of frivolous or fictitious defences to Actions thereon."

Agreed to.

House then adjourned until Monday 11th November at 3 oclock P. M.

J. S. Helmcken
Speaker.

Monday, the 11th day of November, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Ring, Gordon, Burnaby, McDonald, Franklin, Coles.

The former Minutes having been read & confirmed.

On Motion of Mr. Ring seconded by Mr. Coles, that the 2nd Reading of the "Bill to regulate the Jury system" be postponed for Ten days.

Bill to be read 2nd time ten days from this.

Ayes: 4. Noes: 3.

Mr. Franklin gave notice of Motion.²⁵

House then adjourned until Thursday 21st inst. at 3 oclock P. M.

J. S. Helmcken
Speaker.

Thursday, the 21st day of November, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Ring, Burnaby, McDonald, Gordon, Tolmie, Franklin.

The former Minutes having been read and confirmed.

Mr. Speaker read message from His Excellency the Governor enclosing A Return of the Amount of Fees received in the Vice Admiralty Court of Vancouver Island, during the past 12 months, and the manner in which such Fees have been appropriated.

£260.13.0.

²⁵ *Colonist*, 12 November 1861: "Mr. Franklin gave notice of a motion that a light be established on McLoughlin's [McLoughlin] Point, at the entrance of Victoria harbour."

Return of Writ for Victoria County James Trimble Esqr. in the room of Alfred Waddington Esqr. resigned.

Return of Writ for Victoria County, Joseph William Trutch Esqr., in the room of Henry Pering Pellew Crease Esqr., resigned.

Dr. Tolmie brought up the Report of the Committee on the Petition to enlarge the time limited by the Victoria Gas Company Act 1860.

Report agreed to.

1st Reading of Bill to enlarge the time limited by the Victoria Gas Company Act 1860 for the establishment of Gas Works & Buildings by the Victoria Gas Company.

2nd Reading of Bill to regulate the Jury System in Vancouver Island and its Dependencies.

House adjourned until Friday 22nd November 1861 at 3 oclk.

J. S. Helmcken
Speaker.

Friday, the 22nd day of November, 1861

A quorum not being present the House adjourned until Monday the 25th inst. at 3 o'clock P. M.

Speaker

Monday, the 25th day of November, 1861

A quorum not being present the House adjourned until Tuesday the 26th inst. at 3 o'clock.

Speaker

Tuesday, the 26th day of November, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Ring, Gordon, Franklin, McDonald.

The former Minutes having been read and confirmed.

James Trimble Esqr. after taking the usual oath, took his seat for the District of Victoria in room of Alfred Waddington Esqr. who resigned.

Joseph W. Trutch Esqr. after taking the usual oath, took his seat for the District of Victoria, in room of H. P. P. Crease Esqr. who resigned.

Mr. Franklin presented a Petition against the Bill to regulate the Jury system.

Ordered to lie on the table.

Mr. Franklin brought up the Report of the Select Committee on the "Victoria Gas Company's Extension Act."

Report agreed to, to go 2nd Reading.

House then went into Committee of the whole on Mr. Franklin's Motion.

The House having taken into consideration the inconvenience and danger to which Vessels making the Harbour of Victoria at night and particularly during the Winter months are exposed, in consequence of no light being maintained at the entrance thereof, and in view of the risk to life & property the injury to Commerce and the urgency of the case.

Do Respectfully recommend to His Excellency the Governor that a Light be maintained at McLaughlains Point and that the expense thereof, this House pledges itself to make good when the Estimates shall be laid before it.

Ayes: 6. Noes: 2.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee had agreed to the Motion.

Motion Read 1st time.

Mr. Ring gave notice of Motion.

1 That an Address be presented by this House to His Excellency the Governor praying him to declare the Port of Nanaimo to be henceforth a Port of Entry.

2 That a Return of the Amount of Revenue derivable from Nanaimo and the sources of that Revenue be laid upon the Table.

House then adjourned until Wednesday 27 Novr. 1861 at 3 o'clock P. M.

J. S. Helmcken
Speaker.

Wednesday, the 27th day of November, 1861

A quorum not being present the House adjourned until Thursday 28th Novr. at 3 o'clock P. M.

Speaker

Thursday, the 28th day of November, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Ring, Trimble, Franklin, McDonald.

The former Minutes having been read & confirmed.

Mr. Ring's motion "That an Address be presented by this House to His Excellency the Governor praying him to declare the Port of Nanaimo to be henceforth a Port of Entry.

Ordered to be considered in Committee of the Whole at next meeting.

Mr. Ring's Motion "That a return of the amount of Revenue hitherto derived from the District of Nanaimo, and of the sources of that Revenue be laid upon the Table.

Agreed to.

Mr. Burnaby gave notice of Motion.

A detailed statement of the amount of any defalcations that may have been discovered in the accounts of any Public Department in Vancouver Island during the current year.

2nd Reading of Victoria Gas Compys. Extension Bill.

2nd Reading of Mr. Franklin's Motion relative to Light House at McLaughlans Point.

House then adjourned until Friday 29th inst. 1861 at 3 oclck. P. M.

J. S. Helmcken.
Speaker.

Friday, the 29th day of November, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Burnaby, Ring, Franklin.
The former Minutes having been read and confirmed.

Mr. Frankin presented a Petition from Jacob Francis against the return of Joseph William Trutch Esqr. as Member for Victoria District.

Ordered to be referred to Election Committee.

Mr. Rings Motion "to declare the Port of Nanaimo to be henceforth a Port of Entry."

Postponed.

Mr. Burnaby's Motion "relative to defalcations that may have been discovered in the Accounts of any Public Department."

House divided.

Ayes:

Messrs. Burnaby,
Ring.

Noes:

The Attorney General,
Mr. Franklin.

The Speaker gave his casting vote in favor of the Motion—Majority one (1).

House in Committee of the whole on Victoria Gas Company Extension Act 1861.

Mr. Franklin in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having the Bill referred to them under their consideration had agreed to the same.

Ordered to be referred to a Select Committee.

House then adjourned until Thursday 5th Decr. 1861 at 3 oclock P. M.

J. S. Helmcken
Speaker