

Monday, the 11th day of April, 1870.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs, Hankin, Crease, Hamley, Ball, Bushby, Walkem, Trutch, Sanders, O'Reilly, Wood, Robson, Pemberton, Humphreys, Carrall, Ring, DeCosmos, Holbrook, Helmcken, Dewdney.

The Minutes of the previous Meeting read and confirmed.

A Message from His Excellency the Governor, read as follows:—

Message No. 16.

A. MUSGRAVE.

The Governor has received the communication from the Honourable Board of Council, acquainting him with their Resolution to seek a conference with him on the question of Road Tolls, in conformity with the Standing Orders for the guidance of the Council.

The Governor will have much pleasure in receiving the Committee from the Council, at Government House, at 3 o'clock, on Thursday, the 14th instant.

*Government House,
11th April, 1870.*

The Hon. the Attorney General gave notice of 2 motions.

Pursuant to the Order of the day, the Hon. Mr. Robson asked the Presiding Member,—When it is the intention of His Excellency to prorogue the Council?

The Hon. Mr. Hankin replied.

Pursuant to the Order of the day, the Hon. Mr. Ring moved, the Hon. Mr. Alston seconding,

That a respectful address be presented to His Excellency the Governor, requesting him to ask the Imperial Government to repeal that portion of the Imperial Act of Union which extends the Tariff of British Columbia to Vancouver Island, with the view of re-establishing a Free Port at Victoria.

On the question being put the Council divided.

Ayes 6, Noes 9.

The names having been taken down by the Clerk as follows:—

<i>Ayes.</i>	<i>Noes.</i>
The Hon. Messrs. Robson, Helmcken, Ring, Dewdney, Drake, Alston.	The Hon. Messrs. Sanders, O'Reilly, Ball, Holbrook, Wood, DeCosmos, Crease, Bushby, Hamley.

So it passed in the negative and the Resolution was lost.

Pursuant to the Order of the day, the Council went into Committee on the Registration of Titles Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted and the Bill read third time on Tuesday week.

Pursuant to the Order of the day, the Council took into consideration the Report of the Select Committee on the Customs Amendment Bill.

The Hon. Mr. Drake moved that the Report be adopted, the Hon. Mr. Ring seconding.

On the question being put the Council divided.

Ayes 7, Noes 11.

So the motion was lost.

The Hon. Mr. Dewdney moved, the Hon. Mr. Holbrook seconding,

That the Customs Duty Bill be now read first time.

The Hon. Mr. Helmcken moved, the Hon. Mr. Drake seconding,

That this Bill be read first time this day fortnight.

The amendment having been put and lost, after a division, *Ayes 7, Noes 9,*

The Bill was read first time. Ordered to be read second time to-morrow.

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

Ordered to be committed on Wednesday next.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos asked the Hon. the Chief Commissioner of Lands and Works,—Whether the Steamer “Sir James Douglas” will be ordered to ply between Victoria and Sooke?

Whether it is the intention of the Government to make any provision for the construction of a Bridge over Sooke River, by paying the Contractor in Land in that District, as suggested in a Petition from the Settlers in Sooke?

The Hon. Mr. Trutch replied.

Pursuant to the Order of the day, the County Courts Bill was read second time.

Ordered to be committed on Tuesday week.

Pursuant to the Order of the day, the Council took into consideration the Petition of certain Master Mariners.

The Hon. Mr. Helmcken moved, the Hon. Mr. Holbrook seconding, and it was Resolved,

That the Petition be referred to His Excellency the Governor, with the opinion of this Council that it is advisable to prohibit Colonial Vessels going foreign being commanded by uncertified persons, and that it is advisable to establish a Board for the purpose of granting certificates to those who undergo the necessary examination for Masters and Mates of Vessels.

Pursuant to the Order of the day, the Hon. Mr. Helmcken moved That the Petition of P. Cadell be taken into consideration, with a view to its transmission to His Excellency the Governor.

The Hon. Mr. Ball moved, in amendment, That it do lie on the table.

Amendment put and carried.

Ordered accordingly.

Pursuant to the Order of the day, the Hon. Mr. Holbrook asked the Presiding Member,—If any provision has been made by the Executive for the payment of the Expenses of Elected Members coming from Kootenay, Cariboo, and Lillooet?

The Hon. the Presiding Member replied.

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

That a respectful address be presented to His Excellency, asking him to devote the sum of about \$500, out of the vote in the Estimates for repairs of Roads, toward repairing the Road between Douglas and the 29 Mile House, so as to make it passable for Farmers' waggons.

On the question being put the Council divided.

Ayes 2, Noes 7.

So it passed in the negative and the Resolution was lost.

Pursuant to the Order of the day, the Council went into Committee on the Derby Settlers' Petition.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported that the Committee had risen without a report.

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

Ordered to be postponed.

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

Ordered to be committed at once.

The Council went into Committee on the said Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted and the Bill read third time on Wednesday next.

Then, on the motion of the Hon. Mr. Ball, the Council adjourned till 1 o'clock to-morrow.

Tuesday, the 12th day of April, 1870.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Hankin, Crease, Hamley, Bushby, Sanders, O'Reilly, Ball, Walkem, Ring, Alston, DeCosmos, Helmcken, Robson, Barnard, Wood, Pemberton, Holbrook, Dewdney, Carrall, Drake, Trutch.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. Robson gave notice of motion.

The Hon. Mr. DeCosmos gave notice of motion.

The Hon. Mr. Alston gave notice of motion.

Pursuant to the Order of the day, the Council went into Committee on the School Bill,

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted, and the Bill read third time on Thursday next.

On the Order of the day being read for the second reading of the Fire Companies' Aid Bill,

Ordered to be postponed till to-morrow.

Pursuant to the Order of the day, the Hon. the Attorney General asked leave to bring in Municipal Fine Bill.

Ordered that leave be granted, and the Bill now read first time.

Read first time accordingly.

Ordered to be read second time to-morrow.

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

Ordered to be read first time.

Read first time accordingly.

Ordered to be read second time on Thursday next.

On the Order of the day being read for the second reading of the Customs Duty Bill,

The Hon. Mr. Drake moved, the Hon. Mr. Hamley seconding,

That the second reading be postponed till to-morrow.

Whereupon a debate arose, which having terminated, and on the question being put the Council divided.

Ayes 7, Noes 12.

So it passed in the negative and the Resolution was lost.

The Bill was then read second time.

On the question being put whether the Bill should be Committed, the Council divided.

Ayes 11, Noes 7.

The names, on request, were taken down as follows:—

Ayes.

Noes.

The Hon. Messrs. Crease,
Trutch,
Bushby,
Ball,
Barnard,
Dewdney,
Carrall,
Sanders,
Walkem,
O'Reilly,
Holbrook.

The Hon. Messrs. Hamley,
Drake,
Pemberton,
Wood,
Alston,
Helmcken,
Robson.

So it passed in the affirmative and the Council went into Committee on the said Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the Bill complete with slight amendments.

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

Then, on the motion of the Hon. Mr. Carrall, the Council adjourned till 1 p.m. to-morrow.

Wednesday, the 13th day of April, 1870.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Hankin, Crease, Trutch, Hamley, Bushby, Sanders, Ball, Wood, Dewdney, Helmcken, Ring, DeCosmos, Alston, Humphreys, Robson, Drake, Barnard, Holbrook, Walkem, Carrall.

The Minutes of the previous Meeting read and confirmed.

The Hon. Mr. Hamley, Chairman of the Select Committee appointed to enquire into the subject of Ocean Steam Communication with San Francisco, brought up a Report.

Ordered to be read. Read as follows:—

Your Committee beg to report that in view of the probability of a line of British Steamers being established on the North Pacific Coast, arrangements should be made to open negotiations with any such Company for placing a Steamer on this line.

Your Committee are further of opinion that were arrangements made with the Puget Sound Steamers to come to Victoria more frequently, and remain there a longer time, much good would result to the Colony, and Mail Communication would be very much facilitated and improved.

The Hon. Mr. Drake gave notice of 2 motions.

On the Order of the day being read for the third reading of the Customs Duty Bill, The Hon. Mr. Helmcken moved, the Hon. Mr. Hamley seconding, That this Bill be read third time this day six months.

On the amendment being put, the Council divided.

Ayes 8, Noes 10.

So it passed in the negative, and the Bill was read third time,

And it was Resolved that this Bill do pass and its title be the "Customs Duty Ordinance, 1870."

Pursuant to the Order of the day, the Game Bill was read third time, and it was Resolved that this Bill do pass and its title be "The Game Ordinance, 1870."

Pursuant to the Order of the day, the School Bill was read third time, and it was Resolved that this Bill do pass and its title be "The Common School Amendment Ordinance, 1870."

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

Ordered to be committed the first sitting next week.

The Hon. Mr. Walkem rose to speak to a question of privilege, in reference to certain words spoken by the Hon. Mr. Humphreys, at a Public Meeting, at the Theatre, Victoria, on the 11th instant.

The Hon. Member not being then present,

On the motion of the Hon. Mr. Alston,

Resolved, That the Hon. Member be cited to appear at the Council Board by the Presiding Member.

The following citation was sent to the Hon. Member:—

To the Hon. Mr. Humphreys.

You are hereby cited to attend at the Council Board, at once, on the receipt of this summons, and in the event of your non-appearance you will be held guilty of contempt.

(Signed) PHILIP J. HANKIN.

13th April, 1870.

On the Order of the day being read for the second reading of the Water Bill, and the question being put the Council divided.

Ayes 3, Noes 9.

So the Bill was thrown out.

In compliance with a citation above quoted, the Hon. Mr. Humphreys being now present in the Council Chamber, the Hon. Mr. Walkem again rose to speak to a question of privilege, in reference to certain words spoken by the Hon. Mr. Humphreys, at the Public Theatre, on the 11th instant.

On the motion of the Hon. Mr. Helmcken,

Ordered, That Strangers do withdraw, including the Press.

After which, the Hon. Mr. Dewdney moved, the Hon. Mr. Barnard seconding, the following Resolution:—

Resolved, That this Council, having ascertained from undoubted authority, that one of its Members, the Honourable Member for Lillooet, did, at a Public Meeting, held on Monday, the 11th day of April instant, publicly use language to the following purport; that is to say: "that he felt degraded by sitting in this Council," and further, "that this Council had refused any enquiry into the matters connected with the Lands and Works Office, and the spending of the moneys entrusted thereto," and feeling that such language is a gross insult and derogatory to the dignity of this Council, and calculated to bring the Council and its proceedings into contempt, Resolved that His Excellency the Governor be respectfully requested to cancel the appointment of the said Thomas B. Humphreys to a seat in this Council.

The Hon. Mr. Trutch moved that the Council is willing to accept the following statement in writing from the Hon. Member:—

It was not my intention, by any words used by me at the Public Meeting, on Monday evening last, the 11th instant, to express anything derogatory to the dignity of the Legislative Council, or of any one of its Members, nor to cast any imputation of dishonesty or improper conduct whatsoever on the Chief Commissioner of Lands and Works, or on any one connected with that Department; and if any words then spoken by me conveyed such an impression, I hereby retract them, and express my regret at having used them.

The Hon. Member for Lillooet handed in the following as being the statement he was prepared to offer:—

If I used any language at a recent Public Meeting reflecting on the honesty of the Chief Commissioner of Lands and Works, I sincerely regret having used it, as such was not my intention to do so by any words that I then used; and if I used, on the same occasion, and at the same place, any language that has been interpreted as disrespectful to the Council as such, instead of being in denunciation of a non-representative Council, I regret it, as my language was directed against the non-representative Constitution of the Council.

(Signed) T. B. HUMPHREYS.

On the question being put whether such last mentioned document was satisfactory to the Council, the Council divided.

Ayes 1, Noes 15.

The names having been taken down by the Clerk as follows:—

Ayes.

The Hon. Mr. DeCosmos.

Noes.

The Hon. Messrs. Crease,
Trutch,
O'Reilly,
Sanders,
Walkem,
Ball,
Dewdney,
Barnard,
Robson,
Carrall,
Wood,
Alston,
Drake,
Bushby,
Hamley.

The Hon. Mr. Helmcken not having voted was counted in the affirmative, so the vote stood *Ayes 2, Noes 15*, and it was declared that the statement offered was not satisfactory.

The Hon. Member for Lillooet having declined to assent to the statement suggested by the Chief Commissioner of Lands and Works,

The Resolution of the Hon. Mr. Dewdney was put to the Council, whereupon the Council divided.

Ayes 11, Noes 1.

The names, on request, being taken down by the Clerk as follows:—

<i>Ayes.</i>	<i>Noes.</i>
The Hon. Messrs. Crease, Trutch, O'Reilly, Sanders, Walkem, Ball, Dewdney, Barnard, Robson, Carrall, Hamley.	The Hon. Mr. DeCosmos.

The Hon. Messrs. Holbrook, Wood, Alston, Drake, Bushby, and Helmcken not having voted, their votes were counted in the affirmative, so the vote stood *Ayes 17, Noes 1.*

So it was carried in the affirmative and Resolved accordingly.

Then, on the motion of the Hon. Mr. Robson, the Council adjourned till 1 p.m. to-morrow.

Thursday, the 14th day of April, 1870.

The Council met at 1 o'clock pursuant to adjournment.

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

Present,—The Hon. Messrs. Hankin, Trutch, Crease, Hamley, Bushby, Sanders, Ball, O'Reilly, Pemberton, Wood, Alston, Dewdney, DeCosmos, Humphreys, Carrall, Helmcken, Robson, Barnard, Drake, Walkem, Ring.

On the motion of the Hon. Mr. Crease, Ordered that Strangers do withdraw, including the Press.

On the Minutes being read and amended,

The Hon. Mr. DeCosmos moved, the Hon. Mr. Ring seconding,

That the Resolution of the Hon. Mr. Dewdney, respecting Mr. T. B. Humphreys, be not recorded on the Minutes.

The Hon. Mr. Helmcken moved, in amendment,

That if the Hon. Member for Lillooet will even now sign the statement proposed yesterday by the Hon. the Chief Commissioner of Lands and Works, and recorded on the Books, this Council will consent to the Resolution passed yesterday being expunged from its Journal.

On the question being put the Council divided.

Ayes 12, Noes 1.

The names having been taken down by the Clerk as follows:—

<i>Ayes.</i>	<i>Noes.</i>
The Hon. Messrs. Trutch, Walkem, Ball, Dewdney, Crease, Drake, Wood, Robson, Helmcken, Alston, Pemberton, Bushby.	The Hon. Mr. DeCosmos.

So the the amendment was carried.

On the Hon. Member for Lillooet being asked by the Presiding Member if he would consent to sign the Statement in question,

The Hon. Member refused, stating that in his opinion the explanation offered by him yesterday was sufficient.

On the question of the confirmation of the Minutes being put, the Council divided.

Ayes 13, *Noes* 3.

The names, on request, being taken down as follows:—

<i>Ayes.</i>	<i>Noes.</i>
The Hon. Messrs. Walkem, Crease, Trutch, Pemberton, Bushby, Dewdney, Ball, Robson, Drake, Alston, Wood, Sanders, O'Reilly.	The Hon. Messrs. DeCosmos, Ring, Humphreys.

So it was carried in the affirmative, and the Minutes were confirmed.

The Hon. Mr. Trutch moved the following Resolution, having risen to speak to a question of privilege:—

That the Council go into Committee to prepare an abstract statement of the evidence adduced before this Council by certain of its Members, in Session with closed doors, on the 13th instant, upon which the Resolution of that date referring to the Hon. Member for Lillooet was based, and that the same be transmitted to His Excellency the Governor with such Resolution.

Whereupon a debate arose, during which the Council adjourned during pleasure, in order to hold a conference with His Excellency the Governor, on Road Tolls.

On the Council resuming its sitting,

And on the question being put that the motion of the Hon. Mr. Trutch be postponed till later in the day, the Council divided.

Ayes 12, Noes 2.

So it was carried in the affirmative and Resolved accordingly.

A Message from His Excellency the Governor, read as follows:—

Message No. 17.

A. MUSGRAVE.

In compliance with a Resolution of the Legislative Council, of the 21st February, the Governor herewith forwards the Return therein called for, furnishing information in respect to the Schools established in 1869, under the Common Schools Ordinance of that year.⁹

*Government House,
13th April, 1870.*

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

Ordered to be committed on Tuesday next.

According to Order, the debate on the motion of the Hon. Mr. Trutch, on a question of privilege, was resumed.

The Hon. Mr. DeCosmos moved the following amendment, the Hon. Mr. Humphreys seconding:—

That before proceeding to take evidence in the matter of the breach of privilege of the Hon. T. B. Humphreys, the Council instruct the Clerk to take down the names of all Members who are expected to give evidence, and that such Members retire and be called in singly and examined as to what they know respecting the words used by the Hon. T. B. Humphreys, on the 11th April, 1870.

On the amendment being put the Council divided.

Ayes 3, Noes 14.

The names, on request, having been taken down as follows:—

Ayes.

Noes.

The Hon. Messrs. Helmcken,
Humphreys,
DeCosmos.

The Hon. Messrs. Crease,
Trutch,
Walkem,
Sanders,
Ball,
Dewdney,
Barnard,
Carrall,
Robson,
Ring,
Alston,
Wood,
Bushby,
O'Reilly.

⁹ *Ibid.*, p. ix.

The Hon. Mr. Drake not having voted, was counted with the Ayes, so the vote stood *Ayes* 4, *Noes* 14, and the amendment was lost.

On the question put "That I do now leave the Chair," the Council divided.
Ayes 15, *Noes* 2.

So it was carried in the affirmative, and the Council went into Committee accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported the following Resolution for the adoption of the Council:—

That the annexed statement in writing respectively signed by the Hon. Members whose names appear thereto conveys in substance the evidence given before this Council, on the 13th instant, by said Members, and that the same be transmitted to His Excellency the Governor accompanied by the Resolution this day passed.

*Legislative Council Chamber,
April 14th, 1870.*

In Committee.

The following is the purport and substance of the evidence adduced in this Council on the 13th day of April, 1870, upon the discussion of the Resolution requesting His Excellency the Governor to cancel the appointment of Thomas B. Humphreys to a seat in this Council, such evidence, or the purport or substance thereof, having been given *viva voce* to the Council, in the presence of the said Thomas B. Humphreys, by the Hon. Messrs. Drake, Dewdney, Alston, Robson, Helmcken, Ball and Barnard:—

That on the 11th day of April, 1870, the Hon. Member for Lillooet, did at a Public Meeting held in the Theatre, in Victoria, publicly make the following statement:—

1. "That as to the Lands and Works Office, Duke Trutch, or Lord Trutch, had for the last 4 or 5 years had control of the Office without the slightest check upon him, and that about \$500,000 had passed through his hands, of which no account could be obtained, and that when an enquiry into the conduct of the said Office, and the disposal of the said moneys, was asked for in the Legislative Council, it was burked or choked off by the Officials, with what object he would leave it to the public to say."

2. That the Hon. Member for Lillooet further said "that he felt degraded as a man by taking his seat in that infamous, rascally, rotten arrangement across the Bay," meaning the Legislative Council; or words to the above effect were used.

On honour the above is in substance the evidence I gave yesterday, and I believe the same to be correct.

(Signed) E. GRAHAM ALSTON,
JNO. ROBSON,
EDGAR DEWDNEY,
F. J. BARNARD.

Substantially correct,
M. W. TYRWHITT DRAKE.

Upon the subject of the Legislative Council, the Hon. Member for Lillooet spoke to the following effect:—

"They call it an honour to be a Member of that House; for my part I cannot see any honour in it. Whenever I go over I feel degraded and ashamed" at what he termed "the arrangement."

With regard to the Land Office, the language used conveyed to my mind a feeling that all was not right in the Land Office. For instance, that Mr. Trutch, or Duke Trutch, had charge of the Land Office, that a motion for enquiry had been

burked; that four or five hundred thousand dollars passed through that Office; that preventing enquiry into the Office would only lead to the support of the public opinion that all was not right there.

Of course I do not pretend these to be the identical words used.

(Signed) J. S. HELMCKEN.

These remarks with reference to the Council and Land Office are substantially correct, as made by Mr. Humphreys at the Public Meeting.

(Signed) H. M. BALL.

On the question of the adoption of the Resolution and Statements being put, the Council divided.

Ayes 14, *Noes* 2.

The names, on request, having been taken down as follows:—

Ayes.

The Hon. Messrs. Trutch,
Walkem,
Sanders,
Ball,
Crease,
Bushby,
Wood,
O'Reilly,
Dewdney,
Barnard,
Robson,
Carrall,
Alston,
Drake.

Noes.

The Hon. Messrs. De Cosmos,
Humphreys.

So it was carried in the affirmative and Resolved accordingly.

Ordered that all the votes and proceedings connected with the case be forwarded to the Governor.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 o'clock on Tuesday next.

Tuesday, the 19th day of April, 1870

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Hankin, Crease, Hamley, Ball, Bushby, Walkem, Trutch, Sanders, O'Reilly, Wood, Robson, Alston, Drake, Carrall, Ring, DeCosmos, Helmcken, Dewdney.

The Minutes of the previous Meeting read and confirmed.

A Message from His Excellency the Governor, read as follows:—

Message No. 18.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to facilitate the issue of Crown Grants."

*Government House,
18th April, 1870.*

A further Message from His Excellency, read as follows:—

Message No. 19.

A. MUSGRAVE.

With reference to a Resolution of the Honourable Board of Council, of the 13th instant, respecting a Breach of Privilege alleged to have been committed at the Public Theatre, Victoria, on Monday the 11th instant, by Thomas Basil Humphreys, one of the Members of the Council, and which Resolution was forwarded for the Governor's consideration,

The Governor acquaints the Legislative Council that he has by an Instrument, a copy of which is herewith forwarded, suspended the said Thomas Basil Humphreys from the exercise of the office of a Legislative Councillor, until Her Majesty's pleasure be known in the premises.

*Government House,
19th April, 1870.*

L.S.

A. MUSGRAVE.

To Thomas Basil Humphreys, and to all to whom these presents shall come, or whom they may concern:

KNOW YE that I, ANTHONY MUSGRAVE, Governor in and over the Colony of British Columbia, do, by virtue of all the powers in me vested and me in that behalf enabling, hereby suspend you, the said Thomas Basil Humphreys, as and from the date of the receipt hereof by you, from the exercise of the duties and office of a Legislative Councillor for the Colony of British Columbia, which office was conferred upon you by a Commission under the hand of Frederick Seymour, Esquire, late Governor of the said Colony; and such suspension shall be of full force and effect until Her Majesty's pleasure shall be known in the premises.

GIVEN under my hand and seal, this Nineteenth day of April, at Victoria, Vancouver Island, A. D. One thousand eight hundred and seventy, and in the 33rd year of Her Majesty's Reign.

Pursuant to the Order of the day, the Council went into Committee on the Land Bill.

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

Ordered that the Report be adopted, and that leave be granted to the Committee to sit again to-morrow.

A Message from His Excellency the Governor, read as follows:—

Message No. 20.

A. MUSGRAVE.

The Governor has had under consideration the Resolution of the Legislative Council, that the Petition of Peter Eddy be referred to His Excellency the Governor, with a recommendation that he will take the same into his consideration, and grant such relief as the nature of the case demands.

The Governor has made enquiry into the circumstances of the case referred to, and has ascertained that the complaint arises from matters at issue in a civil case tried before the Supreme Court of the Mainland of British Columbia, in which the Governor has no authority for interference.

*Government House,
19th April, 1870.*

A further Message from His Excellency, read as follows:—

Message No. 21.

A. MUSGRAVE.

The Governor transmits to the Legislative Council, for their early consideration, the following Ordinances, upon subjects of importance to the public interest, viz:—

1. An additional Duty Ordinance, 1870, to raise money for the Public service;
2. Supreme Courts Merger Ordinance, 1870;
3. Supreme Courts Fees Ordinance, 1870;
4. Road Amendment Ordinance, 1870;
5. Cemetery Ordinance, 1870.

*Government House,
19th April, 1870.*

The Road Amendment Bill was read first time.

Ordered to be read second time to-morrow.

The Supreme Court Merger Bill was read first and second times.

Ordered to be Committed to-morrow.

The Supreme Court Fees Bill was read first and second times.

Ordered to be committed to-morrow.

The Cemetery Bill was read first time.

Ordered to be read second time to-morrow.

The Customs Amendment Bill was read first time.

Ordered to be read second time at once.

Read second time accordingly.

Ordered to be committed at once.

The Council went into Committee accordingly on the said Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered that the Report be adopted, and the Bill read third time at once. Bill read third time accordingly, and it was Resolved that this Bill do pass, and its title to be the "Customs Amendment Ordinance, 1870."

Pursuant to the Order of the day, the Council went into Committee on the Loan Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete, with amendments.

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

On the Order of the day being read for the third time reading of the Registration of Titles Bill,

Ordered to be recommitted.

The Council went into Committee accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported some additions made to the Bill, and that it was now complete.

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

Pursuant to the Order of the day, the Council went into Committee on the County Courts Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered that the Report be adopted, and the Bill read third time at once.

Bill read third time accordingly, and it was Resolved that this Bill do pass, and its title to be the "County Courts Amendment Ordinance, 1870."

On the Order of the day being read for the second reading of the Crown Costs Bill, and on the question being put, the Council divided.

Ayes 5. Noes 6.

So it passed in the negative and the Bill was thrown out.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 o'clock to-morrow.

Wednesday, the 20th day of April, 1870.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present.—The Hon. Messrs. Hankin, Crease, Walkem, Hamley, O'Reilly, Sanders, Bushby, Ball, Helmcken, Wood, Ring, Alston, Trutch, Robson, Drake, Carrall, Pemberton, Dewdney.

The Minutes of previous Meeting read and confirmed.

On the Order of the day being read therefor, the Council went into Committee on the Land Bill.

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

Ordered that the Report be adopted and leave granted to sit again to-morrow.

A Message from His Excellency the Governor, read as follows:—

Message No. 22.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to create a further Duty of Customs for the Public Service."

*Government House,
20th April, 1870.*

A further Message from His Excellency, read as follows:—

Message No. 23.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to amend the Common School Ordinance, 1869."

*Government House,
20th April, 1870.*

A further Message from His Excellency, read as follows:—

Message No. 24.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance entitled the Game Ordinance, 1870."

*Government House,
20th April, 1870.*

A further Message, read as follows:—

Message No. 25.

A. MUSGRAVE.

The Governor has had pressed upon his notice cases in which there has been a failure of justice for want of some provision to prevent evil disposed persons from inciting Merchant Seamen to desert from their Ships. The Governor, therefore, submits an Ordinance, for the consideration of the Council, containing provisions for this purpose.

*Government House,
20th April, 1870.*

The Merchant Ship Protection Bill was accordingly read first time.

Ordered to be read second time to-morrow.

Pursuant to the Order of the day, the Road Amendment Bill was read second time.

Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Council went into Committee on the Supreme Courts Merger Bill,

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted, and the Bill read third time at once. Bill read third time accordingly.

And it was Resolved that this Bill do pass and its title be the "Supreme Courts Merger Ordinance, 1870."

Pursuant to the Order of the day, the Council went into Committee on the Supreme Court Fees Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Alston, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted and the Bill read third time at once. Read third time accordingly.

And it was Resolved that this Bill do pass and its title be "The Supreme Court Fees Ordinance, 1870."

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

Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Loan Bill was read third time, and it was Resolved that this Bill do pass, and its title be "The British Columbia Loan Ordinance, 1870."

Pursuant to the Order of the day, the Registration Bill was read third time, and it was Resolved that this Bill do pass and its title be "The Land Registry Ordinance, 1870."

Pursuant to the Order of the day, the Hon. Mr. Helmcken moved That the Petition of certain Boatmen be take into consideration.

Ordered accordingly.

The Hon. Mr. Drake then moved, the Hon. Mr. Ring seconding, and it was Resolved,

That His Excellency be respectfully requested to take into consideration the position of persons letting out pleasure boats for hire, in order that a reduction of the present duty of \$10 a year for each boat be made, and this Council respectfully suggests that a licence be granted for their business, in lieu of a special tax on each boat.

On the Order of the day being read for a motion of the Hon. Mr. Drake to ask leave to bring in a Bill to incorporate the Law Society of British Columbia,

On the motion of the Hon. mover,

Ordered that leave be granted to withdraw the same.

Motion withdrawn accordingly.

On the Order of the day being read for a motion of the Hon. Mr. Drake to ask leave to bring in the Legal Professions Amendment Bill,

On the motion of the Hon. mover,

Ordered that leave be granted to withdraw the same.

Motion withdrawn accordingly.

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

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

Ordered that leave be granted for to-morrow, and the Report be adopted.

On the Order of the day being read for a motion standing in the name of the Hon. Mr. Alston, in reference to Ocean Mail Communication.

Ordered that leave be granted to withdraw the same.

Motion withdrawn accordingly.

On the Order of the day being read for a motion standing in the name of the Hon. Mr. DeCosmos, in respect of the Repair of the Roads in Victoria District No. 2,

The motion dropped.

The Standing Orders having been suspended for the purpose,

The Municipal Fines Bill was read second time.

Ordered to be committed forthwith.

The Council went into Committee accordingly.

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

Ordered that the Report be adopted and the Bill read third time at once. Bill read third time accordingly.

And it was Resolved that this Bill do pass and its title be "The Municipal Fines Ordinance, 1870."

Pursuant to the Order of the day, the Hon. Mr. Robson moved the following Resolution, the Hon. Mr. Alston seconding:—

That an humble Address be presented to His Excellency the Governor, recommending that the sum of \$5000 set down in the Estimates for Immigration, be appropriated towards establishing an Immigration and Intelligence Office in San Francisco.

On the question being put the Council divided.

Ayes 4, Noes 5.

So it passed in the negative and the Resolution was lost.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 p.m. to-morrow.

Thursday, the 21st day of April, 1870.

The Council met at 1 o'clock pursuant to adjournment.

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

Present,—The Hon. Messrs. Hankin, Trutch, Crease, Hamley, Bushby, O'Reilly, Ball, Pemberton, Wood, Alston, Dewdney, Carrall, Helmcken, Robson, Ring, Drake, Walkem.

The Minutes of the previous Meeting read and confirmed.

The Hon. Mr. Ball, Chairman of the Select Committee appointed to enquire into the Petition of Alexander Watson, brought up a Report.

Ordered to be read. Read as follows:—

Your Committee beg to report that in the absence of the full correspondence between the late Governor, Mr. Seymour, and the Secretary of State, in relation to Mr. Watson, the Committee is unable to arrive at any satisfactory conclusion as to the nature of his claim (if any) against the Government of British Columbia, and your Committee beg to append the enclosed letter forwarded to them by command of the Governor, in reply to information asked for on the subject.

Ordered to be considered to-morrow.

Pursuant to the Order of the day, the Council went into Committee on the Land Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete, with amendments.

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

Pursuant to the Order of the day, the Ship Protection Bill was read second time.
Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Council went into Committee on the Road Amendment Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered that the Report be adopted, and the Bill read third time at once.

Bill read third time accordingly, and it was Resolved that this Bill do pass, and its title be the "Road Amendment Ordinance, 1870."

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

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted, and the Bill read third time at once.

Bill read third time accordingly, and it was Resolved that this Bill do pass, and its title be "The Bill of Sales Ordinance, 1870."

Then, on the motion of the Hon. Mr. Robson, the Council adjourned till 1 p.m. to-morrow.

Friday, the 22nd day of April, 1870.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Hankin, Crease, Hamley, Bushby, O'Reilly, Ring, Alston, Helmcken, Trutch, Robson, Wood, Pemberton, Dewdney, Carrall.

The Minutes of the previous Meeting were read and confirmed.

Pursuant to the Order of the day, the Council went into Committee on the Merchant Ship Desertion Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted, and the Bill read third time at once.

Bill read third time accordingly, and it was Resolved that this Bill do pass, and its title be "The Merchant Ship Desertion Bill, 1870."

Pursuant to the Order of the day, the Council went into Committee on the Cemetery Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted, and the Bill read third time at once.

Bill read third time accordingly, and it was Resolved that this Bill do pass, and its title be "The Cemetery Ordinance, 1870."

Pursuant to the Order of the day, the Council took into consideration the Report of the Select Committee appointed to enquire into the Petition of Alexander Watson.

The Hon. Mr. Dewdney moved, the Hon. Mr. Wood seconding,

That this Council being unable to decide that Mr. Watson has any claim against this Colony, for compensation on the loss of his office consequent on the Union of the Colonies, desire to refer his case to the most favourable consideration of His Excellency the Governor.

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

A Message from His Excellency the Governor, read as follows:—

Message No. 26.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance respecting the Supreme Court."

*Government House,
22nd April, 1870.*

A further Message from His Excellency the Governor, read as follows:—

Message No. 27.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance respecting the enforcement of Municipal By-Laws."

*Government House,
22nd April, 1870.*

Pursuant to the Order of the day, the Land Bill was read third time, and it was Resolved that this Bill do pass, and its title be the "Land Ordinance, 1870."

A further Message, read as follows:—

Message No. 28.

A. MUSGRAVE.

The Governor transmits herewith, for the consideration of the Honourable Board of Council, an amendment to the latter part of Section XIV. of "An Ordinance to assimilate the Law relating to the Transfer of Real Estate, and to provide for the Registration of Titles to Land throughout the Colony of British Columbia," which he is advised has a tendency opposed to the principle of the Bill.

That the following words be struck out from Clause XIV., after line 9, namely after the word "erasure:" "and when two or more deeds or documents appear entered on any such records affecting the same lands the deeds shall, as between themselves, have priority according to the date of transcript, and not according to the date of the creation of the estates or interests."

*Government House,
22nd April, 1870.*

The Council went into Committee on the above amendment.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the following Resolution for the adoption of the Council:—

That His Excellency the Governor be respectfully acquainted that this Council concurs in the amendment proposed by His Excellency to "The Land Registry Ordinance, 1870."

Ordered that the Report be adopted.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 11 o'clock to-morrow.

Saturday, the 23rd day of April, 1870.

The Council met at 11 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Hankin, Crease, Trutch, Hamley, Bushby, Alston, Wood, Carrall, Helmcken, Robson, Walkem, O'Reilly.

The Minutes of the previous Meeting read and confirmed.

A Message from His Excellency the Governor read as follows:—

Message No. 29.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to authorize a Loan of £75,000."

*Government House,
23rd April, 1870.*

A further Message from His Excellency, read as follows:—

Message No. 30.

A. MUSGRAVE.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to alter and amend the County Court Ordinance, 1867."

*Government House,
23rd April, 1870.*

The Hon. the Colonial Secretary then read the following Message from His Excellency the Governor, proroguing the Council:—

Message No. 31.

A. MUSGRAVE.

Mr. President and Honourable Gentlemen of the Legislative Council.

After a late and somewhat prolonged Session you will probably be glad to be released from your Legislative labours, in order that you may resume those personal duties and occupations which are not less important to the progress and well-being of the Community.

I thank you for the diligence with which you have considered the several measures and subjects which have been submitted to you.

The proceedings which you have taken in respect of the great question of Confederation with the Dominion, will enable me to ascertain the views of the Government of Canada upon this important subject, and to present it in a definite shape for the decision of the Community. For this purpose, as I have already informed you, I propose to send a Delegation to Ottawa, who will be able fully to explain our views and wants, and learn how far the expectations of the people of this Colony can be fulfilled in any arrangement for Union.

To the Bills which you have forwarded to me, I shall give my assent. That to amend and consolidate the Laws affecting Crown Lands, the Crown Grants Ordinance, and the Land Registry Ordinance, I regard as very important measures, of which the value will speedily become apparent.

The addition which you have made to the Revenue for the purpose of maintaining the Telegraph on the Mainland, shall be applied to the accomplishment of the desired object.

To most of the communications which I have received from your Honourable Board I have already furnished separate replies; and upon those which have not been so answered I have reserved any expression of opinion, until the subjects can be more fully considered, with the view of giving effect to your recommendations.

Your Resolution respecting the Island of San Juan shall be laid before Her Majesty's Government.

I will make enquiry as to the working of the system under which Fees are now paid in the Admiralty Court; but I fear that it will be too much to expect that Her Majesty's Government will be ready to assume expenses which are now paid by Suitors in that Court.

Attentive consideration shall be given to your suggestion for the establishment of a Local Court of Appeal. The great obstacle in respect of this, as well as other improvements, is the additional expenditure necessary for the purpose.

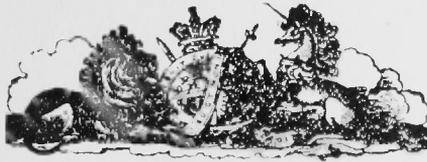
The same difficulty exists with regard to many recommendations made in Committee of Supply, which have been forwarded to me. Willing as I should be to see them carried into effect, the present financial position of the Colony does not permit me to do what I should otherwise desire to accomplish. But if there should be improvement in the Revenue, with economy in the Expenditure under the Appropriation Act, I hope to be able to liquidate the arrears due to the Common School Teachers in Vancouver Island for 1867 and 1868, in accordance with your Resolution requesting me to do so. And other matters may be provided for in the financial arrangements for the ensuing year.

I trust that when I shall have the pleasure of meeting the Council at the next Session, it may be under circumstances affording renewed hope and restored confidence in the future fortunes of British Columbia.

I now prorogue your Honourable Council, and the same is hereby prorogued accordingly.

*Government House,
23rd April, 1870.*

V.



R.

JOURNALS
OF THE
LEGISLATIVE COUNCIL
OF
BRITISH COLUMBIA

FROM THE 5TH JANUARY TO THE 28TH MARCH, 1871

IN THE
34TH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE EIGHTH SESSION OF THE LEGISLATIVE COUNCIL OF
BRITISH COLUMBIA