

**Thursday, the 5th day of December, 1861**

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

The former Minutes having been read & confirmed.

Mr. Speaker read "Extract from Minutes of the Hon. Council dated 2nd Decr. 1861."

The Council having objections to "An Act (of supply) to supply the sum of £15,910 out of the General Revenue of the Colony of Vancouver Island & its Dependencies to the service of the year 1861" sent up from the Hon. the House of Assembly, have resolved to ask that House for a conference on the subject. The Council therefore request the Clerk of the Council to communicate this Resolution to the Hon. the Speaker of the House of Assembly, and to inform Mr. Speaker that if the House agrees to a conference the Council will be ready to receive the Members composing it, at the Council Chamber on any day which will suit the convenience of the House.

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

Ordered to be taken into consideration at next meeting.

Mr. Speaker read message from the Hon. Council.

2nd December 1861

Gentlemen

I am directed by the President of the Council to transmit to your Hon. House An Act intituled "An Act to prohibit Swine and Goats from running at large in the Town, and to prohibit Goats from running at large in the District of Victoria" which has been read a 3rd time and passed in Council this day.

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

Mr. Speaker read message from Hon. Council.

2nd December 1861

Gentlemen

Herewith is returned to your Hon. House an Act intituled "The Extension of Limitation of Foreign Actions Act 1861" which with the Amendments attached, has passed the Council this day.

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

Mr. Speaker read Schedule of Acts assented to by His Excellency the Governor—dated 4th December 1861.

27	Vancouver Island Civil Procedure Act 1861	14 Novr. 1861
28	Alien Act 1861	14th Novr. 1861
29	An Act for the confirmation of the Titles of Aliens to Real Estate 1861	14th Novr. 1861
30	Bills of Sale Act 1861	28th Novr. 1861
31	Pawnbrokers Act 1861	28th Novr. 1861
32	Summary Procedure on Bills of Exchange Act 1861	28th Novr. 1861

Mr. Burnaby presented a Petition relative to Henry Claypole incumbent of Craighflower School having tendered his resignation to His Excellency the Governor, the salary being inadequate for his position as School Master.

Mr. Franklin brought up the Report of the Committee on the Victoria Gas Compy. Extension Bill.

3rd Reading of Victoria Gas Company Extension Bill.

House in Committee on "Jury Bill."

Mr. Burnaby in the Chair.

Mr. Helmcken moved that the Chairman do rise and report progress.

Seconded by Mr. Franklin.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked leave to sit again.

House adjourned until Monday 9th inst. at 3 o'clock P. M.

J. S. Helmcken  
Speaker.

### Monday, the 9th day of December, 1861

Present: Mr. Speaker, The Attorney General, and Messrs. Ring, Trimble, Gordon, Franklin, Tolmie, Trutch.

The former Minutes having been read & confirmed.

Mr. Speaker read message [from] His Excellency the Governor.

Gentlemen

9th December 1861

I have the honor to acknowledge receipt of your Speakers Communication of the 4th instant, enclosing a Resolution of the House of Assembly recommending the maintenance of a Light on McLaughlans Point, at the entrance of Victoria Harbour.

With reference thereto I have the honor to forward for the information of the House, Copy of a report made by Captain Richards<sup>26</sup> upon this very subject. From that report it will be seen that in Captain Richards opinion, and no higher or more valuable authority can be obtained, it would be dangerous to navigation to re-establish a Light upon McLaughlans Point, but he suggests that Colville Island should be the site selected for the exhibition of a light for the benefit of the Coasting Trade.

I shall be glad to ascertain the views of the House on this matter, as soon as convenient after the consideration of this information.

(sgd.) James Douglas  
Governor

Mr. Gordon presented Report of the General Committee on Election—Jacob Francis v. J. W. Trutch Esqr.

The General Committee on Election hereby certify that in the Petition the proper formalities have not been gone through.

The Petition being informal was rejected.

Mr. Speaker read message from the Hon. Council relative to a conference on Bill of Supply (see Minutes 5th Decr.) and the following Resolution was adopted.

That the Hon. Council be respectfully desired to furnish this House more explicit information upon the subject for which the proposed Conference is sought.

*Carried.*

<sup>26</sup> Captain George Henry Richards (1820-96) was in charge of the survey of British Columbia coastal waters from 1857-63. In 1864 he was appointed Hydrographer of the Navy. For further details of his career see Walbram, *British Columbia Coast Names, 1592-1906* (Vancouver: The Library Press, 1971), pp. 384, 421-22, and his obituary in the *London Times*, 17 November 1896.

Mr. Tolmie asked leave of absence for one week.

Leave granted.

House adjourned until Wednesday 11th Decr. at 3 oclock P. M

J. S. Helmcken  
Speaker

### Wednesday, the 11th day of December, 1861

A quorum not being present the House adjourned until Thursday 12th inst. at 3 oclock P. M.

J. S. Helmcken  
Speaker

### Thursday, the 12th day of December, 1861

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

The former Minutes having been read & confirmed.

Mr. Speaker read message from His Excellency the Governor—His Assent to “The Victoria Gas Companys Extension Act 1861.”

Mr. Franklin presented a Petition from Jacob Francis praying to be heard by Counsel before the Committee on Election Petition, or at the Bar of the House.

Mr. Speaker ruled that the Decision of the Committee was final.

2nd Reading of (Council Bill) “An Act to prohibit Swine and Goats from running at large in the Town, and to prohibit Goats from running at large in the District of Victoria.”

Referred to a Committee of the whole.

House adjourned until Monday 16th December 1861 at 3 oclock.

J. S. Helmcken  
Speaker.

### Monday, the 16th day of December, 1861

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

The former Minutes having been read and confirmed.

Mr. Speaker read message from the Hon. Council dated 12th December 1861.

I am directed by the President of the Council to transmit to your Hon. House the following extract from the Minutes of Council of this date.

The Legislative Council having taken the communication of the House of Assembly of the 9th instant into consideration Resolved,

That it be communicated to the Hon. the House of Assembly that the subject upon which the Council asked for a conference in their Resolution of the 2nd instant is,

That the Act (of Supply) alluded to in the said Resolution does not embody the intended application of sum of £15,910 therein mentioned; and the Schedule attached thereto does not sufficiently inform the Council of the manner in which the several sums set forth in it are intended to be expended.

The Council have therefore respectfully asked for a conference to enable them to receive more explicit information, especially on the following items as they appear in the said Schedule, vizt. "Legislative Council £200 Works & Buildings £200—Post office £300 Police £2250—Jail £1200—Education £610—Sheriffs office £200—Administration of Justice £450—Fuel, Lights, Stationery, Messenger, and other office contingencies £550—Esquimalt Road £600—Mail Subsidy £2500—Diffusion of information respecting Vancouver Island £500."

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

Mr. Ring gave notice, he should ask the Attorney General How soon a Court of Quarter Session is to be re-established here.

Hon. Council Amendments to a Bill to extend the Limitation of Foreign Actions Act 1861.

Agreed to.

House went into Committee of the whole on Bill to prohibit Swine & Goats from running at large in the Town, and to prohibit Goats from running at large in the District of Victoria (from Council).

Mr. Tolmie in the Chair.

Mr. Speaker resumed the Chair.

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

J. S. Helmcken  
Speaker.

Copy of Letter from Mr. Speaker to the Hon. the Council relative to a Conference.

House of Assembly 17th Decr. 1861

Mr. Speaker Has the honor to inform the *Honorable* the Council in reference to the message of the 2nd instant desiring a Conference with the House of Assembly—That the House having taken the Message into Consideration, Resolved (In order that the best understanding should exist between the two Houses) That the Conference be granted for the purpose of affording the Hon. the Council the information desired.

The time & place of meeting having been by the courtesy of the Hon. the Council left to the discretion of the House of Assembly.

That the conference take place on Wednesday 18th inst. at two oclk. P. M. in the Council Chamber.

sgd. J. S. Helmcken  
Speaker

J. S. Helmcken  
Speaker

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**Wednesday, the 18th day of December, 1861**

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

J. S. Helmcken  
Speaker.

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**Thursday, the 19th day of December, 1861**

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

J. S. Helmcken  
Speaker

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**Friday, the 20th day of December, 1861**

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

J. S. Helmcken  
Speaker.

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**Monday, the 23rd day of December, 1861**

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A quorum not being present the House adjourned until Tuesday 24th Decr. at 3 oclk. P. M.

J. S. Helmcken  
Speaker

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**Tuesday, the 24th day of December, 1861**

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A quorum not being present the House adjourned until Monday 6th January 1862 at 3 o'clock P. M.

J. S. Helmcken  
Speaker.

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**Monday, the 6th day of January, 1862**

A quorum not being present the House adjourned until Tuesday 7th January 1862 at 3 o'clock P. M.

J. S. Helmcken  
Speaker.

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**Tuesday, the 7th day of January, 1862**

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

J. S. Helmcken  
Speaker.

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**Thursday, the 9th day of January, 1862**

Present: Mr. Speaker and Messrs. Ring, Trutch, Trimble, Tolmie.  
The former Minutes having been read and confirmed.

Mr. Speaker read message from His Excellency the Governor enclosing a Return of Revenue from all sources derived from the Town and District of Nanaimo

Real Estate Tax	264.10.0
Liquor Licenses	85. 0.0
Trades Licenses	2. 0.0

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£351.10.0

Decr. 9th 1861

(sgd.) G. T. Gordon  
Treasurer

Mr. Speaker read Report of Committee of Conference with the Hon. Legislative Council held 2nd January 1862.

Mr. Tolmie gave notice of Motion.

That I will move at next meeting that the House go into Committee of the Whole to prepare an address to His Excellency the Governor requesting that interest be no longer charged on instalments on land yet due in consideration that said land is now subject to annual taxation.

Mr. Speaker read message from H. E. the Governor.

9th January 1862

I have the honor to forward to you herewith a Petition addressed to me by the Executive Committee of the Industrial Exhibition Committee of Vancouver Island, representing that the sum of about [One] Hundred and Eighty two pounds which should be available in the hands of the Honorary Treasurer is not now forthcoming and in consequence that they are placed in a position of serious embarrassment.

As it is very desirable that at this stage of the matter no untoward circumstance should be permitted to interfere with the original intentions of this Government and of the people with respect to the manner in which this Colony should be represented at the forthcoming Industrial Exhibition, I beg strongly to recommend to the House that a further sum of One Hundred Pounds should be granted by the Legislature; and should the House agree with me in that recommendation I will cause the same to be included in the Estimates to be presented for the present year.

(sgd.) James Douglas  
Governor

House in Committee on "Bill to prohibit Swine and Goats from running at large in the Town of Victoria and to prohibit Goats from running at large in the settled Districts of Vancouver Island."

Mr. Tolmie in the Chair.

Mr. Speaker resumed the Chair.

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

Ordered to go to 3rd Reading.

Report of Committee of Conference with the Hon. the Legislative Council held 2nd January 1862.

1st The Council wished to be informed what the sum of £200 voted under the head "Legislative Council" was intended for. To which the Manager on the part of the House of Assembly answered "That the sum was asked for by the Government and was voted out of Courtesy to the Council without enquiring for an explanation as to its application.

2nd Works & Buildings £200. It was explained to the Council that this sum was to be applied to keep in repair & preservation the present public buildings which are occupied and not for the completion of the unfinished Buildings intended for Public use.

3 Post Office £300. It was explained that this sum was for the payment of the Post Masters Salary.

4 Police £2250. It was explained that this sum was to be expended in the following manner.

Commissioner of Police salary	£350
Superintendent, Sergeants and constables Salaries	£1150
Allowances in lieu of Rations, Clothing, Arms, fuel, light	
Water, furniture, Medicines Medical attendance	675
Stationery & Printing	75
	<u>£2250</u>

5 Jail £1200. Explained that this sum was to be expended as follows,

Jailors, Guards, Superintendents of Convicts salary	£600
Clothing, Bedding, Fuel, lights furniture Medical attendance	£450
Arms, Horses, Saddles, Forage	£150
	<u>£1200</u>

6th Education £610. Explained that this sum was to be expended as follows.

Victoria Schoolmasters salary	£150
Craig Flower     "     "	£150
Nanaimo     "     "	£150
Repairs to Buildings &c.	£100
Saanich for School purposes	£60
	<u>£610</u>

7th Sheriffs Office £200. Explained that the sum was for payment of Sheriffs Salary.

8th Administration of Justice £450. Explained that this sum was to be expended in the following manner.

Magistrate at Nanaimo	£150
Fees & expenses in Civil & Criminal cases connected with the Crown	£250
Justices of the Peace Fees	£50
	<u>£450</u>

9th Fuel, lights, Stationery and other Office contingencies £550. Explained that this sum was allowed in lieu of a larger one asked for by the Government for the purposes above stated.

10th Esquimalt Road £600. Explained that this sum was a Supplementary Vote to make up the deficiency of the sum of £200 appropriated for this Road.

11th Diffusion of Information respecting Vancouver Island £500. Explained that this sum was voted for the purposes stated and the application of the money was left to the discretion of the Executive.

12 Mail Subsidy £2500. Explained that this sum was to be expended in Contracting with a Steamer to bring Passengers direct to Victoria from San Francisco and to promote immigration by securing Steamers to ply direct to Victoria—And that the sum of £50 at present paid for carrying the Mail every three weeks is to be included in the above sum.

House adjourned until Friday 10th January 1862 at 2 o'clock P. M.

J. S. Helmcken  
Speaker

### Friday, the 10th day of January, 1862

Present: Mr. Speaker and Messrs. Ring, Trutch, Trimble, McDonald, Tolmie.

The former Minutes having been read and confirmed.

3rd Reading of Bill to prohibit Swine and Goats from running at large &c. &c.

Mr. Ring moved That an Address be presented by this House to His Excellency the Governor expressing its regret at the discontinuance of the Court of Quarter Sessions and praying him to re-establish it.

Seconded by Mr. Trutch.

*Carried.*

Mr. Speaker read message (2) from the Hon. Council enclosing "Council Amendments" to Bill of Supply for £15910 and Resolutions of the Legislative Council thereon.

House in Committee of the whole on His Excellency the Governors message asking for a further sum of £100 for the Industrial Exhibition.

Mr. McDonald in the Chair of the Committee.

Mr. Trutch moved, seconded by Dr. Trimble "That the further sum of £100 be granted to the Executive Committee of the Industrial Exhibition Association, to be expended if required in carrying out the objects of the Association."

And Mr. Tolmie moved seconded by Mr. Helmcken "That the House prepare an Address to His Excellency the Governor praying that interest be no longer charged on instalments on land yet due in consideration that said land is now subject to annual taxation."



Mr. Speaker resumed the Chair.

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

House adjourned. until Monday 13th January 1862 at 2 o'clock P. M.

J. S. Helmcken  
Speaker

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### Monday, the 13th day of January, 1862

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A quorum not being present the House adjourned until Tuesday 14th inst. at 2 o'clock P. M.

J. S. Helmcken  
Speaker.

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### Tuesday, the 14th day of January, 1862

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A quorum not being present the House adjourned until Wednesday 15th inst. at 2 o'clock P. M.

J. S. Helmcken  
Speaker.

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### Wednesday, the 15th day of January, 1862

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A quorum not being present the House adjourned until Thursday 16th inst. at 2 o'clock P. M.

J. S. Helmcken  
Speaker.

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### Thursday, the 16th day of January, 1862

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A quorum not being present the House adjourned until Friday 17th inst. at 2 o'clock P. M.

J. S. Helmcken  
Speaker

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**Friday, the 17th day of January, 1862**

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Present: Mr. Speaker, The Attorney General, and Messrs. Trutch, Southgate, Burnaby, McDonald, Ring.

The former Minutes having been read & confirmed.

Message from the Hon. Council sending down "A Bill to amend the Law relating to Bankruptcy & Insolvency in Vancouver Island & its Dependencies" as amended.

Read 1st time.

2nd Reading of Additional grant of £100 to the Industrial Exhibition Committee (see Minutes of the 10th inst.).

2nd Reading of Mr. Tolmie's motion (see Minutes of the 10th inst.).

In Consideration of the Hon. Council Amends. to the Bill of Supply for the sum of £15910 Moved by Mr. Attorney General Cary Seconded by Mr. Burnaby "Resolved That this House in accepting the Amendment of the Council to the Bill of Supply of £15,910 does so inasmuch as the Amendment merely expresses in fuller terms the intention of the Resolution of the Committee of Supply originally authorising the same and is in accordance with the explanation given to the Council in conference with the House."

Carried.

Moved by Mr. Attorney General Cary Seconded by Mr. McDonald.

This House declines to take into consideration the Resolutions of the Hon. Council dated the 8th of January 1862 or to allow the same to be entered on its Minutes inasmuch as the subject of such Resolutions is one on which This House has exclusive control.

Carried.

Mr. Ring gave notice For leave to bring in a Bill to protect the earnings & property acquired by a Wife deserted by her husband to secure them to her as if she were a feme sole and to place her in the like position with regard to property and Contracts as she should be supposing her to have obtained a Judicial separation.

House adjourned until Monday 20th January at 2 o'clock P. M.

Speaker

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**Monday, the 20th day of January, 1862**

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A quorum not being present the House adjourned until Tuesday 21st January at 2 o'clock P. M.

Speaker

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## Tuesday, the 21st day of January, 1862

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

The former Minutes having been read and confirmed.

Mr. Speaker read message from His Excellency the Governor, forwarding copy of a correspondence relative to obtaining a direct Steam Communication between San Francisco & the Colonies of Vancouver Island and British Columbia.

2nd Reading of Bankruptcy Bill (Council Amendments).

The House not agreeing with the whole of the Hon. Council Amendments.

Ordered That this House ask for a Conference with Hon. Council on the Amendments to the Bill.

Agreed to.

Conference Committee: Messrs. Cary, Franklin, Burnaby.

The House adjourned until Tuesday 28th inst. at 2 o'clock P. M.

J. S. Helmcken  
Speaker.

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## Tuesday, the 28th day of January, 1862

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A quorum not being present the House adjourned until Thursday 30th at 2 o'clock.

Speaker

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## Thursday, the 30th day of January, 1862

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

The former Minutes having been read & confirmed.

The resignation of George Tomline Gordon as member for Esquimalt Town was handed in and accepted.

Ordered that a new Writ be issued.

Council amendments to Bankruptcy Bill passed.

House then adjourned.

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## Monday, the 3rd day of February, 1862<sup>27</sup>

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At precisely two o'clock yesterday afternoon, His Excellency Governor Douglas, attended by the members of the Legislative Council, entered the House of Assembly.

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<sup>27</sup> There is no entry in the minute book for this date. The following account is taken from the *Colonist*, 4 February 1862.

A message from His Excellency approving of the Trades Licences' Amendment Act; Extension of Limitation of Foreign Actions' Act; Act to Prevent Swine and Goats from running at large, Bankruptcy Act, 1862, was read.

### PROROGATION.

At the conclusion of the reading of the message, His Excellency addressed the two Houses as follows:

*Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly:*

I desire to convey to you my warmest acknowledgements for the great attention with which you have applied yourselves to the performance of your public duties during the session of Parliament now about to close.

The important measures which you have passed, and which have been sanctioned since the meeting of the present Parliament, for the security and relief of aliens—for establishing direct steam communication with the port of San Francisco, and for deepening and improving the harbor of Victoria—cannot fail to be conducive to the general welfare and to the substantial benefit of the Colony. You have also passed various measures of law reform, which, from their value and importance, demand special acknowledgement.

Gentlemen of the Legislative Assembly:

I thank you for the supplies which you have voted for the public service of the year 1861, and I assure you that in the expenditure of those supplies it will be found that the strictest regard has been paid to economy, and to the purposes for which you intended them.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly:

I am happy to learn that the general interests of the Colony remain in a sound and satisfactory state, and that there is every reason to look forward with confidence to a prosperous future.

I now prorogue this Parliament.

At the conclusion of His Excellency's Speech, Chief Justice Cameron prorogued the House till Tuesday, the 11th day of March.<sup>28</sup>

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<sup>28</sup> By Proclamation dated 10 March 1862, Governor Douglas further prorogued the House to 19 March 1862.