

JOURNALS  
OF THE  
SECOND  
HOUSE OF ASSEMBLY  
OF THE COLONY OF  
VANCOUVER ISLAND

1 MARCH 1860 to 27 FEBRUARY 1863

MEMBERS OF THE SECOND HOUSE OF ASSEMBLY OF  
VANCOUVER ISLAND

1 MARCH 1860 TO 27 FEBRUARY 1863

Constituency	First Sitting	Last Sitting
Victoria Town (No. 1)		
George Hunter Cary.....	1 Mar. 1860	27 Feb. 1863
Victoria Town (No. 2)		
Selim Franklin.....	1 Mar. 1860	27 Feb. 1863
Victoria District (No. 1)		
William Fraser Tolmie.....	1 Mar. 1860	27 Feb. 1863
Victoria District (No. 2)		
Henry Pering Pellew Crease.....	1 Mar. 1860	18 Oct. 1861
Joseph William Trutch.....	26 Nov. 1861	30 Jan. 1863
Victoria District (No. 3)		
Alfred Pendrell Waddington.....	1 Mar. 1860	15 Oct. 1861
James Trimble.....	26 Nov. 1860	27 Feb. 1863
Esquimalt County (No. 1)		
James Cooper.....	1 Mar. 1860	27 July 1860
Robert Burnaby.....	6 Dec. 1860	27 Feb. 1863
Esquimalt County (No. 2)		
John Sebastian Helmcken.....	1 Mar. 1860	27 Feb. 1863
Esquimalt Town		
George Tomline Gordon*.....	1 Mar. 1860	16 Dec. 1861
Thomas Harris.....	31 Mar. 1862	14 Aug. 1862
William Cocker.....	9 Sept. 1862	27 Feb. 1863
Lake District		
George Foster Foster.....	1 Mar. 1860	23 Feb. 1863
Sooke District		
William John McDonald.....	1 Mar. 1860	30 May 1862
Saanich		
John Coles.....	1 Mar. 1860	16 Apr. 1862
Saltspring and Chemainus District		
Joseph Johnson Southgate.....	16 Mar. 1860	27 Feb. 1863
Nanaimo District		
Augustus Rupert Green.....	16 Apr. 1860	6 Feb. 1861
David Babington Ring.....	4 Nov. 1861	27 Feb. 1863

\* Gordon was appointed Acting Treasurer on 18 July 1860 and was required by the Franchise Act, 1859, to vacate his seat. He won re-election on August 4 but resigned on November 26 when the validity of the election was questioned in the House. He was elected a third time on December 5 and took his seat the following day.

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

**Thursday, the 1st day of March, 1860**

The Members elect of the House of Assembly, met this day at the New Court House, James Bay.

Present:

Messrs. George Hunter Cary	Member for Victoria Town
„ George Tomline Gordon	„ „ Esquimalt Town
„ William John McDonald	„ „ Soke District
„ John Coles	„ „ Saanich District
„ Selim Franklin	„ „ Victoria Town
„ William Fraser Tolmie	„ „ Victoria County
„ George Foster Foster	„ „ Lake District
„ John Sebastian Helmcken	„ „ Esquimalt County
„ Alfred Waddington	„ „ Victoria County
„ Henry Pering Pellew Crease	„ „ Victoria County
„ James Cooper	„ „ Esquimalt County

His Honor Chief Justice Cameron having administered the oaths.

Mr. Attorney General Cary opened the business of the House by reading an Act pro forma.

His Excellency the Governor attended by the Members of Council and the principal Officers of Government, entered the House and addressed the Legislative Bodies as follows.

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

It is a subject of congratulation that the second Legislative Assembly of Vancouver Island is convened at a season of comparative prosperity; when trade and commerce have assumed a firm and settled character; when the excitement & fluctuations which succeeded the discovery of gold in British Columbia have passed away, and every description of property has attained a high but legitimate value; when population is increasing and enterprises which must add largely to the wealth; and promote the general prosperity of the colony are being set on foot by the courageous efforts of private associations; and when a well founded feeling of confidence in the stability and progress of the colony pervades the minds of all classes.

The only event which seriously threatened to interrupt the prosperity of the past year was the occupation of the Island of San Juan by the troops of the United States; but as that force has been since in part withdrawn, and all questions respecting the disputed territory referred to Her Majesty's Government, it is hoped, from the conciliatory tone adopted by both Governments, that nothing will occur to prevent a peaceful solution of the question at issue.

I have to inform you that Her Majesty's Government have announced their intention to enter into possession of Vancouver Island, and that the connection of the Hudson Bay Company with the Island was to terminate as soon as questions of accounts between the Company & Her Majesty's Government were settled, and, moreover, that the connection must be regarded as already terminated to this extent, that the Company are no longer required to provide means for defraying the expense of the civil administration of the colony.

Her Majesty's Government continue to express the most lively solicitude for the prosperity and well being of the colony, but have, nevertheless, authorised me distinctly to state, for your information, that Vancouver Island, like other British communities, however small, must expect no assistance from without towards defraying the ordinary and regular expenses of her government.

The amount of these expenses, and the salaries to be paid in the first instance, is left to our discretion, Her Majesty's Government having no wish to see any provision made beyond what the limited means of the colony will allow, for the civil government of the Island.

They, however, deem that payment for services of a permanent nature, such as those of the Governor, Chief Justice & other principal officers of government *whatever their amount may be*, shall be fixed by law, and not merely placed on the annual estimates.

Such being the case, it becomes our duty at once to take the necessary steps for raising a revenue within the colony to meet that expenditure; and I shall not fail, on such provisions being made, to recommend that the moneys hereafter derived from the sale of crown lands within the colony may be left by Her Majesty's Government at the disposal of the Colonial Legislature.

I will cause the amount of that expenditure to be hereafter laid before you, together with the estimates for the year 1860.

It will also be expedient, in course of the present session, to revise the existing laws of the colony, and to provide, by other enactments, for the quieting of titles transmitted through aliens, and for the registration of deeds, as the want of such laws is now felt to be a public evil, and their enactment will be a measure of general utility and advantage, by adding greatly to the value of real estate, in facilitating its transfer and conveyance, and by the security given to the title to the land.

It will further be expedient to provide means for defraying the expense of making a selection from the Statute Law of England of such Acts as may be adapted to this Colony.

The Public Schools have also strong claims upon our attention, and provision should now be made for their future support. I think inquiry will elicit the fact that the teachers' salaries are disproportionately small for their station in life, and inadequate in amount for their support in a decent position; as, since those rates were fixed, a great increase has taken place in the price of almost every necessary of life. A larger salary, by making the office desirable, will secure efficiency & high attainments in the teachers, and, with respect to the existing schools, may, by an increase of fees, be allowed without adding to the public burdens.

The moral and religious education of the people being one of the most important duties deserving of the attention of the Government, the present is a fitting time for the initiation of a system providing for the erection and maintenance of places of Christian worship.

In a new country, to which persons of all religious persuasions are invited to resort, it would be impossible without injustice to some, to establish an endowed church; but it is, nevertheless, the duty of states to protect the interests of religion, and especially when new settlements are formed, to cause the means of religious instruction to be placed within the reach of every member of the community either by granting assistance proportionate to, and in aid of private contributions, or by some other method which may appear more conducive to that end.

We have also to consider how the colonization of the country, and the development of its resources can best be promoted.

With a pleasant, and healthy climate, which on the whole may compare favorably with that of any other country, Vancouver Island also possesses a fertile soil; forests of vast extent; a sea coast abounding in fish, and studded with safe and convenient Harbours; extensive coal beds; and the unoccupied lands of the Crown form a wide and varied domain, and we have to consider how those sources of wealth are to be developed and to be made of value to the colony.

To encourage & enable settlers to occupy the lands of the Crown, and to bring those lands into a productive state, are the first and obvious steps towards that great end. But its full attainment is impossible with our present small population:

therefore inducement should be held out capable of attracting emigrants to the colony, as it is chiefly to such means that we must look for an increase of population; and as without attractive inducements, there will probably be no large emigration of British subjects to this part of the world.

The system of Free trade already established in the Colony is one singular advantage enjoyed by the producing classes of Vancouver Island, and its usual effect in reducing the cost of foreign necessaries, must ultimately enable them, in this market, to compete successfully in our own staples with the producers in other countries.

Pursuing that course of policy with respect to the general trade of the Colony, I am prepared also to concur in any measures which may tend more directly to encourage settlers to occupy & cultivate the country; and I believe that the cheap and easy acquisition of public land, and the construction of roads, to facilitate and reduce the cost of transit to and from the settlements, will tend materially to the advancement of those objects.

Should it appear that greater inducements are necessary to aid the settler in his early struggles with the difficulties, which nature everywhere interposes to fruition of his hopes, it will be our duty to consider to what extent, and in what way that aid should be granted.

I will, hereafter, lay before you the copy of a correspondence with Capt. Stamp, a gentleman representing a highly respectable English association which proposes to form a settlement at some eligible point on the West Coast of Vancouver Island for the purpose of establishing fisheries, and of entering largely into the manufacture and export of deals and ships' spars. An enterprise so desirable and important in all its bearings with respect to the Colony, that I did not fail, by such inducements as I could offer, to confirm the association in their purpose.

If the results obtainable through those industrial pursuits may be estimated from the number of ships employed, and the amount of capital invested in the fisheries and timber trade in the British Provinces of North America, we shall at once perceive their extraordinary value and importance. Fortunately, the growing trade of Nanaimo, where, as appears by the Port returns for the month of January last, a number of vessels forming an aggregate tonnage of 2000 tons, were then employed in taking in coal for exportation, furnishes a ready illustration of the subject and of the results that may be expected from judicious and well directed enterprise.

I would further claim your attention to the great national object of establishing fisheries on the coast of Vancouver Island, in order that the subject may be brought thoroughly under review, and that measures may be adopted to attract attention to a branch of industry of great political & commercial importance, and that is capable of adding so largely to the wealth & future power of the colony.

It is in contemplation to bring forward many useful measures in course of the present session, but especially an act for the incorporation of the Town of Victoria which will be speedily laid before the Legislature for their consideration.

The native Indian tribes continue in a perfectly tranquil state, and the assurance received from them universally, profess sentiments of loyalty & or devoted submission and obedience to the government.

The House of Assembly will have to provide means for extinguishing, by purchase, the native Title to the Lands in the districts of Cowitchan, Chemainis, and Salt Spring Island, which are now thrown open for settlement. The purchase should be effected without delay, as the Indians may otherwise regard the settlers as trespassers and become troublesome.

In conclusion I have to express a fervent hope that your deliberations may be guided by the wisdom which cometh from above, as that alone can save from error and direct the councils of nations to those measures which will render them great, prosperous, and happy.

Gentlemen of the House of Assembly, the Chief Justice has been appointed to receive your declarations of qualification. You may then proceed to choose a Speaker, and to appoint the officers necessary for the proper conduct of the business of the House.

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

The House then proceeded to the Election of a Speaker.

Mr. Cary proposed Mr. Helmcken, and the motion being seconded by Mr. Gordon.

Mr. Waddington proposed as an amendment, "That Mr. Cary be appointed Speaker."

Seconded by Mr. Cooper.

Mr. Cary expressed his unwillingness to accept the office if elected.

The Clerk of the House then put the motions.

For Mr. Waddington's Amendment.

Ayes 2. Noes 9. Lost.

For Mr. Cary's original motion.

Ayes 9. Noes 2. Carried.

Mr. Speaker Helmcken having taken his seat and addressed the House thanking them for the Honor they had conferred upon him by electing him as their Speaker, proceeded to say that it would be necessary, before any business could be gone into, that His Excellency's sanction to the choice they had made of a Speaker, should be obtained; and he was authorised to state that His Excellency would receive a deputation from the House for that purpose, at 3 o'Clock.

On Motion the House then adjourned until 3 o'Clock.

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AT 3 O'CLOCK P.M.

The House resumed its sitting, & immediately after proceeded in a Body to wait upon His Excellency to announce that they had elected a Speaker.

The Members of the House of Assembly having been ushered into the Council Chamber.

Mr. Cary addressed His Excellency informing him that the choice of the House had fallen upon Mr. Helmcken for Speaker.

His Excellency having been pleased to signify his entire concurrence in and approval of their choice.

Mr. Speaker said he had now for a second time to express a hope that all the privileges and usages of the House of Assembly might be respected; and neither abridged nor restricted in any manner.

His Excellency replied that the House might rest assured that all the privileges and customs of the House should be strictly respected; and he further begged to assure the Honble. Members that they might implicitly rely on his co-operation in all measures tending to the public good.

The Members then returned to the House, and the Speaker repeated His Excellency's approval of the choice of Speaker.

The Members then handed in a statement of their respective qualifications and were sworn in the following order: Mr. J. S. Helmcken, Speaker, and Messrs. G. H. Cary, W. J. McDonald, S. Franklin, W. F. Tolmie.

At this stage of the proceedings Mr. Waddington directed the attention of the Speaker to the fact that the Hon. Member for Victoria Town, Mr. S. Franklin, had not taken the oath in the form prescribed by law; that the closing sentence of the oath "and I make this declaration upon the true faith of a Christian", had been omitted.

The following Members were then sworn in: Messrs. H. P. P. Crease, James Cooper, A. Waddington, John Coles, G. T. Gordon, G. F. Foster.

On examination of the written form of oath which Mr. Franklin had read, it was found that the words to which Mr. Waddington had called attention, were omitted.

The Speaker requested Mr. Franklin to withdraw.

And the question of the Honorable Gentlemen's right to take his seat and to vote having been debated at some length he was recalled, and The Speaker enquired if he was willing to take the oath as prescribed without abridgement.

Mr. Franklin declined to take any further oath than that which he had already taken.

Whereupon the Speaker again directed him to withdraw, and the discussion was resumed.

Mr. Waddington gave notice that he should move "For a Committee of three to take into consideration, & report on the Standing Orders to be enacted for the present Session."

On Motion of Mr. Crease the House then adjourned until 2 o'clock on Friday the 2nd March, in order that time might be allowed to consult authorities on the important question raised with respect to the Honble. Member for Victoria Town.

Speaker.

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### Friday, the 2nd day of March, 1860

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The House met at 2 o'clock p. m. pursuant to adjournment.

Present: Messrs. Cary, Gordon, McDonald, Coles, Tolmie, Foster, Crease, Waddington, Cooper, and Mr. Speaker.

The Minutes of the last Meeting having been read and confirmed.

The Speaker said that the business in order was the adjourned debate on the question of the right of Mr. Franklin to take his seat in the House.

Mr. Coles moved, "That Mr. Selim Franklin shall take his seat in the House of Assembly."

The Speaker read the instructions from the Home Government to His Excellency the Governor, on the occasion of his summoning the first House of Assembly.

Mr. Franklin here entered the House and was proceeding to take his seat, when he was requested by the Speaker to withdraw.

Mr. Attorney General seconded Mr. Cole's Motion.

Mr. Crease was opposed to the Motion, and would move as an Amendment "That a Committee be formed to report to the House what disabilities (if any) attach to British subjects becoming Members of this House."

Seconded by Mr. Tolmie and carried; put as an original motion and agreed to.

The Speaker appointed Messrs. Cary, Waddington, Crease, Tolmie and Coles to form the Committee.

Mr. Waddington gave notice that he should move "That every Member before taking his seat in this House, shall simply take the oaths of Fidelity, and against Bribery, and no others."

Mr. Waddington brought forward the Motion, of which he had given notice at last meeting "For a Committee of Three to take into Consideration, and report on the standing orders to be enacted for the present session." Which being seconded by Mr. Tolmie & carried.

Mr. Speaker appointed Messrs. Cary, Waddington, & Cooper to serve on the Committee.

Mr. Crease then moved to proceed to the election of Officers of the House, and proposed first to Elect a Clerk of the House.

The Speaker said it was usual at an early period to take some action with regard to His Excellency the Governor's address.

It was moved by Mr. Cooper, seconded by Mr. Waddington & carried "That the consideration of His Excellency's Address be made the Special Order for Monday next the 5th instant at 2 o'clock p. m."

To which hour the House accordingly adjourned.

Speaker.

### Monday, the 5th day of March, 1860

The House met at 2 o'clock p. m. pursuant to adjournment.

Present: Messrs. Cary, McDonald, Tolmie, Crease, Cooper, Waddington, Coles, Gordon, Foster, and Mr. Speaker.

The Minutes of the last Meeting having been read and confirmed.

Mr. Attorney General gave notice "That he will on the 7th day of March 1860, move this house that an Address be presented to His Excellency the Governor, praying that all papers and accounts relating to the revenue of the Colony of Vancouver's Island and its Dependencies and of the Expenditure of such revenue may be laid before this House."

Mr. Franklin here entered the House and was about to take his seat when he was requested by the Speaker to withdraw.



The Speaker then proceeded to read the Governor's Speech.

Mr. Gordon rose, and in reply thereto, moved the following Address.

May it please Your Excellency

The House of Assembly of Vancouver's Island & its Dependencies has received with satisfaction your Excellency's address at the opening of this Session, for which they have to tender their respectful thanks.

The House fully appreciates the great importance of the topics alluded to and the measures suggested in the Speech of Your Excellency and beg to say that they will devote their earliest and best attention to their consideration.

Mr. Coles seconded the Address.

Mr. Waddington, moved as an amendment to the Address.

May it please your Excellency,

We Her Majesty's dutiful and loyal Assembly of Vancouver Island in Parliament assembled, approach Your Excellency conformably with immemorial custom, in order to express our acknowledgement of the opening speech, and acquaint Your Excellency with the views of the Country.

It affords us pleasure to note the many evidences of stability and prosperity throughout the Country generally; notwithstanding the numerous untoward circumstances which during the past two years have combined to retard our progress. Dependent chiefly on Commerce with British Columbia, our present progress and prosperity we conceive to be due chiefly to the indomitable perseverance and enterprise of the people, in face of the most discouraging and arbitrary restrictions on trade in the sister Colony from the commencement of immigration in 1858 up to the present time. Profound discontent is every where visible in the Colony, superinduced by the total disregard of our local government for the interests of our inter-colonial trade, and we cannot doubt that if a more liberal & vigorous policy had been generally inaugurated in 1858, during the height of the gold immigration, large numbers would now have been engaged in the interior in agricultural pursuits, who have consequently sought homes in the United States.

It is with deep regret that we are obliged to admit that there exists throughout the entire Colony a general want of confidence in the Government, and till measures are taken to remove the sources to which discontent is attributable, we see no hope either of restoring public confidence, or of uniting the efforts of the Country in the development of our industrial resources, and in fostering our commerce.

We are gratified to learn that the difficulties arising from the occupation of San Juan by the United States are in a fair way of settlement, without disturbing the friendly relations with that government.

Whilst we learn with pleasure that Her Majesty's Government will enter into possession of Vancouver Island by the revocation of the Hudson's Bay Company's grant, we cannot but feel that it becomes our duty to urge, that before the accounts are finally settled, the Legislature should be made fully acquainted with the entire Sales of the public lands, the revenue drawn therefrom, and the manner in which that revenue has been expended.

We deem this course absolutely necessary, inasmuch as Her Majesty's Government appears indisposed to assist the Colony during its infant condition, and because we deem it advisable to make a searching investigation into the present condition of the Colony in order to avoid, if possible, the imposition of heavier taxes on the Country than may be necessary.

Placing the revenue derived from the Crown Lands at the disposal of the Legislature, is in every point of view necessary in a self supporting Colony, and without which it will be difficult [to act] upon a permanent civil list, which, with the Estimates for 1860, and the ways and means will early engage our attention.

The Codification of Imperial Statutes adopted to our wants, the introduction of laws for the quieting of titles and record of deeds and other purposes, with measures for forming a free school system for the entire Colony, based on appropriations from the public lands and school taxes will meet with every assistance at our hands.

Though impressed with the wholesome influence exerted by society on religion, we deem it unnecessary to legislate further than to grant protection to all forms of divine worship; and that we cannot consent to any appropriation from either the casual or territorial revenue, for their support, either by money or lands.

Measures to attract immigration and form settlements for the development of Agriculture, the fisheries and the lumber trade, will meet every encouragement on our part; but we cannot but view the granting of land in large quantities, either to individuals or Companies, as injurious in its tendencies both socially and politically. Therefore we would recommend that before any final settlement be made to Captain Stamp and his associates, the entire scheme be laid before the Assembly for its concurrence.

In conclusion we will fervently hope that Your Excellency may be guided in your deliberations by that Wise & Almighty Being who alone knows what is best for our good and prosperity.

Mr. Cooper seconded the Amendment.

Mr. Crease did not agree entirely with either the Address or the Amendment.

Mr. Cary spoke in favor of the Address.

The Speaker put the motion that the words proposed to be left out do stand part of the question.

	<i>Ayes (7):</i>		<i>Noes (2):</i>
Messrs.	Cary	Messrs.	Waddington
	McDonald		Cooper
	Tolmie		
	Crease		
	Coles		
	Gordon		
	Foster		

And so the original Address was carried.

Mr. Waddington gave notice of a Motion that "Whereas this House has reason to believe that a gross attempt has been made to secure to Mr. Selim Franklin a seat in this House, in a manner highly derogatory to the purity, dignity and honor of this Honorable House, and altogether unbecoming; and that we have reason to believe that this attempt has been made through the request of Mr. Selim Franklin and through the connivance of Chief Justice Cameron, by administering and aiding in proffering an oath contrary to the form prescribed by the Statute, Resolved, that a Committee of five be appointed to institute a thorough examination into the manner in which the first oath was administered to Mr. Selim Franklin, and how the faulty form of oath was laid before him to take and subscribe; and that the Committee do report in full the facts to this House."

The House then adjourned until Wednesday the 7th inst. at 3 o'clock P. M.

Speaker.

### Wednesday, the 7th day of March, 1860

The House met at 3 o'Clock. P. M. pursuant to adjournment.

Present: Messrs. Cary, Tolmie, Cooper, Coles, Foster, McDonald, Crease, Waddington, Gordon, and Mr. Speaker.

And immediately proceeded to wait upon His Excellency the Governor with the Address in reply to His Excellency's Speech.

The Members having returned the Speaker informed the House that His Excellency had received the Address & had been pleased to express his willingness to forward the views of the House when directed to the public good to the full extent of his power, & had signified his intention of communicating to Her Gracious Majesty the information of this, the loyal action of Her Majesty's faithful commons of Vancouver Island.

The Chairman of the Committee on disabilities then handed in the following report.

That the only disabilities affecting the right of British subjects to sit, & vote in the House of Representatives of Vancouver Island & its dependencies are, their failure to take the oath of allegiance, otherwise of fidelity, as prescribed by Her Majesty's order in Council, & the disabilities imposed by the Franchise Act 1859."

sgd. W. F. Tolmie  
Chairman

H. P. P. Crease  
A. Waddington  
John Coles  
G. H. Cary

On Motion of Mr. Tolmie, seconded by Mr. Crease The Report was adopted.

Mr. Waddington gave notice "That he would bring in a Bill on Monday March 12th to regulate the manufacture, carriage deposit and sale of Gunpowder, in Vancouver Island & its dependencies."

Mr. McDonald gave notice "That on the 21st of March he will bring in a Bill to compel the erection of Brick Chimnies within certain limits of the Town of Victoria."

Mr. Waddington brought forward the motion of which he had given notice on Monday relating to the oath administered to Mr. Franklin.

Mr. Coles seconded the motion.

Mr. Foster dissented from the expressions used in the Motion, & moved as an amendment "That a Committee of 5 be appointed to institute a thorough examination into the manner in which the first oath was administered to Mr. Selim Franklin & how this faulty form of oath was laid before him to take & subscribe, & that the Committee do report in full the facts to this House.

Mr. Gordon seconded the amendment.

Mr. Waddington by permission of the House withdrew his motion, & Mr. Foster's amendment being put as an original Motion was carried unanimously.

The Speaker appointed Messrs. Foster, Gordon, Coles, Crease & McDonald to serve on the Committee with full power to summon & call for all papers or persons requisite to the enquiry.

Mr. Cary brought forward the Motion of which he had given notice on Monday relative to the revenue of the Colony.

Seconded by Mr. McDonald & carried.

Mr. Crease gave notice of Motion "That the House do proceed to the election of its officers."

Mr. Coles gave notice of a Motion "That Mr. Selim Franklin take his seat in this House on Monday the 12th of March 1860."

The Speaker said it would be necessary that the House should determine what number of Members should form a quorum for the transaction of business whereupon Mr. Cooper gave notice that he should introduce a Motion on Monday March 12th "That seven members shall constitute a quorum."

Mr. Waddington Withdrew the Motion of which he had given notice on Friday March 2nd relating to the taking of certain oaths.

And the House then adjourned until Monday the 12th instant at 3 o'clock p. m.

Speaker

### Monday, the 12th day of March, 1860

The House met at 3 o'clock p. m. pursuant to adjournment.

Present: Messrs. Cary, Franklin, Crease, Coles, Foster, McDonald, Tolmie, Cooper, Gordon, & Mr. Speaker.

The Minutes of last meeting having been read & confirmed.

Mr. Cary Gave notice that on the 12th day of April he should bring in the following Bills.

1 A Bill to extend the provisions of the Joint Stock Companies Limited Liability Acts in Vancouver Island.

2 A Bill to amend the Criminal procedure in the trial of Indian prisoners.

3 A Bill to provide for the more speedy & economical trial of prisoners committed for trial on minor charges.

4 A Bill to provide for the Registration of Real Estate in Vancouver Island.

5 A Bill for the Incorporation of the Town of Victoria.

Mr. Tolmie gave notice "That on Friday the 16th he would move that this House do adjourn till Thursday April 12th."

Mr. McDonald presented a petition from Thomas James Skinner against the return of James Cooper for the District of Esquimalt & Metchosen.

Mr. Waddington presented a petition from Amor de [De] Cosmos against the return of Selim Franklin for Victoria Town District.

Mr. Foster gave notice "that on the 12th of April he would bring forward a Motion regarding the dangerous precedence now progressing in this House, of paid

officials of British Columbia sitting & voting in this House; & the necessity of the question being solved by the Home Government, if this House considers itself incompetent to entertain the question.”

Mr. Waddington gave notice of a Motion that a Committee of five be named by the Speaker at the next meeting of the House to enquire into and report on contested Elections.

Mr. Waddington gave notice “That on the 13th of March he will move That petitions against the Election of any Member of this House shall be received up to and inclusive of the 19th of March 1860, & that on all other occasions hereafter all petitions of the character aforesaid shall be presented within 14 days from the return being brought in.”

The House then proceeded to the selection of Officers.

Mr. Crease proposed Mr. Doggett as Clerk and Serjeant at Arms.

Mr. Foster seconded.

After discussion it was agreed to—subject to the assent of His Excellency the Governor.

Mr. Cooper brought forwd. the Motion of which he had given notice “That 7 Members including Mr. Speaker, form a quorum for the transaction of business.”

Carried.

The House then adjourned until tomorrow at 3. p.m.

Speaker

## Tuesday, the 13th day of March, 1860

3 oClock p. m. pursuant to adjournment.

Present: Messrs. Cary, Franklin, Crease, Waddington, Foster, McDonald, Tolmie, Cooper, Gordon, & Mr. Speaker.

The minutes of last Meeting having been read & confirmed.

The Speaker presented a petition from John Copland against the return of J. J. Southgate for the District of Salt Spring Island & Chemanis.

Mr. Foster asked permission to bring forward the Motion of which he had given notice yesterday relating to British Columbian officials sitting & voting in this House at an earlier date than that originally proposed.

The Speaker said he could take any unoccupied day.

Set for Friday the 16th inst.

Mr. Franklin gave notice of Motion “That a Committee of three be appointed to enquire into the present condition of the Harbor of Victoria & to report what be necessary for its preservation & improvement.”

Mr. Cary brought up a portion of the Report from the Committee on Standing Orders. (see Report in the Report Book)

Ordered to be considered in Committee of the whole House on Friday next & that each Member be furnished with a copy of the Report.

Mr. Waddington asked permission to withdraw the two motions of which he had given notice.

One for the extension of time for presenting Election petitions and One for a Committee of 5 to enquire & report on contested Elections.

Granted.

Mr. Franklin gave notice "That on the 12th April he should bring in a Bill 'For securing Liens to Mechanics & others'."

Mr. Gordon called the attention of the House to the want of accommodation for Members and the House authorised the purchase of chairs &c.

Mr. Tolmie asked leave to withdraw the Motion of which he had given notice respecting the adjournment of the House until the 12th April, & to substitute the following.

On Monday the 19th March, I will move that this House do adjourn till Thursday April 12th.

The House then adjourned until Friday the 16th inst. at 3 oClock p.m.

Speaker.

### Friday, the 16th day of March, 1860

The House met at 3 oClock p. m. pursuant to adjournment.

Present: Messrs. Cary, Foster, Gordon, Tolmie, Crease, Franklin, McDonald, Waddington, & Mr. Speaker.

Mr. Joseph Johnston Southgate the Member returned for the District of Salt Spring Island & Chemanis was sworn in by Chief Justice Cameron, & took his seat.

The Minutes of last meeting having been read & confirmed.

The Speaker read the following communications from His Excellency the Governor.

V. V. I. 16th March 1860

I have the honor to acknowledge the receipt of your Speakers communication dated the 7th of March, conveying a Resolution of the House.

"That an address be presented to His Excellency the Governor praying that all papers and accounts relating to the revenue of the Colony of Vancouver Island & its dependencies & of the expenditure of such revenue, may be laid before the House." Mr. Atty. General.

And in reply I have to inform you that the same are in course of preparation & will be forwarded to the House as soon as completed.

sigd. James Douglas

To the Speaker &c.

V. I. 16 March 1860

I have the honor to acknowledge the receipt of your Speakers communication of the 12th inst. announcing the following resolution of the House.

"That Edward Doggett be appointed 'Clerk of the House & Serjeant at Arms' subject to assent of the Governor."

I beg to signify in reply thereto that I have much pleasure in assenting to the wishes of the House.

(sgd.) James Douglas

A Communication addressed to Mr. Speaker was handed in from Chief Justice Cameron, which the Speaker commenced to read to the House, when Mr. Cary rose to order & the communication was handed over to the Chairman of the Committee to enquire into the "faulty oath."

Mr. Crease presented a petition from Captain Nagle Harbor Master relating to a light house erected in Victoria Harbour.

Ordered to lie on the Table.

Mr. Tolmie gave notice that "on the 25th April he will bring in a Bill relating to the laying out, making and repairing of Roads in Vancouver Island."

Mr. Foster brought forward the Motion of which he had given notice on the 12th instant relating to British Columbia officials sitting and voting in this House.

Mr. Waddington seconded.

Mr. Franklin opposed the Motion.

Mr. Cary Spoke in opposition.

The Speaker having put the Motion it was lost.

*Ayes (2):*

Messrs. Foster  
Waddington

*Noes (7):*

Messrs. Cary  
McDonald  
Crease  
Tolmie  
Franklin  
Southgate  
Gordon

The House then went into Committee of the whole on the Report of the Committee on Standing Orders.

Mr. Franklin in the Chair.

At ½ past 6. p. m. The House resumed its sitting and the Chairman of the Committee of the whole House asked leave to bring up the Report tomorrow (Saturday) at 3 o'clock p. m.

To which hour the House accordingly adjourned.

Speaker.

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**Saturday, the 17th day of March, 1860**

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The House met at 3 oClock p. m. pursuant to adjournment.

Present: Mr. Speaker, and Messrs. Tolmie, Crease, Gordon, Foster, Waddington, McDonald, Franklin.

The minutes of the last meeting having been read and confirmed.

Mr. Foster Chairman of Committee "on the faulty oath" brought up the Report.

Mr. Franklin Moved the Report be not adopted.

Mr. Waddington seconded the adoption of the Report.

The House divided:

	<i>Ayes</i> (6):	<i>Noes</i> (1):
Messrs.	Crease	Mr. Franklin
	Gordon	
	Foster	
	McDonald	
	Waddington	
	Tolmie	

Majority in favor 5.

Report adopted.

Mr. Franklin Chairman of Committee "on Standing Orders" brought up the Report.

Mr. Crease Moved their adoption.

Carried unanimously.

Mr. Crease Moved "That the time prescribed by the Standing Orders regulating the presentation of Petitions against the return of Members of this House be extended pro hac vice<sup>1</sup> until Saturday the 24th day of March inst. & no further & that in all other respects the Standing Orders be not suspended."

Mr. Waddington seconded.

Carried.

Mr. Waddington introduced a "Bill to provide for the safer carriage and storage of gunpowder."

Mr. Tolmie seconded.

Ordered to be read 1st time.

Mr. Franklin moved that a Committee of three be appointed to enquire into the condition of Victoria Harbour.

Mr. Tolmie seconded.

Messrs. Crease, Foster, Waddington, Gordon opposed.

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<sup>1</sup> I.e., for this occasion only.



The House divided on the Motion:

	<i>Ayes</i> (4):		<i>Noes</i> (3):
Messrs.	Foster	Messrs.	Franklin,
	Gordon		Tolmie
	Crease		McDonald
	Waddington		

Majority 1—Motion lost.

Mr. Foster gave notice of Motion "That on the 21st inst. I shall bring in a motion to respectfully represent to His Excellency the Governor the necessity of reduction in price of Crown Lands of Vancouver Island & its dependencies & praying His Excellency to use his influence with the Home Government to obtain an order from the Crown to such effect & that this House respectfully petitions the Home Government through His Excellency the Governor to make the said reduction in the price of Crown lands in order to allow this Colony to compete with other Countries in population & that Crown Lands hereafter be reduced to the price of one dollar per acre in the Colony above mentioned."

Mr. Crease Asked Mr. Speaker if he had given permission to the Hon. Member for Esquimalt Mr. Cooper to be absent.

Mr. Speaker said he had not.

Mr. Tolmie asked leave to withdraw his Motion of which he had given previous notice "That this House do adjourn until Thursday April 12th 1860."

Leave granted.

Mr. Gordon gave notice of a Bill to Incorporate a Gas Company in Victoria.

Mr. Speaker observed it could only be done by Petition.

Mr. Foster moved that this House do adjourn until Wednesday the 21st inst.

Mr. Gordon seconded.

House then adjourned until the Wednesday the 21st inst. at 3 o'clk. p. m.

Speaker.

### Wednesday, the 21st day of March, 1860

The House met pursuant to adjournment.

Present: Mr. Speaker and Messrs. Gordon, Crease, Franklin, Coles, Foster, Tolmie, Waddington, McDonald, Southgate.

The Minutes of last meeting having been read & confirmed.

Mr. Waddington moved that the House go into Committee on the 14th Clause of the Standing Orders.

Mr. Crease seconded.

Carried.

Mr. Speaker read message from His Excellency the Governor—Correspondence from Captn. Edward Stamp to the Colonial Secretary detailing the conditions

on which Captn. Stamp has agreed to form a settlement on the West Coast of Vancouver Island.

Ordered to lie on the Table.

Mr. Speaker informed the House, he had appointed M. W. T. Drake Esqr. Solicitor, as Examiner of Recognizances on Election Petitions.

Mr. Gordon drew attention of the House of a newspaper "The Victoria Gazette" Incorrectly publishing the Hon. Members speech for Victoria, on the "faulty oath."

Mr. Franklin replied.

Mr. Tolmie gave notice, "I will move that His Excellency the Governor be requested to lay before the House papers & correspondence relating to the establishment of direct Postal communication between this Colony & the Mother Country & to inform the House whether any subsidy has been asked from the Imperial Government for the purpose of establishing the same."

Mr. Franklin gave notice of Motion "That His Excellency the Governor be asked to lay before this House the official or other surveys & reports that he may have received in relation to the Harbour of Victoria."

Mr. Gordon presented Petition of J. T. Little, G. A. Reynolds, & M. A. Calvert, praying for an act to incorporate the Victoria Gas Company.

Ordered to lie on the Table.

Mr. Gordon gave notice of Motion "I shall move that a Committee of three be appointed to enquire into the expense of the survey of Lands per lineal mile in this Colony & to gain any information that can be obtained from evidence to be taken before that Committee on the whole of the present Land system."

Mr. Waddington gave notice "I will move for a return of all lands sold for the government on Vancouver Island & its dependencies from the grant of the Hudson's Bay Company up to date, defining the localities the quantity sold & to whom, the acres the amount received, & the sums still owing together with the dates of sale & those of the instalments & payments."

Mr. McDonald Brought in a "Bill to prevent the use of Stove pipes & render compulsory the building of Brick or stone chimnies within certain limits of the Town of Victoria."

Read 1st time.

Mr. Southgate seconded.

Mr. Foster asked permission to shorten the Motion (of which previous notice had been given) to His Excellency relating to the reduction in the price of Lands in.

Permission given.

Mr. Foster then moved as an amendment "That a respectful petition be presented by this House through the medium of His Excellency the Governor to the Home Government praying for the reduction in price of all Crown lands in Vancouver Island & its dependencies in order to permit this Country to compete successfully with other nations for population & that the price of all

Crown Lands after 1st September next ensuing be reduced in this Colony to the purchase value of one dollar per acre.”

Mr. Coles seconded.

Mr. Tolmie moved that the House go into Committee on the subject at the next sitting.

Mr. Crease seconded.

After discussion the amendment was carried & ordered to go into Committee of the whole next sitting.

Mr. Waddington Asked when was the Gunpowder Bill to be read 2nd time.

Mr. Tolmie seconded.

Ordered to be read 2nd time this day week 28th March.

The House then went into Committee on the 14th Clause of the Standing Orders.

The following amendments were adopted.

On the 1st line after the word “shall” insert “within five days after” instead of “as soon as.”

On the 8th line before the word “Committee” insert the word “special.”

Mr. Speaker took the Chair.

Mr. Franklin Brought up the Report of the Committee with clause as amended.

Report agreed to.

House adjourned until 3 oCk. the 22nd March.

Speaker

### Thursday, the 22nd day of March, 1860

Present: Mr. Speaker and Messrs. Crease, Gordon, Foster, Coles, Waddington, Tolmie, Franklin, Southgate.

The Minutes of last meeting having been read & confirmed.

The House went into Committee on Mr. Fosters motion to reduce the price of the Crown lands.

Mr. Waddington seconded.

Mr. Helmcken proposed as an amendment “That it lies on the Table.”

Mr. Tolmie seconded.

After a long discussion Mr. Helmcken withdrew his amendment and the Motion was carried.

The Petition ordered to be drawn up by a Committee of the whole House at next meeting.

Mr. Speaker took the Chair & the Chairman reported progress.

Mr. Speaker Informed the House that Saturday was the last day for Election Petitions to be sent in.

The House then adjourned until tomorrow the 23rd March at 3 oClock p. m.

Speaker

### Friday, the 23rd day of March, 1860

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Present: Mr. Speaker and Messrs. Crease, Gordon, Foster, Tolmie, Waddington, Southgate, Franklin.

The proceedings of last meeting having been read & confirmed.

Mr. Gordon gave notice "That on the 27th inst. I shall move that a Committee of three be appointed to enquire into the expense of the survey of land per lineal mile in this Colony and to gain any information that can be obtained from evidence to be taken before that Committee on the whole of the present Land system."

Mr. Crease "That on the 11th April next ensuing I shall ask leave to introduce a Bill for the regulation of the Legal profession."

Mr. Speaker informed the House that the Clerk had been sworn.

The House then went into Committee, Mr. Franklin in the Chair, on the Petition to be presented through His Excellency the Governor to the Queen.

The following amendments were agreed to.

Clause 1 After the word Petition that the words "Of your Majestys loyal subjects the Members of the" be inserted.

Clause 3 After the words "the and" and before the word "cheapness" the word "comparative" be expunged.

Clause 5 After the word "the," and before the word "price" the word "maximum" be expunged.

Mr. Speaker then took the Chair & the Chairman reported progress.  
Petition agreed to.

Mr. Gordon presented Petition of J. T. Little & others for the incorporation of a Gas Company.

Mr. Crease seconded.

Mr. Waddington objected until Standing Orders were drawn up to meet Private Bills and moved as an amendment "That it lies on the Table."

Seconded & agreed to. Petition to lie on the Table.

Mr. Speaker then took the Chair and the Chairman reported progress.

Mr. Waddington Asked leave to withdraw his Motion on the orders of the day "relating to all Lands sold for the Government on Vancouver Island" of which he had given notice (see order Book page 3)<sup>2</sup> until next meeting.

Leave granted.

Mr. Crease "That the Petition to Her Majesty be engrossed & transmitted to His Excellency for transmission Home without delay.

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<sup>2</sup> Vancouver Island, House of Assembly, Motion book, PABC, p. 3: "Will move for a return of all lands sold for the government on Vancouver Island and its dependencies from the grant of the Hudsons Bay Compy. up to date, defining the localities the quantity sold & to whom, the acres, the amount received, and the sums still owing together with the dates 'of sale & those of the instalments & payments.'"

Mr. Gordon seconded.

Ordered to be engrossed.

House then adjourned until 3 o'clock p. m. the 24th March 1860.

Copy Petition engrossed & sent to His Exy. the Governor for transmission home.

Victoria by the Grace of God Queen &c. &c. &c.

The Humble Petition of your Majesty's loyal subjects the Members of the Legislative Assembly of Vancouver Island in Parliament assembled

Sheweth

That the price of Crown lands in this Colony has been fixed by The Home Government at one pound sterling per acre.

That under that arrangement the stream of Emigration & population has been diverted from this Country to the United States territories of Washington & Oregon owing to the immediate vicinities of those territories & the competition arising from the low price of lands there, the cheapness of their Government surveys namely six pence half-penny per acre and the facilities for procuring land almost free of cost by the pre-emptive system.

And your Petitioners thereby humbly pray

That your Majesty will be graciously pleased to direct that the price of Crown lands in this Colony may be reduced.

And that 4s/2d per acre be the maximum price at which such lands shall be sold.

And your Petitioners will as in duty bound for ever pray &c.

(Signed) J. S. Helmcken

Speaker.

Speaker.

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### Saturday, the 24th day of March, 1860

Present: Mr. Speaker and Messrs. Gordon, Crease, Waddington, Cooper, Southgate, Tolmie, McDonald.

The last proceedings having been read and confirmed.

Mr. Cooper presented Petition from William Gardiner, William Broderick, & M. H. Pike licensed Pilots for the Ports of Victoria & Esquimalt.

Ordered to lie on Table.

Mr. Waddington moved the House do now adjourn until Tuesday the 27th March.

Mr. Crease seconded.

House adjourned until Tuesday the 27th March at 3 o'clock p. m.

Speaker.

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## Tuesday, the 27th day of March, 1860

Present: Mr. Speaker and Messrs. Gordon, Southgate, Cooper, Crease, Waddington, Franklin, Tolmie, McDonald.

The former proceedings having been read & confirmed.

Mr. Speaker Read letter from His Excellency the Governor dated 27th March 1860 acknowledging receipt of Petition to the Queen & that it will be forwarded without delay.

Mr. Speaker Read letter from His Excellency the Governor forwarding an abstract of the accounts of the Hudson's Bay Company with Her Majesty's Government dated 27th March 1860.

Mr. Tolmie gave notice to bring in a Bill "To protect persons aiming at improvement in the breed of Horses, Cattle & Sheep in this Colony."

Mr. Tolmie Brought forward his motion of which he had given previous notice, relative to Postal communication with the Mother Country.

Mr. Southgate Seconded.

Resolution passed.

Mr. Franklin brought forward his motion of which he had given previous notice "asking for returns or other surveys made of the Harbour of Victoria" (see order book page 3).<sup>3</sup>

Mr. Southgate seconded.

Mr. Crease Moved an amendment that the word "*and*" instead of "*or*" be inserted.

Mr. Waddington seconded.

Motion with the amendment added.

*Carried.*

Mr. Gordon according to previous notice asked for "a Committee of three be appointed to inquire into official surveys in this Colony of Land" (see order Book page 3).<sup>4</sup>

Mr. Crease seconded.

*Carried.*

Mr. Waddington according to previous notice asked "for a return of all the lands sold for the government on Vancouver Island" adding an amendment "together with the dates of sale & those of the instalments and payments."

Mr. Cooper seconded.

Passed with the amendment.

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<sup>3</sup> Motion book, p. 3: "That His Ex. the governor be asked to lay before this House the official (and) or other surveys and reports that he may have received in relation to the Harbour of Victoria."

<sup>4</sup> Motion book, p. 3: "I shall move that a Committee of three be appointed to enquire into the expense of the survey of Lands per lineal mile in this Colony and to gain any information that can be obtained from evidence to be taken before that Committee on the whole of the present Land system."

Mr. Crease Here wished the Speaker to take notice that a stranger had entered within the bar during the sitting of the House.

Mr. Speaker In reply said it was impossible to stop a person going to the Chief Justice room the entrance to which, being within the Bar.

Mr. McDonald Ask leave for the 2nd reading of the "Bill to prevent the use of Stove pipes in the Town of Victoria" be read at next sitting.

Leave granted.

House then adjourned until Thursday 29th March 3 oClk.

Speaker

### Thursday, the 29th day of March, 1860

A quorum not being present the House adjourned until Friday 30th 3 oClk. p. m.

### Friday, the 30th day of March, 1860

Present: Mr. Speaker and Messrs. Gordon, Southgate, Cooper, Crease, Foster, Waddington, Franklin, Tolmie, McDonald.

The former proceedings having been read & confirmed.

Bill to provide for the safer carriage of Gunpowder—Read 2nd time & referred to a Committee of the whole.

Bill to prevent the use of Stove pipes in the Town of Victoria—Read 2nd time and referred to a Committee of the whole.

The following Committees were appointed.

On Mr. Gordon's motion relating to the expense of the survey of Lands: Messrs. Gordon, Southgate, McDonald.

On General Committee of Elections: Messrs. Crease, Waddington, Foster, Gordon, Tolmie.

House then adjourned until Monday 2nd April 1860 at 3 oClock p.m.

Speaker.

### Monday, the 2nd day of April, 1860

Present: Mr. Speaker and Messrs. Foster, Crease, Gordon, Coles, Franklin, Tolmie, Cooper, McDonald, Waddington, Southgate.

The minutes having been read & confirmed.

Mr. Gordon gave notice "That I shall on the 25th inst. bring in a Bill for the construction of a Turnpike Road from Esquimalt to Victoria."

Mr. Crease gave notice, "That I shall bring in a Bill on the 2nd April for enabling the Speaker to administer oaths & to empower the Chairman of Committees of this House to administer oaths, enforce the production of evidence & punish false testimony."

Mr. Tolmie asked leave to bring in a "Bill for the improvement in the breed of Stock on Vancouver Island."

Leave granted.

Mr. Foster brought forward his motion of which he had given previous notice, "That this House respectfully pray His Excellency the Governor to order the several high roads through the districts of Victoria, Esquimalt, Metchosin, Saanich & Lake to be definitely laid down & that from each district a Committee of three land owners be appointed to advise with the Engineers employed regarding the direction such high roads should take through the districts."

Motion carried with an amendment after the word "*appointed*", the following to be "*by the Land owners of each district.*"

Carried.

On the motion that Mr. Speaker do now leave the Chair The House went into Committee.

Mr. Coles in the Chair.

Mr. Foster Brought forward his Motion of which he had given previous notice, "That this House do resolve itself into a Committee of the whole to consider and report on the application of Captain Stamp to His Excellency the Governor for permission to cut timber establish saw Mills and to purchase farming lands in the vicinity of Barclay sound on the West Coast of this Island."

Mr. Cooper "moved that the action of this House on the Stamp correspondence be postponed for re-consideration at 1 o'clock tomorrow Tuesday."

Mr. Waddington seconded.

Mr. McDonald brought on the Bill to prevent the use of Stove pipes in the Town—after a discussion in which two Clauses were agreed to it was further postponed until Tuesday at 1 o'clock.

Mr. Speaker Then took the Chair & the Chairman reported progress.

The House then adjourned until 1 o'clock on Tuesday 3rd April.

Speaker.

## Tuesday, the 3rd day of April, 1860

Present: Mr. Speaker and Messrs. Foster, Gordon, Crease, McDonald, Franklin, Coles, Cooper, Waddington, Southgate, Tolmie.

The former proceedings having been read & confirmed.

The House went into Committee.

Mr. Coles in the Chair.

Mr. Foster brought forward his Motion regarding Stamp correspondence, after a long discussion Mr. Foster proposed as an amendment.



That Captain Stamp be allowed to purchase 2000 acres of farming lands in portions at different points on one side of Barclay Sound, or the other.

The extent of Timber lands shall be defined for maintaining Captn. Stamps Saw Mills for 20 years at a rate per mile square—Licensed.

That timber right shall be maintained to Captain Stamp but no Land except the farming lands shall be shut out from settlement.

That the Government shall make the most liberal terms of purchase to the Colonists introduced by Captain Stamp after their completion of their contract with Captain Stamp.

Which amendment was carried by a vote of 6 to 4.

Mr. Speaker then took the Chair & the Chairman reported progress.

On Mr. Speaker putting to the House that this Report be agreed to.

Mr. Franklin objected.

Report & resolution carried.

Mr. Crease asked leave to bring in the Bill to administer oaths of which he had given previous notice.

Leave given.

Mr. Cooper asked leave of absence for 10 days.

Leave granted.

Mr. Franklin asked leave of absence for 3 to 5 days.

Leave given.

The House then adjourned until Wednesday 4th April 1860 at 3 oCk. p. m.

Speaker.

### Wednesday, the 4th day of April, 1860

Present: Mr. Speaker.

A quorum not being present the House adjourned until Thursday 5th April at 3 oClock p. m.

Speaker.

### Thursday, the 5th day of April, 1860

A quorum not being present the House adjourned until Monday week 16th April at 3 oClock p. m.

Speaker.

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**Monday, the 16th day of April, 1860**

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

Mr. A. R. Green was sworn in by Chief Justice Cameron & took his seat.

Mr. Crease brought in a "Bill to provide for the administration of oaths & the production of evidence before Committees of the same."

Read 1st time.

Mr. Waddington asked leave to withdraw the Gunpowder Bill.

Leave granted.

Mr. Cooper gave notice that on the 23rd inst. "I shall bring in a Bill to provide for the better & more efficient regulation of Pilots for the Harbours of Victoria & Esquimalt."

Mr. Franklin asked permission to postpone for 2 weeks the Lien Bill of which he had given previous notice.

Leave given.

The House then went into Committee On "Bill to prevent the use of Stove pipes &c. &c.

The following amendments were adopted.

1 Clause "That from & after the 25th day of June" inserted in lieu of "That 14 days after the final passage of this Bill."

1 Clause And after the words shingle or plank roof and before the words, for the purpose of heating to be inserted "walls or partitions."

1 Clause And instead of the words 2 feet & half "3 feet" to be inserted the required height of Chimney or Chimnies.

1 Clause And after the words £5 sterling to be inserted "or any smaller sum at the discretion of the convicting Magistrate or in default of payment to be imprisoned for a term not exceeding fourteen days with or without hard labor."

2nd Clause The words "one half of" before the words "his reasonable expenses" be struck out.

3rd Clause After the words, running from the point where the,—the words to be inserted—"The water course of the ravine to the north of Johnston St. meets the harbor, thence up to where it crosses Douglas Street" be inserted.

And after the words "aforesaid to the" that the "North side of James's Bay" be inserted instead of the South side of Fort Street.

Mr. Speaker took the Chair & the Chairman of Committee reported progress, which Report was agreed to and the Bill ordered to be read 3rd time.

The House then adjourned until Wednesday 18th April at 3 o'clock p. m.

Speaker

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### Wednesday, the 18th day of April, 1860

In consequence of the House of Assembly being in the possession of the Supreme Court—trial going on—the House adjourned until Thursday at 3 o'clock 1860.

Speaker.

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### Thursday, the 19th day of April, 1860

Present: Mr. Speaker and Messrs. Foster, Gordon, Green, Crease, Tolmie, Cooper, Waddington, Southgate, Franklin, McDonald.

The minutes of the former proceedings having been read & confirmed.

Mr. Crease gave notice of 2nd Reading of "Oaths Bill" for next meeting.

Mr. Cary brought in "Bill to extend the provisions of the Joint Stock Companies Act to Vancouver Island."

Read 1st time.

Mr. Crease seconded.

Mr. Cooper asked permission for the House to consider the Petition of the Pilots introduced by him on 24 March—to be considered in Committee of the whole on the 25th inst.

House then adjourned until 3 o'clock p. m. Tuesday 24th April.

Speaker.

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### Tuesday, the 24th day of April, 1860

Present: Mr. Speaker and Messrs. Gordon, Green, Cooper, Foster, Cary, Franklin, Tolmie, McDonald, Waddington, Southgate.

The former proceedings having been read & confirmed.

Mr. Speaker Read messages from His Excellency the Governor (3).

*No. 1*

20 April 1860

The Speaker & Gentlemen

I have to acknowledge the receipt of your Speaker's communication dated the 2nd inst. conveying the following resolution.

That this House do respectfully pray His Exy. the Govr. to order the several high roads through the Districts of Victoria, Metchosin, Saanich, & Lake, to be definitely laid down & that from each District a Committee of three land owners be appointed by the land owners of each District to advise with the Engineers employed regarding the direction such high roads should take through the Districts.

And I have to inform you that instructions have been issued to the Acting Colonial Surveyor, to carry the objects proposed by that Resolution into effect.

signed James Douglas

24 April 1860

No. 2

Gentlemen

I have to acknowledge the receipt of your Speaker's communication of the 3rd inst. conveying the Report of a Committee of the whole House on the subject of the settlement about to be formed by Captain Stamp on the West Coast of Vancouver Island & I have to thank the House for their opinion.

(sgd). James Douglas  
18 April 1860

No. 3

Gentlemen

I beg to submit Estimates Nos. 1, 2, & 3 &c. &c. &c.

Estimate No. 1—	3600.	0.0
„ „ 2—	8619.	6.0
„ „ 3—	2707.	14.1
		£14,927. 0.1

3rd Reading of "Stove pipe Bill."

Ordered to be engrossed.

Mr. Tolmie's Bill for improvement of Cattle breed.

Mr. Franklin seconded.

Read 1st time to go to 2nd Reading.

Mr. Waddington Presented petition against Indians who have settled within the northern limits of Victoria.

Mr. Waddington: "I propose that a Committee of five be appointed to take into consideration the petition relative to Indians who have settled within the northern limits of Victoria & the measures necessary to afford the petitioners relief, & also to report upon any general measure that may afford protection for the future."

Mr. Foster gave notice "of a Committee of the whole to consider the causes of interruption of the sittings of the Legislative Assembly & to decide upon some building where its sittings will have precedence for carrying on the Legislative business of the Colony."

Mr. Foster: "I give notice 'That I move for any further correspondence existing between Captain Stamp & the Governor regarding the lands desired to be purchased by him on Barclay sound on the West Coast Vancouver Island which has not already been laid on the table of this House.'"

Mr. Franklin gave notice of motion "That his Exy. be asked to lay before this House any returns that may have been obtained As to the population of this Colony distinguishing its character. Also any estimates as to the value of property real or personal possessed in the Colony."

House then adjourned until tomorrow at 3 o'clock p. m. 25 April 1860.

Speaker

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**Wednesday, the 25th day of April, 1860**

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Present: Mr. Speaker, The Atty. General, and Messrs. Coles, Foster, Cooper, Southgate, Crease, Waddington, Franklin, Tolmie, McDonald, Gordon, Green.

The last Minutes having been read & confirmed.

Mr. Speaker Read Message from the Governor.

No 1 Gentlemen

24th April 1860

With reference to my letter of the 4th of April Inst.—I have the honor of transmitting herewith a return of lands sold on Vancouver Island which was not at that time completed.

(Sgd.) James Douglas

No. 2 Gentlemen

24 April 1860

I have the honor to acquaint you that I have authorized Mr. Cary the Actg. Attorney General to afford such information to the House upon my behalf as may serve to explain the views & wishes of Her Majestys Government with regard to those Government measures which may be brought before the House; & I have instructed him to obtain the advice and assistance of the House in determining the most expedient manner in which such measures can be carried out.

(Sgd.) James Douglas.

The House then went into Committee.

Mr. Franklin in the Chair.

Mr. Tolmie Bill relating to the laying out & repairing of Roads on Vancouver Island.

Ordered to be read 1st time next meeting.

The Chairman reported progress.

Mr. Cooper Moved a Committee of the whole to consider the Petition of the Pilots be received.

Leave granted.

Mr. Cooper presented "Bill regulating Pilots"—ordered to be read 1st time next meeting.

The Chairman reported progress.

Mr. Waddington Moved "that the House do go into Committee to consider the petition relative to Indians who have settled within the Northern limits of Victoria."

Agreed to.

The Chairman reported progress.

Mr. Waddington proposed that a Committee of 5 be appointed to take into consideration the Petition relative to Indians who have settled within the Northern limits of Victoria.

Mr. Foster Moved a Committee of the whole to consider the causes of the interruptions to the sittings of the House of Assembly.

Agreed to.

Mr. Waddington moved as an amendment "That the House use the old Court Room in the Police Barrack for their place of meeting."

After a long discussion the House divided.

For the amendment 6.

For the original Motion 6.

The Chairman gave his casting vote in favor of the original motion.

Majority one original motion, Carried.

The Chairman reported progress.

Mr. Foster Moved a Committee of the whole House to consider all accounts which may be laid before it—in order to define precisely the liabilities of this Colony with regard to the accounts of the Hudson's Bay Compy. & Imperial government &c. &c.

Mr. Cary Moved an amendment "That this House will not go into Committee on the question of any accounts between the Imperial Government & the Hudson's Bay Company this House believing that this Colony is under no liability to the Hudson's Bay Company."

After a long discussion it was put to vote.

	<i>For the motion</i>		<i>For the amendment</i>
Messrs.	Crease	Messrs.	Cary
	Coles		Gordon
	Cooper		Green
	Southgate		Tolmie
	McDonald		Franklin
	Foster		
	Waddington		

Majority in favor of the Motion 2.

Mr. Foster motion carried & ordered to be considered in Committee of the whole House.

The House then adjourned until Thursday 26th April 1860 at 4 oClock p. m.

Speaker

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### Thursday, the 26th day of April, 1860

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Present: Mr. Speaker, The Atty. General, and Messrs. Foster, Gordon, Green, Waddington, McDonald, Tolmie, Franklin, Crease, Cooper, Southgate.

The last minutes having been read & confirmed.

Bill relating to the laying out, making and repairing of Roads on Vancouver Island.  
Read 1st time.

Bill for the better & more efficient regulation of Pilots for the Harbours of Victoria & Esquimalt.  
Read 1st time.

Mr. Foster moved for any further correspondence existing between Captain Stamp and the Government regarding the lands desired to be purchased by him on Barclay sound on the West Coast Vancouver Island which has not already been laid on the table.

Mr. Cary informed the Hon. Member in reply there did not exist any more correspondence than that already laid upon the table.

Mr. Waddington moved according to previous notice "That a Committee of 5 be appointed to take into consideration the Petition relative to Indians who have settled within the Northern limits of Victoria &c. &c."

Mr. Franklin moved an amendment "within the Northern & town limits."

Mr. Gordon seconded—Amendment lost

Mr. Speaker appointed as Committee Messrs. Waddington, Cooper, Gordon, Green, McDonald.

Mr. Cooper moved that an adjournment take place on the discussion of the Colonial accounts between the Hudsons Bay Company & the Imperial Government for the 3rd proximo, for re-consideration on Mr. Foster motion.

Mr. McDonald seconded.

Debate adjourned until 3rd May.

Mr. Gordon asked leave to postpone his Bill for constructing a turnpike road from Esquimalt to Victoria.

Leave granted for 14 days.

Mr. Franklin moved "That His Excellency be asked to lay before this House any returns that may have been obtained As to the population of this Colony distinguishing its character. Also any estimates as to the value of property real or personal possessed in the Colony."

Mr. Crease Seconded.

Mr. Crease propose as an amendment before the word "returns" the word "official" be inserted.

Mr. Foster seconded.

Amendment lost.

Resolution carried.

Mr. Crease 2nd Reading of "oaths Bill."

Mr. Cary seconded.

Referred to a select Committee of three to report thereon, Messrs. Cary, Crease, Southgate.

Read 1st time Bill to regulate the Legal profession.

Read 1st time—Bill for Incorporation of the town of Victoria.

Mr. McDonald gave notice of Motion "I will move on the 27th day of April that the defining or laying out of the main road in the District of Sooke be included in the surveys about to be made of the roads in the Districts of Metchosin & Esquimalt."

Mr. Foster gave notice of Motion "I beg that information be given to this House when the dispatch ordering the lands of this Colony to be made over to the Assembly was received & that such dispatch be laid upon the table of this House."

The House adjourned until 3 oCk. p. m. Friday 27 April 1860.

Speaker.

### Friday, the 27th day of April, 1860

Present: Mr. Speaker and Messrs. Gordon, Green, Crease, Cooper, Waddington, Franklin, McDonald.

The former Minutes having been read and confirmed.

Mr. Crease Brought up the Report of the Election Petitions, relating to the Petition of Amor de Cosmos & Thomas James Skinner.

The House then adjourned until Monday 30th April at 3 oClock.

Speaker

### Monday, the 30th day of April, 1860

Present: Mr. Speaker, Attorney General, and Messrs. Gordon, Green, Cooper, Foster, Waddington, Franklin, McDonald, Southgate.

The former Minutes having been read & confirmed.

Mr. Speaker Read two messages from His Excellency the Governor.

30th April 1860

Gentlemen

I have to acknowledge the receipt this day, of your Speakers communication of the 24th instant, transmitting "A Bill to prevent the use of Stove-pipes & render compulsory the building of Brick & Stone Chimnies within certain limits of the Town of Victoria" and the same will be laid before the Council without delay.

(sgd.) James Douglas.

30th April 1860

Gentlemen

I herewith transmit for your information and in conformity with the request contained in your Speakers communication of the 26th inst., which I have this day received, the Documents described in the accompanying Schedule.

Those documents are however incomplete, and contain no estimate whatever of the value of real or personal property in the Colony.

(Sgd.) James Douglas

Mr. Waddington brought up Report of the Select Committee on the Indian Petition.  
Report agreed to.



Mr. Franklin gave notice "he shall on the 7th May bring in a 'Currency Bill.' "

Read 2nd time "Bill to extend the provisions of the Joint Stock Companies Acts."

Mr. Franklin seconded.

Read 2nd time.

Mr. McDonald Motion, of which he had given previous Notice "That the defining & laying out of the Main Road in the district of Sooke be included in the surveys about to be made of the roads in the districts of Metchosin & Esquimalt."

Mr. Foster seconded.

Resolution agreed to.

Mr. Foster Motion of which previous notice had been given "I beg that information be given to this House when the dispatch ordering the lands of this Colony to be made over to the Assembly was received & that such dispatch be laid upon the Table."

Mr. Cooper seconded.

Mr. Cary replied & said there does not exist any such dispatch.

Mr. Franklin gave notice of Motion "that His Excellency the Governor be asked to lay before this House copies of all dispatches, or such portions thereof received by him from the Home Government during the past 12 months together with the answer sent thereto, relating to the termination of the grant of this Island to the Hudsons Bay Company & the future government of the Colony."

Mr. Cary gave notice of Motion "That this House do go into Committee of the whole to consider Estimates Nos. 1 & 2 on 2nd of May.

House then adjourned until Thursday 3rd May at 3 oClock p.m.

Speaker.

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### Thursday, the 3rd day of May, 1860

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Present: Mr. Speaker and Messrs. Cary, Foster, Gordon, Green, Franklin, Tolmie, Crease, Coles, Cooper, Waddington, Southgate, McDonald.

The former Minutes having been read & confirmed.

Mr. Speaker called the House to the Motion of Mr. Cooper's for reconsideration of Mr. Fosters Motion with regard to all accounts of the Hudson's Bay Company & the Imperial Government & stated the resolution of Mr. Coopers for the reconsideration of Mr. Foster Motion was irregular, and after a long discussion "Put shall the question be reconsidered" which was agreed to by the House "to be reconsidered."

Mr. Coles moved an amendment to Mr. Fosters Motion.

That His Excellency the Governor be respectfully prayed to inform this House whether the Home Government has resumed its proprietorship of this Island and cancelled the Hudson's Bay Compy.s grant in this Colony.

Whether this Colony is under any liabilities & if so to whom.

What those liabilities are, and to furnish to this House the accounts setting forth such liabilities in detail.

Mr. Cary seconded.

Mr. Speaker put the original Motion which was not carried.

Mr. Speaker then put the amendment which was carried unanimously.

Amendment to Mr. Foster's motion carried.

Mr. Franklin Moved That His Excellency the Governor be asked To lay before this House Copies of all despatches, or such portions thereof received by him from the Home Government during the past 12 months together with the answers sent thereto relating to the termination of the grant of this Island to the Hudson's Bay Company & the future Government of this Colony.

Not seconded—Motion lost.

Mr. Tolmie Bill to improve the breed in Stock Read 2nd time, & ordered to be referred to a Committee of the whole.

House then adjourned until Monday 7th May at 3 oClock p. m.

J. S. Helmcken  
Speaker.

### Monday, the 7th day of May, 1860

Present: Mr. Speaker and Messrs. Foster, Coles, Gordon, Green, Cary, Crease, Southgate, Cooper, Franklin, Tolmie, McDonald, Waddington.

The former Minutes having been read and confirmed.

Mr. Speaker Read two messages from His Excellency the Governor, inclosing extracts of dispatches from the Home Government, & that the Acting Surveyor had received instructions to lay out and define the Main Road in the District of Sooke.

Read 2nd time Bill for the Improvement of Roads in Vancouver Island & referred to a Select Committee.

The 2nd Reading of Bill to regulate the Legal profession postponed until Thursday next.

Read 2nd time "Bill to provide for the better & more efficient regulation of the Pilotage Laws of Victoria & Esquimalt" & referred to a Select Committee.

Mr. Franklin Introduced a Bill respecting the Currency no Preamble being inserted in the Bill.

Introduction deferred.

Mr. Cary Presented a petition from Mechanics & others asking for a Lien Law.

Mr. Cary gave notice of Motion "For a Select committee to consider whether any & what change should be made with regard to the law of lien."

Mr. Waddington gave notice of Motion "that a printing Committee be named to advertize for & receive tenders for, & to superintend the printing which may be ordered by the House during the session said tender to be sealed & given in within six full days & opened in presence of the House, & to contain the price per 1000 ems for printing 50 copies or 100 copies, on good book paper, or on good writing paper form, with or without the lines being treble leaded or spread out."

Mr. Cary gave notice that on this day week I shall move that this House do go into Committee of supply.

Mr. Gordon gave notice "That His Excellency the Governor be respectfully requested to advise this House of any correspondence that may have passed between the Imperial Government & himself relative to the sale of the Town site of Victoria."

The House then adjourned until Thursday 10th May 1860 at 3 oClock p. m.

J. S. Helmcken  
Speaker

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### Thursday, the 10th day of May, 1860

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Present: Mr. Speaker, and Messrs. Foster, Gordon, Green, Crease, Cary, Coles. Cooper, Waddington, Franklin, Tolmie, Southgate.

The former proceedings having been read & confirmed.

The Chairman of Committee Mr. Gordon brought up the Report of the Committee to enquire into the system, expense &c. of survey.

Ordered to lie on Table.

2nd Reading of Bill to regulate the Legal profession.

To go to Select Committee.

2nd Reading of Incorporation Bill & referred to a Select Committee.

Mr. Cary Asked for a Select Committee to Report upon the Law of lien.

Mr. Tolmie Seconded.

Select Committee granted.

Mr. Waddington according to previous notice asked "for a Printing Committee."

Mr. Cooper seconded.

Mr. Speaker After a long discussion put the question "to be considered in Committee of the whole."

House divided:

Ayes 10. Noes 1.

Mr. Cary objected.

Mr. Gordon Motion of which he had given previous notice.

That His Exy. the Govr. be respectfully requested to advise this House of any correspondence that may have passed between the Imperial Government & himself relative to the sale of the Town site of Victoria.

Mr. Waddington seconded.

Carried unanimously.

Mr. Cary gave notice of Motion (see Order Book No 11).<sup>5</sup>

The Members selected by Ballot to serve on the Election Committee: Messrs. Gordon Chairman, Foster, Tolmie, Waddington, Crease.

The House then adjourned until Monday 14th May at 3 oClock p. m.

J. S. Helmcken  
Speaker.

### Monday, the 14th day of May, 1860

Present: Mr. Speaker and Messrs. Cary, Foster, Gordon, Green, Tolmie, Southgate, Crease, Cooper, Waddington, Franklin, Coles.

The former Minutes having been read and confirmed.

Chief Justice Cameron administered the oath to the Chairman & Members of the Election Committee.

Mr. Speaker read message from His Excellency the Governor in answer to Mr. Gordon's resolution (see order Book page 10 resolution No 6)<sup>6</sup> vizt.

I am on the eve of departure for British Columbia, but I will cause search to be made for the information required, & will acquaint the House with the result, upon my return to Victoria.

(signed) James Douglas

Mr. Waddington brought up the Report of the Committee on Standing Orders.  
Ordered to lie on the Table.

Mr. Franklin brought in a "Bill respecting the Currency."  
Introduced & read 1st time to go to 2nd Reading.

Mr. Cary moved that the House do go into Committee of the whole of supply.  
After a long discussion in which Messrs. Waddington, Coles, Gordon, Foster, Tolmie, Cooper took part Mr. Coles moved that this House do now adjourn until 8 oClock this evening.

Mr. Franklin seconded—the House then adjourned until 8 o'clock.

<sup>5</sup> Motion book, p. 11: "On the 14th May I will move for a Select Committee 'To enquire into the best method of improving Victoria Harbour.'"

<sup>6</sup> Motion book, p. 10: "That His Exy. the Govr. be respectfully requested to advise this House of any correspondence that may have passed between the Imperial Governr. & himself relative to the sale of the Town site of Victoria."

At 8 oClock The House resumed its sitting in pursuant to adjournment.

The debate was resumed.

On the Motion, the House divided:

	<i>Ayes:</i>		<i>Noes:</i>
Messrs.	Cary	Messrs.	Foster
	Gordon		Coles
	Tolmie		Cooper
	Franklin		Waddington
	Green		Crease
	Southgate		

Majority in favor of House going into Committee (1) on supply.

Mr. [blank] proposed that Mr. Green be the Chairman.

Mr. [blank] proposed that Mr. Waddington be the Chairman, an amendment.

On the question being put the House divided:

For Mr. Green, 6.

For Mr. Waddington, 5.

Mr. Green was elected as Chairman of Committee of Supply.

Mr. Crease moved that the Chairman do now report progress & ask leave to sit again.

Leave granted.

House adjourned until 3 oClk. p. m. Tuesday 15th May 1860.

J. S. Helmcken  
Speaker.

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## Tuesday, the 15th day of May, 1860

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Present: Mr. Speaker and Messrs. Cary, Crease, Gordon, Foster, Coles, Green, Cooper, Waddington, Franklin, Tolmie, Southgate.

The former Minutes having been read & confirmed.

Mr. Green Asked leave to resign the Chairmanship of the Committee of the whole on supply.

Mr. Gordon seconded.

Leave granted.

Mr. Cary proposed Mr. Waddington as Chairman in place of Mr. Green resigned.

Mr. Tolmie seconded.

Carried unanimously.

The House then went into Committee upon Mr. Cary's Motion of supply.

Mr. Waddington in the Chair.

Mr. Cary brought forward his motion of which he had given previous notice.

After a short debate the question of supply was postponed for further debate until this day week Tuesday the 22nd May 1860.

Mr. Waddington the Chairman reported progress and asked leave to sit again, this day week.

Leave granted.

On Motion that Mr. Speaker do now leave the Chair The House went into Committee.

Mr. Franklin in the Chair on Mr. Waddington's Motion relative to Printing.

After a short debate Mr. Helmcken moved that the Chairman do now report progress.

Mr. Speaker took the Chair & the Chairman reported progress, that Mr. Waddington would move for a Select Committee.

Mr. Waddington moved That a special Committee of three be appointed to report generally upon the expense of printing & other matters connected therewith.

Mr. Cooper seconded.

Leave granted.

Committee: Messrs. Waddington, Foster, Southgate.

Mr. Tolmie asked leave to postpone "Bill for the Improvement of Stock."

Leave granted.

Mr. Cary asked leave to postpone "Joint Stock Companies Bill."

Leave granted.

Mr. Cary moved for a "Select Committee to enquire into the best method of improving Victoria Harbour."

Mr. Cooper seconded.

Leave granted.

Committee: Messrs. Cooper, Southgate, Coles, Green, Cary.

Mr. Foster Motion relative to request contained in Mr. Coles amendment to Mr. Fosters motion which His Exy. the Govr. has been pleased to furnish to this House on the 7th inst.

Asked leave to postpone until the 23rd May for debate.

Mr. Crease gave notice of motion (see order book page 12).<sup>7</sup>

Mr. Foster gave notice of motion (see order book page 12).<sup>8</sup>

The House then adjourned until Wednesday 16th May at 3 o'clock p. m.

J. S. Helmcken  
Speaker.

<sup>7</sup> Motion book, p. 12: "To move on the 16th May that this House do respectfully request his Exy. to lay before this House copies of the correspondence between the Acting Treasurer of V. Island & the Land office & His Exy. respecting the passage of monies paid over to the Land office during the seven months ending December 1859."

<sup>8</sup> Motion book, pp. 12-13: "That His Exy. the Govr. be respectfully prayed to furnish to this House the whole correspondence between this Colonial Government & the H. B. Coy.s manager in this Island regarding all the moneys demanded from him to be advanced to the Governor from the beginning of April 1859 to end of May 1859 for all Colonial purposes whatever 'and any correspondence subsequent thereto which may throw light upon the subject.'" The last phrase of this motion was added as an amendment on 16 May 1860. See minutes below.

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**Wednesday, the 16th day of May, 1860**

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Present: Mr. Speaker and Messrs. Gordon, Green, Crease, Cooper, Southgate, Franklin, Cary, McDonald.

The former Minutes having been read and confirmed.

Mr. Crease brought up the Report of the Select Committee on the Bill to provide for the administration of Oaths in the House of Assembly.

Mr. Crease brought forward his Motion of which he had given previous notice (see Order book page 12).

Mr. Foster seconded.

Carried.

Mr. Foster brought forward his Motion of which he had given previous notice (see Order Book page 12) with the following Amendment added, after the words "Colonial purposes whatever" "and any correspondence subsequent thereto which may throw light upon the subject."

Carried.

The House then adjourned until Thursday at 3 o'clock p. m.

J. S. Helmcken  
Speaker.

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**Thursday, the 17th day of May, 1860**

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Present: Mr. Speaker and Messrs. Gordon, Green, Crease, Cary, Foster, Southgate, Cooper, Franklin, Tolmie, Waddington, McDonald.

The former Minutes having been read & confirmed.

The House went into Committee of the whole on—The Bill to provide for the administration of Oaths, as submitted from the Select Committee to Report upon.

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 progress therein & was directed to ask for leave to sit again.

Ordered That the Report be accepted and leave granted.

On Motion of Mr. Crease Ordered That the House postpone going to Committee of the whole for one day on Standing Orders on Private Bills.

Mr. Crease gave notice of Motion (see Order Book page 13).<sup>9</sup>

On Motion of Mr. Gordon.

Ordered That the Committee of Election do adjourn until the 25 inst., to allow time for the passing of the "Bill to provide for the administration of oaths in the House of Assembly & the production of evidence before Committees of the same."

The House adjourned until tomorrow Friday 18th May 1860 at 3 oCk. p. m.

J. S. Helmcken  
Speaker.

### Friday, the 18th day of May, 1860

A quorum not being present the House adjourned until Monday 21st May 1860 at 3 oClock p. m.

J. S. Helmcken  
Speaker.

### Monday, the 21st day of May, 1860

Present: Mr. Speaker and Messrs. Foster, Green, Franklin, McDonald, Crease, Cooper, Tolmie, Waddington, Gordon.

The former Minutes having been read & confirmed.

The House went into Committee of the whole on The Bill to provide for the administration of Oaths in the House of Assembly.

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported progress.

The House then adjourned until 8 oClock.

The House met pursuant to adjournment at 8 oClock.

Mr. Waddington in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee having the Bill before them & the following Amendments was carried.

<sup>9</sup> Motion book, p. 13: "It shall be lawful for the House of Assembly to create Commissions of Enquiry & examination touching any matters or things whatsoever & to appoint Commissioners therefor with the same powers for administering oaths or affirmations & to procure and enforce the production of evidence documentary & otherwise to protect witnesses & generally to enforce the object of any such Commissions in the same manner & with the same penalties for perjury or false witness contained in this Act in reference to Committees of this House."



Clause 1 After the words "Officers of such House" these be inserted—"except so far as the same have been altered by the Law of this Colony such oaths."

Clause 2 After the words "think fit to" these be inserted—"administer oaths."

Clause 6 inserted—"Provided always that any person who shall conscientiously object to the taking of an oath may in lieu thereof make a solemn affirmation & declaration which shall have the same force & effect as if an oath had been taken & the provisions in this Act contained & in particular the penalties hereby imposed in the case of false swearing shall be applicable to every person making such solemn affirmation and declaration—And every such affirmation & declaration shall be in the words following, that is to say—'I A. B. entertaining conscientious objections to the taking of an oath do solemnly & sincerely affirm & declare that . . . and I make this solemn declaration conscientiously believing the same to be true' or 'that the evidence I shall give touching the matters in question shall be the truth the whole truth & nothing but the truth'."

Clause 7 Forms & Schedule. "It shall be lawful for the Speaker of the House of Assembly (by the order of the House) or for any Committee of such House to create & issue Commissions of enquiry to examine & report touching any matters or things whatsoever whereon such House or Committee shall require information & to appoint Commissioners for that purpose & such Commissioners shall at their first meeting (which shall take place within 18 days after such Commission has [been] issued under the warrant of the Speaker or the Chairman of such Committee as the case may be[]), elect a Chairman & in his absence or illness a Deputy Chairman—and such Chairman or Deputy Chairman shall have the same powers under the direction of such Commissioners of administering oaths or affirmations & procuring & enforcing the production of evidence, oral, documentary, of record or otherwise of protecting witnesses and generally as may further the objects of the enquiry for the time being—as are possessed by the Committees of the House under this Act."

Form 8 After the words "for the purpose of the within order" the following be inserted—"Provided That nothing in this form shall be so constituted as to enable any Committee to send for papers which are usually moved for by Address in this House."

The Speaker resumed the Chair.

The Chairman Reported progress.

Ordered that the Report be accepted.

Mr. Franklin gave notice.<sup>10</sup>

The House then adjourned until 3 o'Clock. p. m. 22 May 1860.

J. S. Helmcken  
Speaker.

<sup>10</sup> Motion book, p. 14: "That this Act and the powers granted therein shall only apply to Election Committees & subject matters appertaining thereto."