

JOURNALS
OF THE
LEGISLATIVE COUNCIL
OF
BRITISH COLUMBIA
21 MARCH 1868 TO 1 MAY 1868
IN THE
31ST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE FIFTH SESSION OF THE LEGISLATIVE COUNCIL OF
BRITISH COLUMBIA

ROLL
OF THE
HONORABLE THE LEGISLATIVE COUNCILLORS
OF
British Columbia,

FOR THE FIFTH SESSION OF THE LEGISLATIVE COUNCIL,
BEING THE YEAR 1868, 31° VICTORIE.

WILLIAM A. G. YOUNG, ACTING COLONIAL SECRETARY AND PRESIDING MEMBER.

HENRY P. PELLEW CREASE, ATTORNEY GENERAL.

ROBERT KER, ACTING DURING SESSION AS TREASURER.

JOSEPH WILLIAM TRUTCH, CHIEF COMMISSIONER OF LANDS AND WORKS AND
SURVEYOR GENERAL.

WYMOND OGILVY HAMLEY, COLLECTOR OF CUSTOMS.

HENRY MAYNARD BALL, MAGISTRATE, NEW WESTMINSTER.

GEORGE WILLIAM COX, MAGISTRATE, COLUMBIA AND KOOTENAY.

THOMAS ELWYN, ACTING DURING THE SESSION AS MAGISTRATE FOR CARIBOO.

WILLIAM J. MACDONALD, MAGISTRATE, VICTORIA.

PETER O'REILLY, MAGISTRATE, YALE AND LYTTON.

WARNER R. SPALDING, MAGISTRATE, NANAIMO.

THOMAS LETT WOOD, MAGISTRATE, VICTORIA.

AMOR DECOSMOS, VICTORIA.

JOHN SEBASTIAN HELMCKEN, VICTORIA.

JOSEPH DESPARD PEMBERTON, VICTORIA DISTRICT.

JOHN ROBSON, NEW WESTMINSTER.

ROBERT THOMPSON SMITH, COLUMBIA AND KOOTENAY.

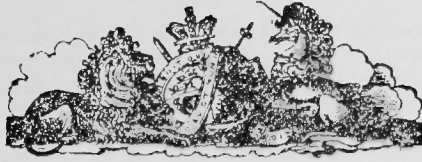
EDWARD STAMP, LILLOOET.

GEORGE ANTHONY WALKEM, CARIBOO.

FRANCIS JONES BARNARD, YALE AND LYTTON.

BRITISH COLUMBIA

V.



R.

FREDERICK SEYMOUR

L.S.

PROCLAMATION

By His Excellency FREDERICK SEYMOUR, ESQUIRE, Governor and Commander-in-Chief of the Colony of British Columbia and its Dependencies, Vice-Admiral and Ordinary of the same, &c., &c., &c.

To the Honorable the Legislative Councillors of the said Colony, and every of them, and whom else it may concern;

Greeting.

KNOW YE that I, FREDERICK SEYMOUR, under and by virtue of all powers and authorities in me in that behalf vested, do hereby command and, by the tenor of these presents, enjoin you and each of you that on Saturday, the twenty-first day of March, One thousand eight hundred and sixty-eight, at the Council Chamber, New Westminster, personally you be and appear FOR THE DISPATCH OF BUSINESS, to treat and conclude upon those things which in the said Legislative Council may be ordained.

GIVEN under my hand and the Public Seal of the Colony, at Government House, New Westminster, in the Colony of British Columbia, this sixth day of March, in the year of Our Lord One thousand eight hundred and sixty-eight, and in the thirty-first year of Her Majesty's Reign.

By Command.

WILLIAM A. G. YOUNG.

Saturday, the 21st day of March, 1868.

Pursuant to the above Proclamation, the Legislative Council met this day, the following Members being present:—

The Hon. Messrs. Young, Crease, Hamley, Trutch, Ball, Ker, O'Reilly, Cox, Elwyn, Robson, DeCosmos, Barnard, Smith, Walkem.

At 2 o'clock, p.m., His Excellency Frederick Seymour, Governor of the Colony, entered the Council Chamber, attended by his Private Secretary, and, being seated in the President's Chair, administered the oaths of allegiance and office to two new Members, Robert Ker, Esquire, and Thomas Elwyn, Esquire.

His Excellency then delivered the following gracious Speech:—

Honorable Gentlemen of the Legislative Council:

It is with much pleasure that I find myself enabled to call you together to-day, and thus relieve myself of the serious responsibility which the deprivation of your assistance cannot fail to entail on me. I need scarcely add that an honest Government must be always glad to find constitutional means of making public its views, and to render to a competent authority an account of its proceedings.

In all communities the most difficult question to deal with is that of finance, and we cannot certainly claim an exemption from the common embarrassment. The year 1867 was the first in which British Columbia was thrown on its own resources. Heretofore, Loans raised in England, and overdrawn accounts at the

local Banks, largely contributed to the support of the Government, and to the formation of roads from which the country may derive a pride somewhat tinged by a melancholy consideration of the vast indebtedness now weighing on us. The spending of large sums of borrowed money gave employment to labour, and an impetus to all branches of trade, now, we have simply to rely on the proceeds of local taxation, largely reduced by remittances to England on account of Interest and Sinking Fund on our Debt. The financial position last year was greatly aggravated by circumstances to which it would be somewhat painful and is not necessary now to allude. Time will cure the evil, and I have to state that the Revenue has begun to show, within the last few months, signs of considerable elasticity.

The Estimates of Revenue and Expenditure shall shortly be laid on your table. I should bring them at once before you, were I not indulging the hope that the attention of Her Majesty's Government has been attracted to the financial position of this Colony. This hope is the cause of the delay which has occurred in my calling you together. Assisted or unassisted, however, I think that we should observe the utmost economy until we shall have relieved ourselves of local debts on which a crushing rate of interest is charged. I propose to address you by Message during the course of the Session, respecting the past and present financial position of the Colony.

You are aware that on the Union of the Colonies being completed, doubts were raised as to the position of the two Courts of Supreme Judicature, which the morning of the 19th of November found in full power: doubts going with some, to the extent of questioning the existence of one of them. I shall lay before you a Bill to remove all such doubts and define the power, the jurisdiction of the Courts, which I regret to say will for the present have to remain separate, and to establish the position of the two Judges, who will severally, perhaps occasionally jointly, preside in each. The Bill has been approved by the Law Officers of the Crown. I have, however, again ventured to repeat to Her Majesty's Government the expression of my opinion that a fusion of the Courts under one Chief Justice would be the more satisfactory arrangement.

I shall also lay before you a Bill for the more effectual protection of Her Majesty's Naval Stores. One amending the Ordinance relating to Weights and Measures, and another amending that respecting the limitation of certain causes of Action and Suits. Perhaps I may, during the course of the Session, bring under your notice other Bills, but it is my intention not to overburden your table with papers at this late season of the year. In the present transitional state of the Colony, it appears to me that we should rather watch events than attempt to guide them by legislation necessarily hesitating and tentative.

The external Postal arrangements are complicated and inconvenient. I shall bring papers connected with this subject under your consideration.

During the last Session, your Honorable Council unanimously passed a Resolution in favour of negotiations being entered into for the Union of this Colony with the Confederation which has been formed among the Eastern British Provinces on this Continent. Although I could not be blind to difficulties which made me consider the Resolution principally as the expression of a disheartened community, longing for change of any kind, yet the possibility alone of something arising out of it to promote an overland communication with Canada, was enough to induce me to support your Resolution. I learn in reply to my communications on the subject, that the consideration of it must, at all events, await the time when the intervening Territory now under the control of the Hudson's Bay Company shall have been incorporated with the Confederation.

A year's residence in the United Colony has convinced me that there are few questions in which the people of the Lower Country feel a deeper interest than that as to the selection of a Capital. Had the Colony been prosperous, no such earnestness of feeling would exist, but under present circumstances I think it right that I should explain at greater length the steps that have been taken in regard to its settlement than would be convenient on this occasion. As soon, therefore, as I am honoured by a reply to this address, I shall forward a statement of the case as it stands to you by Message. Suffice it now to say, that Her Majesty's Government are of opinion that in my Message of the 27th March, 1867, I took an extreme view as to the extent to which public faith and honour are pledged to the purchasers of land in New Westminster. Further, that I should consider the

public convenience from time to time as the main guide in the selection of a Seat of Government. I am commanded to come to a decision without further delay, and I desire to avail myself—although the matter is one of Executive prerogative—of your assistance in so doing. My Message will contain every information, and I shall be glad if you will come to a division on the subject. Every argument is exhausted. I have now but to act. A Governor must allow himself no personal feelings in a matter of this importance.

I congratulate you on the great improvements which I observed last year in the farms of the Upper Country, and on the favourable prospects which seem opening to our Gold Miners, as well as on the tranquillity of the Colony, and the absence of serious crime. A dispute between two Mining Companies on a distant Creek, during the summer, threatened at one time to assume serious proportions, and it is creditable to the Colony to note the sensation which the prospect of a breach of the peace produced throughout its vast extent. But the good sense and love of order, so general among our Miners, allowed of a settlement of the question without a resort to force, and the law speedily resumed its sway.

I wish that among my subjects of congratulation I could include that of an improvement in the material condition of the Colony, and something like a return of the time of immigration which gave birth to British Columbia. It seems strange that a country which possesses every advantage of climate and soil which the English race could desire; where land in the Upper Country can be had virtually for nothing; where mines of all the precious metals hold out their attractions; where hired labour is exorbitantly remunerated, that such a country should not even have the power of retaining all of those who have sought their fortunes on its distant shore.

I am of opinion that both sections of the present Colony have suffered much from their former antagonism. I trust that all differences are now merged, and that the Union—though as yet barren of good results—will cause a community of interests, leading to a feeling of forbearance and christian charity pleasing to Him, Whose support I humbly invoke on this solemn occasion.

His Excellency then left the Council Chamber.

The Hon. the Acting Colonial Secretary took the Chair as Presiding Member.

The Presiding Member acquainted the Council that to prevent any mistake he had obtained a copy of the Governor's Speech.

On the motion of the Hon. Mr. DeCosmos, ordered that the same be taken as read.

On the motion of the Hon. Mr. O'Reilly, the Hon. Mr. Ball seconding,

Ordered, That the Governor's Speech be printed for the use of Members.

On the motion of the Hon. Mr. Hamley, the Hon. Mr. Robson seconding,

Resolved, That a Select Committee, to be named by the Presiding Member, be appointed to draw up and submit a reply to His Excellency's gracious Speech.

The following Honourable Members were named accordingly:—The Hon. Messrs. Hamley, DeCosmos, Robson, Barnard, Ball.

The Hon. Mr. DeCosmos having requested to be excused from acting on the Committee, the Hon. the Presiding Member named the Hon. Mr. O'Reilly in his stead.

The Hon. Mr. DeCosmos gave notice of motion.

The Hon. Mr. Robson gave notice of motion.

The Hon. the Attorney General gave notice of motion.

Then, on the motion of the Hon. the Attorney General, the Council adjourned till Monday, the 23rd instant, at 3 o'clock, p.m.

Monday, the 23rd day of March, 1868.

The Council met at 3 o'clock, pursuant to adjournment.

The Hon. the Acting Colonial Secretary in the Chair as Presiding Member.

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, O'Reilly, Ker, Elwyn, Cox, Robson, Ball, DeCosmos, Barnard, Smith.

The Minutes of the previous Meeting having been read and slightly amended were confirmed.

The Hon. Mr. DeCosmos gave 3 notices of motion.

The Hon. the Attorney General gave notice of motion.

The Hon. Mr. Hamley, from the Select Committee appointed to prepare a reply to His Excellency's opening Speech, brought up a Report.

Ordered to be read aloud by the Clerk.

Read accordingly as followeth:—

To His Excellency Frederick Seymour, Governor and Commander-in-Chief of the Colony of British Columbia and its Dependencies, Vice Admiral and Ordinary of the same, &c.

We, Her Majesty's dutiful and loyal subjects, Members of the Legislative Council of British Columbia, in Council assembled, have heard with great pleasure the statement of the affairs and prospects of the Colony, which Your Excellency has been graciously pleased to make to us, and we beg in return heartily to tender every assistance that may be in our power during the short period to which the sitting of the Council will this year be confined.

We are aware of the financial difficulties with which the Government is surrounded, but have confidence with Your Excellency that time and a revival of commercial prosperity will cure the evil, and we are glad to learn that there is a prospect of relief and sympathy in the mean time from the Imperial Government.

The Bill on the important measure for defining the power and jurisdiction of the two Courts of Supreme Judicature shall receive, as it merits, our earnest attention, as shall also the other Bills which Your Excellency proposes to lay before us.

It is with great pleasure we learn that the external Postal arrangements are likely to undergo some material improvement.

Fully impressed with the importance of the question of the Union of British Columbia with the Confederated Eastern British Provinces, we feel assured that when the opportune time may arrive every consideration will be given to the interests of this Colony.

We are glad that a question of such absorbing interest as the Seat of Government in the Colony is at length to receive its final settlement, with due regard to public faith and honor and the just claims of all parties concerned.

We cordially concur with Your Excellency in the expression of satisfaction at the marked improvement visible in the Agricultural and Mining Districts of the Colony, hoping that the undoubted advantages which it possesses will, at no distant period, attract a large and permanent population; and in conclusion we earnestly trust that the Higher Aid invoked by Your Excellency may be vouchsafed to us in our deliberations for the promotion of the common good.

(Signed)

W. HAMLEY,
Chairman of the Select Committee.

The Hon. Mr. Smith moved, the Hon. the Attorney General seconding,

That this Report be adopted.

The Hon. Mr. DeCosmos, in amendment,

That it be referred to a Committee of the whole Council.

No seconder having been found for the amendment, the original motion was put, and the Council divided.

Ayes 11, Noes 1.

So it was Resolved That the Report be adopted.

The Hon. Mr. Ker moved, the Hon. Mr. Ball seconded,

And it was Resolved, That the reply to His Excellency's opening Speech be presented by the Council.

The Presiding Member having been requested to learn at what time His Excellency would be prepared to receive the address in reply,

The Council adjourned during pleasure.

On the Council resuming its sitting, the Hon. the Presiding Member acquainted the Council that His Excellency would be prepared to receive the reply at 3, p.m., to-morrow.

Pursuant to the Order of the day, the Hon. Mr. Robson moved, the Hon. Mr. Barnard seconding,

That an humble address be presented to His Excellency the Governor, asking that Returns may be laid before this Council giving a Comparative Statement of the Civil List of British Columbia in 1863, and that for the United Colony in 1867; the Returns in the latter case indicating the appointments rendered necessary by the incorporation of Vancouver Island with the Mainland; the said Returns to exhibit the salaries and other emoluments of office, as well as the names of the recipients thereof.

On the question being put it was carried unanimously and Resolved accordingly.

The Hon. Mr. Robson rose to speak to a question of order, as to whether Rule No. 8 of the Standing Orders, prohibiting the naming Members when alluding to their speeches or opinions, applies to the Presiding Member.

The Hon. the Presiding Member ruled that No. 8 of the Standing Orders was not applicable to the Presiding Member.

Pursuant to the Order of the day, the Hon. the Attorney General introduced the Limitation of Actions Bill.

Ordered to be read first time at once.

Read first time accordingly.

Second reading ordered for next meeting of Council.

Pursuant to the Order of the day, the Hon. the Attorney General introduced the Supreme Courts Bill.

Ordered to be read first time at once.

Read first time accordingly.

Second reading ordered for Friday next.

Pursuant to the Order of the day, the Hon. the Attorney General introduced the Intestate Estates Bill.

Ordered to be read first time at once.

Read first time accordingly.

Second reading ordered for to-morrow.

Then, on the motion of the Hon. Mr. DeCosmos, the Council adjourned till 3 o'clock to-morrow.

Tuesday, the 24th day of March, 1868.

The Council met at 3 o'clock, pursuant to adjournment.

The Hon. the Acting Colonial Secretary in the Chair as Presiding Member.

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, O'Reilly, Cox, Elwyn, DeCosmos, Robson, Barnard, Smith, Helmcken.

The Minutes of the previous Meeting were read over and confirmed.

The Hon. Mr. Robson gave notice of motion.

The Hon. the Attorney General then moved that the Council do now adjourn during pleasure, in order that the Council may present the Reply to His Excellency's opening Speech.

Ordered that the Council adjourn during pleasure.

On the Council resuming its sitting, the Hon. the Presiding Member acquainted the Council that, in company with the majority of the Hon. Members present, he had waited on His Excellency to present the address in Reply to the opening Speech, and that His Excellency had been pleased to make the following Rejoinder:

Honorable Gentlemen of the Legislative Council:

I am much obliged for the address you have been good enough to present to me. I have no doubt but that you will faithfully do your duty to the Colony you represent, and I think it desirable that every effort should be made to get through our work as early as possible.

Pursuant to the Order of the day, the Hon. the Attorney General introduced the Weights and Measures Bill.

Ordered that the same be now read first time.

Read first time accordingly.

Second reading ordered for to-morrow.

Pursuant to the Order of the day, the Hon. the Attorney General introduced the Naval and Victualling Bill.

Ordered that the said Bill be now read first time.

Read first time accordingly.

Second reading ordered for to-morrow.

Pursuant to the Order of the day, the Hon. the Attorney General introduced the Mortgages Bill.

Ordered that the said Bill be now read first time.

Read first time accordingly.

Second reading ordered for Monday, 30th March.

Pursuant to the Order of the day, the Limitation of Actions Bill was read second time.

Ordered that the same be committed on Tuesday, the 31st instant.

Pursuant to the Order of the day, the Intestate Estate Sale Bill was read second time.

Ordered to be committed on Monday, the 30th instant.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 3 o'clock p. m. to-morrow.

Wednesday, the 25th day of March, 1868.

The Council met at 3 o'clock, pursuant to adjournment.

The Hon. the Acting Colonial Secretary in the Chair as Presiding Member.

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, O'Reilly, Cox, Pemberton, Stamp, DeCosmos, Helmcken, Macdonald, Elwyn, Robson, Barnard, Smith.

The Minutes of the previous Meeting were read, and having been amended, were confirmed.

The Hon. Mr. DeCosmos gave a notice of motion.

The Hon. Mr. Macdonald gave a notice of motion.

The Hon. Mr. DeCosmos gave a further notice of motion.

The Hon. Mr. Robson gave a notice of motion.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos asked the Hon. the Collector of Customs, Whether the Revenue Laws of the Colony provide for granting Drawbacks on Merchandize exported on which Duties have been paid? If not, whether it is the intention of the Government to introduce a measure to grant Drawbacks on such exported Merchandize?

The Hon. Mr. Hamley replied.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos asked the Hon. the Chief Commissioner of Land and Works, Whether it is the intention of the Government to submit a Return shewing the state of agriculture in the Colony?

The Hon. Mr. Trutch replied.

Pursuant to the Order of the day, the Weights and Measures Bill was read second time.

Ordered to be committed forthwith.

The Council went into Committee on the said Bill accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. Trutch, Chairman of the Committee, reported considerable progress made with the Bill, and asked leave to sit again.

Ordered that leave be granted for Monday next.

Pursuant to the Order of the day, the Naval and Victualling Stores Bill was read second time.

Ordered to be committed forthwith.

The Council went into Committee on the said Bill accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. Trutch, Chairman of the Committee, reported considerable progress made with the Bill, and asked leave to sit again.

Ordered that leave be granted for Monday next.

Then, on the motion of the Hon. Mr. DeCosmos, the Council adjourned till 3 o'clock to-morrow.

Thursday, the 26th day of March, 1868.

The Council met at 3 o'clock, pursuant to adjournment.

The Hon. the Acting Colonial Secretary in the Chair as Presiding Member.

Present,—The Hon. Messrs. Young, Crease, Hamley, Ker, Trutch, O'Reilly, Cox, Ball, Elwyn, Smith, Robson, Macdonald, Helmcken, DeCosmos, Pemberton.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. Robson gave notice of motion.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos moved, the Hon. Mr. Robson seconding,

That His Excellency the Governor be respectfully requested to lay before the Council a Return shewing the estimated population of the Colony, distinguishing between Whites, Chinese, and Indians; and setting forth the estimated population in each District represented in the Council, distinguishing between Whites, Chinese, and Indians.

On the question being put, it was carried unanimously, and Resolved accordingly.

Pursuant to the Order of the day, the Hon. Mr. Robson moved, the Hon. Mr. Cox seconding,

That an humble address be presented to His Excellency the Governor, enquiring what steps, if any, have been taken towards complying with a Resolution of this Council passed last Session, respecting the Indian Reserves on the Lower Fraser.

On the question being put, the Council divided.

Ayes 17. Noes 3.

So it was carried, and Resolved accordingly.

Pursuant to the Order of the day, the Hon. Mr. Macdonald moved, the Hon. Mr. Helmcken seconding,

That an address be presented to His Excellency, praying the Returns be forwarded to this House, shewing the amount of money disbursed for School purposes on the Mainland for the year 1867, also the arrears of Salary or other allowance, if any, due to the Teachers up to the 31st December, 1867.

On the question being put it was carried unanimously and Resolved accordingly.

Pursuant to the Order of the day, the Hon. Mr. Macdonald moved, the Hon. Mr. Helmcken seconding,

That an address be presented to His Excellency the Governor, praying that the balance of \$6,000 appropriated for School purposes in Vancouver Island, be placed at the disposal of the Board of Education forthwith.

On the question being put it was carried unanimously and Resolved accordingly.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 3 o'clock to-morrow.

Friday, the 27th day of March, 1868.

The Council met at 3 o'clock, pursuant to adjournment.

The Hon. the Acting Colonial Secretary in the Chair as Presiding Member.

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, O'Reilly, Cox, Elwyn, Macdonald, Smith, Walkem, Barnard, Robson, Wood, Helmcken, DeCosmos, Stamp.

The Minutes of the Previous Meeting were read and confirmed.

The Hon. Mr. Helmcken presented a Petition from certain members of the Legal Profession in the Colony.¹

Ordered that the same be received and read.

Read accordingly.

Ordered that the same do lie on the table.

The Hon. Mr. Helmcken presented a Petition from certain proprietors of Orchards, Gardeners, and Farmers, in Vancouver Island.²

Ordered that the same be read.

Read accordingly.

Ordered that the Petition do lie on the table.

¹ Attached as Sessional Paper, *Journals of the Legislative Council of British Columbia*, 1868, p. i.

² *Ibid.*, pp. i-ii.

The Hon. Mr. Helmcken presented a Petition from certain Merchants of the Colony.³

Ordered that the same be read.

Read accordingly.

Ordered that the Petition do lie on the table.

The Hon. Mr. Barnard presented a Petition from certain Settlers on the Buonaparte River.⁴

Ordered that the same be read.

Read accordingly.

Ordered that the said Petition do lie on the table.

The Hon. Mr. Helmcken gave notice of motion.

The Hon. Mr. DeCosmos gave notice of motion.

Pursuant to the Order of the day, the Hon. Mr. De Cosmos moved, the Hon. Mr. Stamp seconding,

That His Excellency the Governor be respectfully requested to lay before the Council a Return shewing the number of pre-emptions on the Crown Lands in 1867; and also the number of acres pre-empted, sold, and leased; and also the total Revenue derived in 1867 from the pre-emption, sales, and leases of Crown Lands made in that year; and also enumerating the different sections of the Colony in which Crown Lands have been pre-empted, sold, or leased in 1867.

On the question being put, it was carried unanimously, and Ordered accordingly.

On the Order of the day being read for a motion standing in the name of the Hon. Mr. DeCosmos,

On the motion of the said Hon. Member, Ordered that the same be postponed till Wednesday.

Pursuant to the Order of the day, the Hon. Mr. Robson moved, the Hon. Mr. DeCosmos seconding,

That an humble address be presented to His Excellency the Governor, enquiring whether any official Report has been prepared upon the probable route through British Columbia of the proposed Overland Road to Canada, and requesting that copies of such Report (if any), together with any official information bearing on the same subject, may be laid before this Council.

On the question being put it was carried unanimously and Ordered accordingly.

On the Order of the day being read for the second reading of the Supreme Court Bill, a debate arose.

³ *Ibid.*, p. ii.

⁴ *Ibid.*, pp. ii-iii.

The Hon. Mr. Helmcken moved, the Hon. Mr. Walkem seconding,
That the further consideration of the Bill be postponed till Thursday next.
On the question being put it was carried unanimously and Ordered accordingly.

Then, on the motion of the Hon. Mr. Ball, the Council adjourned till 3 o'clock on Monday next.

Monday, the 30th day of March, 1868.

The Council met at 3 o'clock, pursuant to adjournment.

The Hon. the Acting Colonial Secretary in the Chair as Presiding Member.

Present.—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Cox, Ball, O'Reilly, Elwyn, De Cosmos, Helmcken, Wood, Robson, Smith.

The Minutes of the previous Meeting were read and confirmed.

A Message from His Excellency the Governor, which being read, is as follows:

Message No. 1.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council a Despatch with enclosures from Her Majesty's Secretary of State, directing him to come to a decision as to the selection of a Seat of Government for the United Colony of British Columbia. He adds a copy of his reply.⁵

The Governor would feel greatly obliged by the Honorable Council assisting him with their advice on the subject. He wishes it to be clearly understood that Honorable Members holding Official positions are requested freely to pronounce their opinion.

*Government House,
30th March, 1868.*

Ordered that the Message, with the Despatch of the Secretary of State, and the Governor's reply be printed, and that the Message be taken up on Thursday next.

The Hon. Mr. Helmcken gave 3 notices of motion.

The Hon. Mr. Robson gave notice of motion.

Pursuant to the Order of the day, the Hon. Mr. Robson introduced the Fence Bill.

Ordered to be read first time at once.

Read first time accordingly.

Ordered that the second reading be called on by the motion of the Hon. Member introducing the Bill.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos moved, the Hon. Mr. Helmcken seconding,

This His Excellency the Governor be respectfully requested to lay before the Council the correspondence (if any) with the Canadian and Imperial

⁵ *Ibid.*, p. iii.

Governments, respecting the admission of this Colony into the Dominion of Canada.

On the question being put it was carried unanimously and Resolved accordingly.

Pursuant to the Order of the day, the Council went again into Committee on the Weights and Measures Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Trutch, Chairman of the Committee, reported the Bill complete without amendments.

Ordered that the report be adopted, and that the Bill be read third time to-morrow.

Pursuant to the Order of the day, the Council went again into Committee on the Naval and Victualling Stores Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Trutch, Chairman of the Committee, reported the Bill complete without amendments.

Ordered that the report be adopted, and the Bill read third time to-morrow.

On the question of the second reading of the Mortgages Bill being put, the Council divided.

Ayes 6. Noes 4.

So it was carried in the affirmative, and the Bill was read second time accordingly.

Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Council went into Committee on the Intestate Estate Sales Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported that considerable progress had been made with the Bill, and asked leave to sit again.

Ordered that leave be granted. The further consideration of the Bill in Committee to be called on by the Hon. Attorney General, by motion.

Then, on the motion of the Hon. Mr. DeCosmos, the Council adjourned till 3 o'clock to-morrow.

Tuesday, the 31st day of March, 1868.

The Council met at 3 o'clock, pursuant to adjournment.

The Hon. the Acting Colonial Secretary in the Chair as Presiding Member.

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, O'Reilly, Cox, Wood, Smith, Barnard, Robson, DeCosmos, Helmcken.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. Barnard gave notice of motion.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos asked the Hon. the Attorney General, Whether the Gulf of Georgia, north of the 49th parallel, and Johnson's Straits are exclusively British waters or not?

And whether Foreign vessels have any right to pass through Johnson's Straits? If so, by virtue of what authority? If not, whether it is the intention of the Government to assert our exclusive right to the navigation of Johnson's Straits?

The Hon. the Attorney General replied.

On the Order of the day being read for the Committal of the Limitation of Suits Bill,

The Hon. Mr. Helmcken moved that the Council go into Committee this day six months on the said Bill.

On the question being put the Council divided.

Ayes 3, Noes 9.

So the motion was lost.

The original question having been put and carried,

The Council went into Committee on the said Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the Bill complete, without amendments.

Ordered that the report be adopted, and the Bill read third time to-morrow.

Pursuant to the Order of the day, the Weights and Measures Bill was read the third time.

Ordered that the said Bill do pass, and that its title be "The Weights and Measures Ordinance, 1868."

Pursuant to the Order of the day, the Naval and Victualling Stores Bill was read the third time.

Ordered that the said Bill do pass, and that its title be "The Naval and Victualling Stores Ordinance, 1868."

On the question of the committal of the Mortgages Bill being put, the Council divided.

Ayes 6. Noes 3.

So it was carried in the affirmative.

The Council went into Committee on the said Bill accordingly.

The Committee rose without a report, and the Presiding Member resumed the Chair.

So the Mortgages Bill lapsed.

The Hon. Mr. Robson moved the adjournment till 3 o'clock to-morrow.

The Hon. Mr. DeCosmos moved in amendment till 11 o'clock on Thursday next.

The amendment having been put and carried, the Council adjourned accordingly till 11 o'clock a. m., on Thursday.
