

JOURNALS
OF THE
LEGISLATIVE ASSEMBLY
OF THE PROVINCE OF
BRITISH COLUMBIA.

SESSION 1886.

Monday, 25th January, 1886.

THREE O'CLOCK, P. M.

This being the first day of the fourth meeting of the Fourth Parliament or Legislative Assembly of the Province of British Columbia, for the dispatch of business, pursuant to a Proclamation of His Honour the Honourable Clement Francis Cornwall, Lieutenant-Governor of the Province, dated the Seventeenth day of December, 1885.

His Honour the Lieutenant-Governor having entered the House, took his seat on the Throne, and was pleased to deliver the following gracious Speech:—

Mr. Speaker and Gentlemen of the Legislative Assembly:

In meeting you at this, your fourth session, I am glad to be able to congratulate you upon the continued prosperity of the country, and the hopeful prospect of its varied resources being steadily and increasingly developed.

The stupendous work of constructing the Canadian Pacific Railway from the Atlantic to the Pacific has been successfully accomplished, and the iron band which now spans the continent entirely within British territory may be confidently expected to produce effects beneficial alike upon Dominion and Provincial interests. The people of this Province will be drawn more closely to those of the other Provinces, and inter-provincial trade will be stimulated. As an alternative route between Great Britain and her Asiatic possessions, the Railway will, doubtless, be regarded by the Imperial Government as of great importance to the interests of the Empire.

The establishment of strong defensive works at the various points on the coast, necessary to prevent hostile approach to this new national highway from the waters of the Pacific should be pressed upon the attention of the Dominion and Imperial Governments, with a view of causing our natural strategic position to be recognised and transformed into a formidable outpost of British power and prestige.

Work on the Island Railway has been prosecuted with commendable energy. Already the rails are laid more than half the distance between Esquimalt and Nanaimo, and proportionate progress on the remaining part will secure the completion of the entire road in early summer.

The benefits accruing to the Province through the construction of this road are important. The settlement upon lands along its line which took place to so great an extent in the year 1884, has continued unabated during the year just closed; and it is very gratifying to be able to state that more land has been taken up by actual settlers in the various districts embraced

within the railway belt on the Island during that period, than had been acquired during all the previous years.

Work on the Graving Dock has made satisfactory progress, and it is confidently expected that during the coming summer it will be available, in case of need, for the reception of any vessels in these waters.

In view of the establishment, in the near future, of a line of large steamers for trans-Pacific trade, which will probably be longer than the present Dock would accommodate, it has become apparent that it should be lengthened to a sufficient extent to meet the requirements of the future. My Ministers have urged upon the Dominion Government the expediency of providing for such enlargement while the work is in progress; but anxiety to secure the earliest possible completion of the work seems to have induced the Dominion Government to defer extension until a future period, when it may be easily done, although at a somewhat increased cost.

Since I last met you the Province has enjoyed the honour of a visit from His Excellency the Governor-General. His Excellency was impressed with the beauty of the scenery and salubrity of the climate, and expressed himself as entertaining a high opinion of the resources of the country, and great confidence in its future.

The Acts passed by you last session, and the session previous, to prevent the further influx of Chinese, and to regulate those already here, have been only partially successful in attaining their object. The Act to prevent the immigration of Chinese, after having been in operation a short period, was disallowed by the Dominion Government, as being *ultra vires* of this House.

An Act was, however, passed by the Parliament of Canada purporting to accomplish the same object. That Act has been in operation since with beneficial results, to a limited extent, and it is to be hoped that at the next session of that Parliament the principle embodied in the Act referred to may be extended. The Chinese Regulation Act, passed by you in the session of 1884, but not put in force until February last, is in operation so far as its provisions have not been challenged. Objection having been raised respecting the constitutionality of certain imposts provided, and an adverse decision of the Supreme Court having been rendered, steps have been taken to appeal the case to the Privy Council. You will be invited to consider what further action shall be taken to secure the object aimed at by previous legislation.

The discovery of rich alluvial gold mines on Granite and other Creeks in Yale District, is likely to bring about a new era of mining development in the Province. A large mining population, it is expected, will be attracted to the new diggings during the coming season, and your sanction will be asked to such expenditures as may be necessary to open up that section of country with roads and trails to facilitate, as much as possible, the successful prosecution of an industry which will have so important an influence upon the general interests of the whole Province.

The Big Bend section of the Kootenay District is attracting men and capital, and through the agency of the Canadian Pacific Railway Company it is believed that the rich auriferous quartz veins there will soon be made to yield a golden harvest.

Efforts are being made to have the varied products of the Province well represented at the Colonial and Indian Exhibition, to be held in London during the present year.

The cost of the Administration of Justice has been very much increased. This is owing to the large general increase of population, and more particularly in consequence of the influx of people into remote and unsettled portions of the country. But, at whatever cost, law and order must be maintained; and it is my aim to make it apparent that life and property will be protected, and crime punished, even in the remotest portions of the Province.

In view of impending negotiations between the Imperial and United States Governments, for a renewal or enlargement of the Treaty of Washington, I have taken steps to ensure that the interests of this Province shall not be overlooked or misunderstood.

The increase of population in the various districts on Mainland and Island has caused a demand for the establishment of numerous new schools, and while, in consequence, the expenditure in connection with our educational system is becoming very heavy, the cause of it is nevertheless gratifying as showing the rapid growth of the settlements.

The total product of our gold mines has been about the same as the previous year, while there has been a slight falling off in the output of coal, owing chiefly to the depressed condition of San Francisco market.

The agricultural interests of the Province are satisfactory, although the unusually dry summer had the effect of somewhat reducing the yield of cereals and roots on Vancouver Island.

I recommend the appointment of Commissioners to revise and consolidate the statute laws of the Province, so that every one desirous of becoming conversant with our laws, or upon whom the administration of justice depends, may readily obtain knowledge of the same. It may be well also that you should consider the consolidation of the many statutes relative to the constitution and procedure of the Supreme Court.

The question of water rights for irrigating and manufacturing purposes upon that portion of the mainland situate East of the Cascades demands your serious attention. The constant strife and litigation attendant upon the use of water in that region, is productive of great loss to the individuals concerned, and is, consequently, injurious to the public interests. I should be glad of practical, but not hasty, legislation on this subject, and suggest your appointing Commissioners, composed of persons of practical experience, to submit to the next Legislative Assembly a report defining principles which, in their judgment, should govern the enjoyment and acquisition of water rights.

The Revenue has continued steadily to increase, that for the last fiscal year having exceeded the estimate considerably.

The Public Accounts will be laid before you, and Estimates for the public service during the next year will be submitted for your consideration.

I now leave you to your deliberations with confidence that your labours will be devoted to promoting the best interests of the Province. I pray that Providence may guide your efforts.

His Honour the Lieutenant-Governor was then pleased to retire.

Prayers by the Lord Bishop of British Columbia.

Mr. Speaker stated that he had received the resignation of *S. Duck*, Esquire, Member for the Electoral District of *Victoria City*, and that he had issued his warrant to the Registrar of the Supreme Court to issue a Writ to fill such vacancy, and that the said *S. Duck* had been re-elected.

The Certificate of Election was read by the Clerk as follows:—

“*Hon. J. A. Mara,*

“*Speaker of Legislative Assembly.*

“SUPREME COURT OF BRITISH COLUMBIA,

“25th January, 1886.

“Whereas the Honourable *Simeon Duck*, a Member for the Electoral District of *Victoria City*, did, on or before the 20th day of March last, accept office under the Crown, and did thereby vacate his seat for such District in the House of Assembly.

“And whereas on the 4th day of April last, a Writ for the election of a Member to represent such District was duly issued to *William K. Bull*, Esquire, the Returning Officer of the said District.

“Now I do hereby certify that on the 15th day of April last, the said Writ was returned to me by the said Returning Officer with his certificate attached thereto, whereby it appears that the said *Simeon Duck* has been, under and by virtue of the said Writ, re-elected to be a Member of the House of Assembly for the said District.

“*JAMES C. PREVOST,*

“*Registrar Supreme Court of British Columbia.*”

Simeon Duck, Esquire, having been duly sworn, was introduced by the Honourable *W. Smithe* and *R. Dunsmuir*, Esquire, and took his seat.

Ordered, That the documents relating to the election of *S. Duck*, Esquire, be entered on the Journals of the House.

Mr. Speaker reported that, to prevent mistakes, he had obtained a copy of His Honour's Speech.

On the motion of the Honourable Mr. *Smithe*, seconded by the Honourable Mr. *Davie*,—

Resolved, That the Speech of His Honour the Lieutenant-Governor be taken into consideration on Thursday next.

Ordered, That the Votes and Proceedings of this House be printed, being first perused by Mr. Speaker, and that he do appoint the printing thereof, and that no person but such as he shall appoint do presume to print the same.

Resolved, That if it shall appear that any person hath been elected or returned a Member of this House, or endeavoured so to be, by bribery or other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices.

Ordered, That Select Standing Committees of this House, for the present Session, be appointed for the following purposes:—

1. On Standing Orders and Private Bills ;
2. On Public Accounts ;
3. On Printing ;

which said Committees shall severally be empowered to examine and enquire into all such matters and things as shall be referred to them by the House, and report from time to time their observations and opinions thereon, with power to send for papers, persons, and records.

The Honourable Mr. *Davie* asked leave to introduce a Bill (No. 1) intituled "An Act to amend the "County Court Jurisdiction Act, 1885."

Ordered, That leave be granted.

Bill introduced and read a first time.

Ordered to be read a second time on Monday next.

Resolved, That the House, at its rising, do stand adjourned until two o'clock on Thursday next.

And then the House adjourned at 3.30 o'clock, p. m.

Thursday, 28th January, 1886.

TWO O'CLOCK, P. M.

Prayers by the Venerable Archdeacon *Scriven*.

Mr. *Orr* presented a Petition from *G. L. Milne* and others for leave to introduce a Private Bill (*Coal Harbour Gas Works*).

Laid on the table.

Mr. *Orr* presented a Petition from *E. A. Wilmot* and others for leave to introduce a Private Bill (*English Bay Water Works*).

Laid on the table.

The Honourable Mr. *Robson* presented, by command of His Honour the Lieutenant-Governor, the List of Voters in the several Electoral Districts in British Columbia in force on the 1st September, 1885. (*See Sessional Papers*).

The Honourable Mr. *Robson* presented, by command of His Honour the Lieutenant-Governor, the Report of the Commission of Enquiry concerning the genuineness of an alleged transfer, dated the 23rd day of June, 1884, from certain Indians to one *J. M. M. Spinks*. (*See Sessional Papers*).

The Honourable Mr. *Robson* presented, by command of His Honour the Lieutenant-Governor, a statement of the names and places of residence of Collectors of Revenue paid by Commission, rate of same, and date of authority therefor.

The Honourable Mr. *Robson* presented, by command of His Honour the Lieutenant-Governor, a statement of all Bonds deposited in the Provincial Secretary's Office by Civil Officers of the Province, for the due performance of their duties under the "Civil Officers Securities Act, 1872."

The Honourable Mr. *Duck* presented, by command of His Honour the Lieutenant Governor, the Public Accounts for the Fiscal Year ended 30th June, 1885. (*See Sessional Papers*).

The Honourable Mr. *Smithe* presented, by command of His Honour the Lieutenant-Governor, the Report of the Chief Commissioner of Lands and Works for the year ending 31st December, 1885. (*See Sessional Papers*).

Pursuant to Order, the House proceeded to take into consideration the Speech of His Honour the Lieutenant-Governor.

Mr. *Wilson* moved, seconded by Mr. *T. Davie*,—

1. That an humble Address be presented to His Honour the Lieutenant-Governor, thanking him for his gracious Speech at the opening of this, the Fourth Session of the Fourth Term of the Provincial Legislature, and informing him that we receive with great pleasure His Honour's congratulations upon the continued prosperity of the country, and the hopeful prospect of its varied resources being steadily and increasingly developed.

2. That it is gratifying to us to know that the stupendous work of constructing the Canadian Pacific Railway from the Atlantic to the Pacific has been successfully accomplished, and that the iron band which now spans the continent entirely within British territory may be confidently expected to produce effects beneficial alike upon Dominion and Provincial interests. We trust with His Honour that the people of this Province will be drawn more closely to those of the other Provinces, and that inter-provincial trade will be stimulated. That we recognize and appreciate the fact that as an alternative route between Great Britain and her Asiatic possessions, the Railway will, doubtless, be regarded by the Imperial Government as of great importance to the interests of the Empire.

3. That we agree with His Honour that the establishment of strong defensive works at the various points on the coast, necessary to prevent hostile approach to this new national highway from the waters of the Pacific, should be pressed upon the attention of the Dominion and Imperial Governments, with a view of causing our natural strategic position to be recognized and transformed into a formidable outpost of British power and prestige.

4. That we are well pleased that work on the Island Railway has been prosecuted with commendable energy, and that already the rails are laid more than half the distance between Esquimalt and Nanaimo, and that proportionate progress on the remaining part will secure the completion of the entire road in early summer.

5. That we feel with His Honour that the benefits accruing to the Province through the construction of this road are important; and we are pleased to be informed that the settlement upon lands along its line which took place to so great an extent in the year 1884, has continued unabated during the year just closed; and it is very gratifying to us that His Honour is able to state that more land has been taken up by actual settlers in the various districts embraced within the railway belt on the Island during that period, than had been acquired during all the previous years.

6. That we are glad to learn that work on the Graving Dock has made satisfactory progress, and that it is confidently expected that during the coming summer it will be available, in case of need, for the reception of any vessels in these waters.

7. That we concur in His Honour's opinion that in view of the establishment, in the near future, of a line of large steamers for trans-Pacific trade, which will probably be longer than the present Dock would accommodate, it has become apparent that it should be lengthened to a sufficient extent to meet the requirements of the future. And are pleased with the information that His Honour's Ministers have urged upon the Dominion Government the expediency of providing for such enlargement while the work is in progress; we note that anxiety to secure the earliest possible completion of the work seems to have induced the Dominion Government to defer extension until a future period, when it may be easily done, although at a somewhat increased cost.

8. That we observe with pleasure that since His Honour last met us the Province has enjoyed the honour of a visit from His Excellency the Governor-General, who was impressed with the beauty of the scenery and salubrity of the climate, and expressed himself as entertaining a high opinion of the resources of the country, and great confidence in its future.

9. That we receive with much interest the information that the Acts passed by us last session, and the session previous, to prevent the further influx of Chinese, and to regulate those already here, have been only partially successful in attaining their object; and that the Act to prevent the immigration of Chinese, after having been in operation a short period, was disallowed by the Dominion Government, as being *ultra vires* of this House.

10. That it is satisfactory to us to know that an Act was, however, passed by the Parliament of Canada purporting to accomplish the same object, and that that Act has been in operation since with beneficial results, though but to a limited extent.

11. That we join with His Honour in hoping that at the next session of that Parliament the principle embodied in the Act referred to may be extended. We note that the Chinese Regulation Act, passed by us in the session of 1884, but not put in force until February last, is in operation so far as its provisions have not been challenged; and that objection having been raised respecting the constitutionality of certain imposts provided, and an adverse decision of the Supreme Court having been rendered, steps have been taken to appeal the case to the Privy Council.

12. That we are pleased to be informed that we shall be invited to consider what further action should be taken to secure the object aimed at by previous legislation.

13. That we rejoice to hear that the discovery of rich alluvial gold mines on Granite and other Creeks in Yale District, is likely to bring about a new era of mining development in the Province, and that it is expected that a large mining population will be attracted to the new diggings during the coming season; and in this connection we notice that our sanction will be asked to such expenditures as may be necessary to open up that section of country with roads and trails to facilitate, as much as possible, the successful prosecution of an industry which will have so important an influence upon the general interests of the whole Province.

14. That we are pleased to hear that the Big Bend section of the Kootenay District is attracting men and capital, and we believe with His Honour that through the agency of the Canadian Pacific Railway Company, the rich auriferous quartz veins there will soon be made to yield a golden harvest.

15. That we learn with pleasure that efforts are being made to have the varied products of the Province well represented at the Colonial and Indian Exhibition, to be held in London during the present year.

16. That we note the cost of the Administration of Justice has been very much increased, and feel with His Honour that this is owing to the large general increase of population, and more particularly in consequence of the influx of people into remote and unsettled portions of the country.

17. That we applaud His Honour's resolution that, at whatever cost, law and order must be maintained; and we agree with His Honour that it should be his aim to make it apparent that life and property will be protected, and crime punished, even in the remotest portions of the Province.

18. That we are gratified to be informed that in view of impending negotiations between the Imperial and United States Governments for a renewal of enlargement of the Treaty of Washington, His Honour has taken steps to ensure that the interests of this Province shall not be overlooked or misunderstood.

19. That we receive with pleasure the intimation that the increase of population in the various districts on Mainland and Island has caused a demand for the establishment of numerous new schools, and while we observe, in consequence, the expenditure in connection with our educational system is becoming very heavy, we feel that the cause of it is nevertheless gratifying as showing the rapid growth of the settlements.

20. That we are thankful that the total product of our gold mines has been about the same as the previous year, while we regret that there has been a slight falling off in the output of coal, owing chiefly to the depressed condition of San Francisco market.

21. That we are grateful for the satisfactory condition of the agricultural interests of the Province, although the unusually dry summer had the effect of somewhat reducing the yield of cereals and roots on Vancouver Island.

22. That we will carefully consider His Honour's recommendation for the appointment of Commissioners to revise and consolidate the statute laws of the Province, so that every one desirous of becoming conversant with our laws, or upon whom the administration of justice depends, may readily obtain knowledge of the same; and any measure for the consolidation of the many statutes relative to the constitution and procedure of the Supreme Court, will receive our careful attention.

23. That the question of water rights for irrigating and manufacturing purposes upon that portion of the mainland situate East of the Cascades, will also receive our serious attention. Agreeing with His Honour that the constant strife and litigation attendant upon the use of water in that region, is productive of great loss to the individuals concerned, and is, consequently, injurious to the public interest, and feeling that practical, but not hasty, legislation on this subject is required, we assure His Honour that his suggestion of the appointing Commissioners, composed of persons of practical experience, to submit to the next Legislative Assembly a report defining principles which, in their judgment, should govern the enjoyment and acquisition of water rights, merits our earnest consideration.

24. That we are pleased to hear that the Revenue has continued steadily to increase, and that that for the last fiscal year has exceeded the estimate considerably.

25. That we thank His Honour for the assurance that the Public Accounts will be laid before us, and that the Estimates for the public service during the next year will be submitted for our consideration.

26. That with His Honour we pray that Providence may guide our efforts so as to promote the best interests of the Province.

It was *Resolved* to deal with the Address clause by clause.

The first clause being again read, a debate arose, which was adjourned until the next sitting of the House.

Resolved, That the House, at its rising, do stand adjourned until two o'clock to-morrow.

And then the House adjourned at 5.50, p. m.

Friday, 29th January, 1886.

TWO O'CLOCK, P. M.

Prayers by the Venerable Archdeacon *Scriven*.

Mr. *Wilson* presented a Petition from *A. Cowan* and others for leave to introduce a Private Bill (Fire Insurance).

Laid on the table.

The Petitions from *G. L. Milne* and others, and *E. A. Wilmot* and others, were read and received.

Pursuant to Order, the adjourned debate on the consideration of the Address in reply to the Speech of His Honour the Lieutenant-Governor, was resumed.

The first clause being again read was agreed to.

The second, third, and fourth clauses being again read were agreed to.

The fifth clause being again read, a debate arose.

Mr *Beaven* moved in amendment, seconded by Mr. *Helgesen*,—

That the following words be inserted after the word "important" on the second line:—
"but we regret exceedingly that Your Honour's Ministers failed to advise you to provide
"against the employment of Chinese upon this work and upon the Esquimalt Graving Dock,
"as we consider a great injury has been done to the Province by that important omission."

The debate was adjourned until the next sitting of the House.

Resolved, That the House, at its rising, do stand adjourned until two o'clock, p. m., on Monday next.

And then the House adjourned at 5.50, p. m.