

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

12 AUGUST 1856 to 7 DECEMBER 1859

MEMBERS OF THE FIRST HOUSE OF ASSEMBLY OF
VANCOUVER ISLAND

12 AUGUST 1856 TO 7 DECEMBER 1859

CONSTITUENCY	<i>First Sitting</i>	<i>Last Sitting</i>
Victoria District—		
Edward Edwards Langford.....	12 Aug. 1856	26 Aug. 1856
Joseph William McKay.....	3 Dec. 1856	7 Dec. 1859
Joseph Despard Pemberton.....	12 Aug. 1856	7 Dec. 1859
James Yates.....	12 Aug. 1856	7 Dec. 1859
Esquimalt District—		
John Sebastian Helmcken, <i>Speaker</i>	12 Aug. 1856	7 Dec. 1859
Thomas James Skinner.....	12 Aug. 1856	7 Dec. 1859
Sooke District—John Muir.....	19 Aug. 1856	5 May 1857
Nanaimo District—Dr. John Frederick		
Kennedy.....	12 Aug. 1856	3 Mar. 1859

**MINUTES OF THE FIRST HOUSE OF ASSEMBLY OF
VANCOUVER ISLAND**

Opening of the
House of Assembly
Victoria, Vancouvers Island.
August 12th 1856
by His Excellency the Governor
attended by [the Council]
at 11 o'clock A.M. precisely

After prayers by the Rev. Edward Cridge Colonial Chaplain His Excellency the Governor proceeded to deliver the following speech, viz.:—

Gentlemen of the Legislative Council, and of the House of Assembly.

I congratulate you most sincerely on this memorable occasion; the Meeting in full convention of the General Assembly of Vancouver's Island, an event fraught with consequences of the utmost importance to the present and future inhabitants; and remarkable as the first instance of representative institutions being granted in the infancy of a British Colony.

The history and actual position of this Colony are marked by many other remarkable circumstances. Called into existence by an act of the Supreme Government immediately after the discovery of gold in California, it has maintained an arduous and incessant struggle with the disorganizing effects, on labour, of that discovery. Remote from every other British Settlement, with its commerce trammelled and met by restrictive duties, on every side, its trade and resources remain undeveloped.

Self supporting and defraying all the expenses of its own Government, it presents a striking contrast to every other Colony in the British Empire, and like the native pines of its storm beaten promontories it has acquired a slow but hardy growth.

Its future progress must under providence, in a great measure depend on the intelligence, industry and enterprise of its inhabitants, and upon the legislative wisdom of this country.

Gentlemen, I look forward with confidence and satisfaction to the aid and support which the Executive power, may in future expect to derive from your local experience and knowledge of the wishes of the people, and the wants of the Country. I feel assured that as public men holding a solemn and momentous trust you will, as a governing principle strive with one accord to promote the true and substantial interests of the Country, and that our legislative labours will be distinguished alike by prudence, temperance and justice to all classes.

Gentlemen, I am happy to inform you, that Her Majesty's Government continue to express the most lively interest in the progress and welfare of this Colony.

Negotiations are now pending with the Government of the United States, which may probably terminate in an extension of the Reciprocity Treaty to Vancouvers Island.

To show the commercial advantages connected with that treaty, I will just mention that an import duty of £30 is levied on every hundred pounds worth of British produce, which is now sent to San Francisco, or to any other American port, or in other words the British proprietor pays as a Tax to the United States, nearly the value of every third cargo of Fish, Timber, or Coals, which he sends to any American port.

The Reciprocity Treaty utterly abolishes those fearful imposts, and establishes a system of free Trade in the produce of British Colonies.

The effects of that measure in developing the trade and natural resources of the Colony can therefore hardly be over estimated.

The Coal, the timber, and the productive Fisheries of Vancouver's Island will assume a value before unknown, while every branch of trade will start into activity, and become the means of pouring wealth into the country.

So unbounded is the reliance, which I place in the enterprise and intelligence possessed by the people of this Colony, and the advantages of their geographical position, that with equal rights and a fair field, I think they may enter into successful competition with the people of any other country.

The extension of the Reciprocity Treaty to this Island once gained, the interests of the Colony will become inseparably connected with the principles of Free Trade, a system which I think it will be sound policy on our part to encourage.

Gentlemen, The Colony has been again visited this year by a large number of Northern Indians, and their presence has excited in our minds a not unreasonable degree of alarm.

Through the blessing of God they have been kept from committing acts of open violence, and been quiet and orderly in their deportment, yet the presence of large bodies of armed savages, who have never felt the restraining influences of moral and religious training and who are accustomed to follow the impulses of their own evil natures, more than the dictates of reason or justice, gives rise to a feeling of insecurity, which must exist as long as the Colony remains without Military protection.

Her Majesty's Government ever alive to the dangers which beset us in the Colony have arranged with the Lords Commissioners of the Admiralty that the "president" Frigate should be sent to Vancouver's Island, and that measure will, I have no doubt be carried into effect without delay.

I shall nevertheless, continue to conciliate the good will of the native Indian Tribes, by treating them with justice and forbearance, and by rigidly protecting their civil and agrarian rights, many cogent reasons of humanity and sound policy recommend that course to our attention, and I shall therefore rely upon your support in carrying such measures into effect. We know from our own experience that the friendship of the Natives is at all times useful, while it is no less certain that their enmity may become more disastrous than any other calamity, to which the Colony is directly exposed.

Gentlemen of the House of Assembly, according to constitutional usage, with you must originate all money bills. It is therefore your special province to consider the ways and means of defraying the ordinary expenses of the Government, either by levying a customs duty on Imports, or by a system of direct taxation.

The poverty of the Country and the limited means of a population struggling against the pressure of numberless privations, must necessarily restrict the amount of taxation, it should therefore be our constant study to regulate the public expenditure according to the means of the country, and to live strictly within our income.

The common error of running into speculative improvements, entailing debts upon the Colony for a very uncertain advantage, should be carefully avoided.

The demands upon the public Revenue will at present chiefly arise from the improvements of the internal communications of the country, and providing for the education of the young, the erection of places for public worship, the defence of the country, and the administration of Justice.

Gentlemen, I feel in all its force the responsibility now resting upon us; The interests and well-being of thousands yet unborn, may be affected by our decisions, and they will reverence or condemn our acts according as they are found to influence for good or for evil the events of the future.

Gentlemen of the House of Assembly, I have appointed Chief Justice Cameron to administer the oath of allegiance to the members of your House, and 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.

Chief Justice Cameron then proceeded to administer the oath of allegiance to James Yates, J. D. Pemberton, J. S. Helmcken, J. F. Kennedy and E. E. Langford,

the first four delivered the necessary qualification but E. E. Langford read a protest, after which the Chief Justice retired.

The House then proceeded to elect a Speaker.

It was proposed by Mr. Helmcken seconded by Mr. Kennedy that Mr. Pemberton be Speaker of the House.

An amendment proposed by Mr. Langford seconded by Mr. Yates that Mr. Helmcken be speaker of the house the same being put to the vote.

Mr. Helmcken was duly elected Speaker and accordingly took the Chair.

It was proposed by Mr. Pemberton that Robert Barr be appointed to act as Clerk, pro. tem. seconded by Mr. Yates, the said Robert Barr duly accepting of said office.

It was proposed by Mr. Skinner that an application be made to the Governor that proper and efficient Books &c. be supplied to the said House. Seconded by Mr. Pemberton and carried.

Previous to the foregoing resolution Mr. Skinner took the Oath of Allegiance.

It was proposed by Mr. Skinner seconded by Mr. Langford that the House adjourn until Tuesday the 19th Day of August at the hour of eleven in the forenoon.

J. S. Helmcken,
Speaker

Tuesday the 19th day of August, 1856, 11 o'clock, A.M.

Present: The Speaker, (Mr. Helmcken), Messrs. Pemberton, Yates, Skinner, Muir, Kennedy, Langford.

A Deputation consisting of Mr. Pemberton and Mr. Kennedy waited upon, and presented to His Excellency the Governor, The Speaker, Mr. Helmcken.

His Excellency most graciously received the Speaker, and briefly expressed His satisfaction to the same.

The Deputation then withdrew.

The Speaker informed the House that the Oaths of Allegiance and Qualification were to be taken by the Members of the same.

Oath of Allegiance administered to Mr. Pemberton, Member for Victoria.

Declaration of Qualification received. Oath of Qualification administered to Mr. Pemberton, Member for Victoria.

Oath of Allegiance administered to Mr. Kennedy, Member for Nanaimo.

Declaration of Qualification received. Oath of Qualification administered to Mr. Kennedy, Member for Nanaimo.

Oath of Allegiance administered to Mr. Muir, Member for Soake.

Declaration of Qualification received. Oath of Qualification administered to Mr. Muir, Member for Soake.

Oath of Allegiance administered to Mr. Skinner, Member for Esquimalt.
 Declaration of Qualification received. Oath of Qualification administered
 to Mr. Skinner, Member for Esquimalt.

Oath of Allegiance administered to Mr. Yates, Member for Victoria.

Declaration of Qualification received. Oath of Qualification administered
 to Mr. Yates, Member for Victoria.

Mr. Langford's Declaration of Qualification not received by the Speaker, but a
 protest was read to the House by that Gentleman.

A Motion was then made by Mr. Skinner and seconded by Mr. Yates, viz:—

I beg to move that the Document just read by Mr. Langford may be
 recorded in the Books of this House.

Motion carried.

Copy of Mr. Langford's protest.

I subscribe in the most solemn manner to the Oath as now administered to me
 with the exception of declaring myself possessed of immovable property to the
 amount of £300.

Having been chosen by the people of Victoria both Electors and non-Electors,
 it is my firm belief that according to the constitution of Great Britain I am duly
 qualified to take my seat in this House of Assembly, and that the act of Council
 imposing a fixed property qualification was not legal without the consent of the
 House of Assembly; and therefore I beg now in a formal manner to protest in the
 name and on behalf of my constituents against it, and to request that my protest
 may be recorded.

(Signed) Edward Edwards Langford.

(Dated) August 12th 1856.

Oath of Allegiance administered to Mr. Langford.

A petition was presented by Mr. Pemberton from Mr. McKay complaining of the
 return of Mr. Langford.

Ordered to be laid upon the table.

A Motion was then made by Mr. Pemberton and seconded by Mr. Kennedy, viz:—
 "That Mr. Edward Edwards Langford not subscribing a proper Declaration
 and in the usual form his return as a Member of the General Assembly of
 Vancouvers Island is null and void."

Opposed by Mr. Skinner as follows, viz:—"I beg to oppose the motion of
 Mr. Pemberton that Mr. E. E. Langford's Election shall be null and void."

<i>Ayes</i>	<i>Noes</i>
Mr. Pemberton,	Mr. Skinner,
Mr. Kennedy.	Mr. Yates,
	Mr. Muir.

Amendment [original motion] carried.

A petition was then presented by Mr. Yates setting forth that Mr. Pemberton on
 the Day of Election was not duly qualified.

Ordered to be laid upon the table.

A Motion was then made by Mr. Langford and seconded by Mr. Yates, viz.;—"I beg to move that application should be made for the use of the Law Works the property of the Colony."

Opposed by Mr. Pemberton but eventually withdrawn.

It was then proposed by Mr. Langford and seconded by Mr. Skinner that the House adjourn until Tuesday the 26th Day of August next ensuing at the hour of eleven o'clock in the forenoon.

The House then adjourned.

J. S. Helmcken
Speaker

Tuesday, the 26th day of August, 1856, 11 o'clock, A.M.

Present: The Speaker, (Mr. Helmcken), Messrs. Pemberton, Muir, Skinner, Yates, Langford.

Petitions and petitioners against Members &c.

The Speaker (Mr. Helmcken)	Esquimalt
petition against Mr. Pemberton	Victoria
..... Mr. Muir	Soake
petition presented from Mr. Yates ___ ag. Mr. P.	Victoria
petition against Mr. Langford	Victoria
..... Mr. Skinner	Esquimalt

The Speaker took the Chair at Twelve o'clock precisely.

The Speaker informed the House that any Law Books, the property of the Colony, could be placed upon the table, the names of such Books being given, with this proviso, that none be taken away, but given up again immediately that the House adjourned, as the said Books are placed under the immediate charge of His Excellency the Governor.

The Speaker informed the House that Mr. McKay had entered into sufficient sureties for his Election petition against Mr. Langford in the sum of. . . .

Ordered to be referred to Committee.

The Speaker informed the House that Mr. Yates had not entered into sureties for the due performance of his Election petition against Mr. Pemberton. (1)

A Motion was then made by Mr. Muir and seconded by Mr. Skinner, viz.;—"I beg to move that any Member being late 15 Minutes from this House after the hour of Meeting shall be fined the sum of \$20.00." (2)

Opposed by Mr. Pemberton that the sum of \$10.00 be inflicted as a fine, afterwards withdrawn.

Motion carried.

A Motion was then made by Mr. Langford and seconded by Mr. Yates, viz.;—"I beg to propose that for the purpose of transacting the business of this House it shall be necessary that four members and the Speaker be present."

Motion opposed by Mr. Pemberton and seconded by Mr. Muir. Motion carried.

A Motion was then made by Mr. Pemberton and seconded by Mr. Skinner; viz.;—
“That the House having met, and not [having a] quorum, after waiting half an hour is at liberty to adjourn until the following day provided that the following Day be not Saturday or Sunday.”

Motion carried.

A Motion was then made by Mr. Pemberton and seconded by Mr. Skinner, viz.;—
“That the rules of Debate and standing orders in the House of Commons in England be also adopted in this Assembly.”

Carried.

A Motion was then made by Mr. Pemberton seconded by Mr. Muir, viz.;—“That the Speaker be added to the list of the Committee of Elections.”

Motion opposed by Mr. Skinner seconded by Mr. Yates, viz.;—“I Move that the Speaker may not be on the Election Committee.”

Amendment carried.

A Motion was then made by Mr. Muir seconded by Mr. Skinner, viz.;—“I beg to move that this Committee go into business Tomorrow at 11 o'clock A.M.”

“Motion carried”.

Previous to the aforesaid Motion the Speakers Warrant was presented to the House calling upon Messrs. Skinner, Muir and Kennedy to act on the Election Committee.

A Motion was then made by Mr. Muir and seconded by Mr. Skinner, viz.;—“That the House adjourn until Thursday next the 28th Inst. at the Hour of eleven o'clock.”

The House then adjourned.

(1) Sureties afterwards entered into by Mr. Yates.

(2) The time to be taken from the Surveying Office.

J. S. Helmcken
Speaker

Thursday, the 28th day of August, 1856, 11 o'clock, A.M.

The Speaker, (Mr. Helmcken), Messrs. Kennedy, Muir, Skinner, Yates, Pemberton. The Chairman of the Election Committee informed the Speaker that after examining carefully the petition presented by Mr. Yates against Mr. Pemberton they were unanimously of opinion, “That Mr. Pemberton is duly qualified to act as a Member of the House of Assembly, and that the opposition was not frivolous or vexatious.”

The Chairman of the Election Committee then informed the Speaker that in reference to the petition presented by Mr. Pemberton from Mr. McKay against Mr. Langford they were on the preceding day prepared to enter into the same but

Mr. Langford failing to appear to defend the petition the Committee had come to the following conclusion, viz.;—"That Mr. Langford having been called upon and not appearing to defend his Qualification his Election therefore be declared null and void, and that Mr. McKay having neglected to question the Qualification of Mr. Langford previous to the Votes being given the Committee were of opinion that a New Writ ought at once to be issued for the Election of a New Member."

A Motion was then made by Mr. Skinner and seconded by Mr. Muir, viz.;—"I beg to move that a new writ be immediately issued for a Member to be Elected for the District of Victoria in the room of Edward Edwards Langford, whose Election has been declared null and void."

Motion carried.

A Motion was then made by Mr. Pemberton Seconded by Mr. Skinner, viz.;—"That respectful application be made to His Excellency the Governor for a correct Copy of the Grant of the Island and of any other Documents of a public nature calculated to throw light upon the political position of Vancouver's Island Colony, likewise a general Abstract of Colonial Accounts since the first formation of the Colony up to the present time showing the present annual income and expenditure."

Motion carried.

A Motion was then made by Mr. Skinner Seconded by Mr. Kennedy, viz.;—"I beg to move that this House being now legally Constituted is prepared to receive any Message from His Excellency the Governor or Council."

Motion carried.

It was then proposed by Mr. Kennedy and seconded by Mr. Muir that the House adjourn until this Day week, viz.;—(Thursday the 4th day of September).

The House then adjourned.

J. S. Helmcken.

Thursday, the 4th day of September, 1856

Adjourned to Thursday Sepr. 25th 1856.

Thursday, the 25th day of September, 1856

Adjourned to Thursday October 2nd 1856.

Thursday, the 2nd day of October, 1856

Adjourned to Thursday October 23rd 1856.

Thursday, the 23rd day of October, 1856

Adjourned to Thursday November 13th 1856.

Thursday, the 13th day of November, 1856

Adjourned to Thursday November 27th 1856.

J. S. Helmcken

Thursday, the 27th day of November, 1856

Present: The Speaker, (J. S. Helmcken), Messrs. Skinner, Yates, Pemberton.

Adjourned to Wednesday Decr. 3rd 1856.

J. S. Helmcken

Wednesday, the 3rd day of December, 1856

Present: The Speaker, (J. S. Helmcken), Messrs. Skinner, Yates, Pemberton, Kennedy, J. W. McKay.

The Oath of Allegiance was administered to Mr. J. W. McKay, Member for Victoria.

Declaration of qualification received and Oath of Qualification administered to Mr. J. W. McKay, Member for Victoria.

A Motion was then made by Mr. Yates and seconded by Mr. Pemberton, viz. ;—
 “I beg to move that this Assembly be informed what funds are subject to the control of this Assembly, if any, what is the amount, and from what source does it come, and what fund is the Royalty on Coal paid into.”

A Motion was then made by Mr. J. W. McKay, and seconded by Mr. Skinner,—
 viz. ;—“I beg to move that a Letter of thanks be presented to His Excellency the Governor for his Message of Novr. 27th, and that the subjects contained therein will be taken into consideration by the House at an early period.”

A Motion was then made by Mr. Pemberton, and seconded by Mr. Yates,—viz. ;—
 “That Thos. Jas. Skinner Esqr. be appointed Deputy Speaker and Chairman of Committees.”

Carried.

A Notice was then given by Mr. Pemberton of his intention to bring before the house, at their next Meeting, an Act for the adoption and regulation of Customs Duties in Vancouver’s Island.

Adjourned to Saturday Decr. 6th 1856.

The following Documents were received by the House from His Excellency the Governor.

Copy.

Government House,
Victoria, Vancouvers Island,
27th November 1856.

Mr. Speaker and Gentlemen of the House of Assembly,

I herewith transmit the Documents described in the accompanying Schedule for your information.

The Colonial Accounts extending to the close of 1855 are not yet completed and therefore cannot be laid before the House in full. You will however find among the Documents now transmitted, a full account of all lands appertaining to the public domain of this Colony, which have been sold up to the 10th Day of October last, and also a classified abstract of the expenditure of the Colony for the year ending with the 1st Day of November 1855.

In addition to the proceeds arising from sales of the public domain appearing in the Documents herewith the sum of £6193.0.0 has been received from the Hudsons Bay Company, for Lands purchased on their account within the Colony. Further documents relative to the financial state of the Colony will be sent to the House as soon as they are made up.

I have to recommend that a sufficient money appropriation be made by the House to defray the expense of preparing any documents required for their information in future as there are at present no funds at my disposal for that purpose.

I beg that the Charter of Grant of Vancouvers Island may be returned, as I have no other copy.

(Signed)

James Douglas
Governor
Vancouvers Island.

Extract from Governor Douglas' Despatch to W. G. Smith Esqr. Secretary Hudson's Bay Company dated 19th July 1855.

Extract from Governor Douglas' Despatch to W. G. Smith Esqr. dated 16th Octr. 1856 containing an abstract of Accounts from November 1854 to November 1855.

Abstract from Surveying Department showing Sales of Land from the commencement of the same up to December 1854.

Copy of the Charter of Grant of Vancouver's Island.

J. S. Helmcken
Speaker

Saturday, the 6th day of December, 1856

Present: The Speaker, (J. S. Helmcken); Messrs. Skinner, Yates, Pemberton, McKay, Kennedy.

Mr. Pemberton withdrew his Notice of his intention to bring before the House an Act for the adoption and regulation of Customs Duties in Vancouvers Island.

A Motion was then made by Mr. McKay and seconded by Mr. Yates;—viz.;—“I beg to move that this House resolve itself into a committee of supply on Wednesday next the 10th Inst. at 11 A. M. for the purpose of considering the Governors Message of Novr. 27th last.”

Carried.

A Motion was made by Mr. Pemberton and seconded by Mr. Skinner; viz.;—“That the Speaker be requested to thank his Excellency on behalf of the House for the information so promptly and courteously afforded, and further to apply respectfully to his Excellency for similar information for the year ending Novr. 1856, and likewise to ask whether there is any charge against the license fund, to come under their control from that Date.”

Carried.

The following Documents were received by the House from His Excellency the Governor.

(Copy)

Government House,
Victoria, V.I.
6th December 1856.

Mr. Speaker and Gentlemen of the House of Assembly,

I have further to transmit with this communication, abstracts of the Income and Expenditure of the Colony, for the two years ending respectively with 31st day of October 1853 and 1854.

I have received your Speakers address of the 3rd day of December and highly appreciate your complimentary Message.

In reply to the following questions of the House, “What funds are subject to its control?” “the amount of such funds?” “from what source derived?” and “to what fund is the Royalty upon Coal paid into?” I would observe that I am not at present prepared to give the House a reliable and decided answer. My own impression however is, that the House can exercise a direct control only over the revenue raised in the Colony through the act of the general Legislature. The revenue derived from the tax on Licenced Houses, is therefore I conceive the only fund absolutely at our disposal;—the proceeds arising from “Land Sales,” “Royalties” and “Timber Duties,” being remitted and placed to account of the Reserve fund in England, which is however also exclusively applicable for Colonial purposes with the exception of 10 per cent allowed by virtue of the Charter of Grant, to the Hudson’s Bay Company.

The amount of Revenue derived from the duty on Licenced Houses for the respective years mentioned is given in the annexed table.

Year.....	1853.....	£220.0.0
„	1854.....	£460.0.0
„	1855.....	£340.0.0

Those sums are also embodied in the abstract of the Colonial Accounts transmitted to the House.

(Signed)

James Douglas,
Governor,
Vancouver’s Island.

Abstract of Income and Expenditure of the Colony of Vancouver’s Island for the year ending 31st Octr. 1853 and 1854.

J. S. Helmcken
Speaker

Wednesday, the 10th day of December, 1856

Present: The Speaker, (J. S. Helmcken), Messrs. Skinner, Pemberton, McKay, Kennedy, Yates.

The following Documents were received and read to the House; viz:—

(Copy)

Government House,
Victoria, 10th Decr. 1856,

Mr. Speaker and Gentlemen of the House of Assembly,

I have received your address through Mr. Speaker's communication of the 6th Decr. and I thank you Gentlemen for your kind message.

I herewith transmit for your information an abstract of the expenditure and income of the Colony made up to the 31st day of October last; excepting however the income derivable from the Royalty on Coals, and the duty on Timber, of which a statement will be sent to the House as soon as the returns are received.

With respect to your inquiry touching the application of the duty on Licenced Houses for the year 1856, I have to inform the House that the whole sum derived from that source of revenue was paid over to the Hudson's Bay Company immediately after collection and was carried with the other proceeds of revenue to the credit of the general Colony account as shown by the abstract of the year's income transmitted with this communication.

(Signed)

James Douglas,
Governor,
Vancouver's Island.

Abstract of Income and Expenditure on account of Vancouver's Island Colony
for Twelve Months ending 31st October 1856.

A Motion was then made by Mr. Pemberton and seconded by Mr. Skinner, viz:—
"That the Speaker be requested to thank His Excellency the Governor for his Message of this Date."

Carried.

Notice was then given by Mr. Pemberton of his intention to move for a Special Committee to inquire into the postal Arrangements on Saturday next the 13th Instant at Ten O'clock.

The House then adjourned.

The whole House then went into a Committee of Supplies, when the following Sums were voted and passed, viz:—

	£	s.	d.
To the Governor for furnishing Copies of Public Documents	50.	0.	0
To Mr. R. Barr for Services as Clerk up to 31st Decr. 1856	10.	0.	0
„ Mr. A. Muir for Services as Sergeant at Arms to Decr. 31st	5.	0.	0
Annual Stipend for Clerk	25.	0.	0
Do . . Do for Sergeant at Arms	15.	0.	0
For Heating, Lighting House &c	20.	0.	0
„ Stationary for House	5.	0.	0

A Motion was then made by Mr. Pemberton and seconded by Mr. Yates; viz.;—
 “That the above amount be paid out of the Licence fund for 1856.”

Carried.

The Chairman (Mr. Skinner) reported progress and asked leave to sit again.

The House then resumed its sitting and the Chairman brought up the report from the Committee of Supplies which was agreed upon.

The House then adjourned to Saturday the 13th Inst. at 10 o'clock.

J. S. Helmcken
 Speaker

Saturday, the 13th day of December, 1856

Present: The Speaker, (J. S. Helmcken), Messrs. Yates, McKay, Kennedy, Pemberton.

The Bill for the passing of certain Monies voted by the Committee of Supplies was read and passed.

A Motion was then made by Mr. Yates and seconded by Mr. Pemberton, viz.;—“I beg to move that the Money received from Licenses on Spirits on the 16th July 1856 should be withdrawn from the Credit of the trust fund.”

A Motion was then made by Mr. Pemberton and seconded by Mr. Yates, viz.;—
 “That a Special Committee be appointed to inquire into our postal arrangements, from what funds supported? and whether capable of improvement.”

Carried.

The Speaker then appointed Mr. Pemberton, Mr. Skinner and Mr. Yates to act on said Committee, and report thereupon.

A Motion was then made by Mr. McKay and seconded by Mr. Yates, viz.;—“I move that a requisition be made to his Excellency the Governor for a Copy of the last Census of the population of the Island and other such Statistics connected therewith.”

Carried.

The House then adjourned to Thursday December 18th 1856.

J. S. Helmcken
 Speaker

Thursday, the 18th day of December, 1856

The Speaker, (J. S. Helmcken), Messrs. Pemberton, Kennedy, Yates, McKay.

The Bill for the passing of certain Monies voted by the "Committee of Supplies" was read the Third time and passed.

The following Documents were received and read to the House, viz. :—

(Copy)

Government House,
Victoria, Vancouvers Island,
17th December 1856.

Mr. Speaker and Gentlemen of the House of Assembly,

I have received Mr. Speaker's communication of the 13th day of December containing the Requisition of the House "for a Copy of the last census of the population of Vancouvers Island, and I have in consequence the honor of forwarding with this letter the Documents described in the annexed Shedule.

Not having time to procure copies, I have sent the original documents which the House will probably cause to be returned when convenient.

(Signed)

James Douglas,
Governor,
Vancouvers Island.

No. 1 . . . Census Returns Vancouver's Island Colony 1855.

No. 2 . . . Indian population Vancouver's Island 1856.

Mr. Pemberton informed the Speaker that the Committee appointed to inquire into the postal arrangements had not yet met.

The Speaker instructed the Clerk to acknowledge the Receipt of the aforesaid Documents from His Excellency the Governor.

The House then adjourned to Wednesday December 24th at 11 o'clock.

J. S. Helmcken
Speaker

Wednesday, the 24th day of December, 1856

Not being five Members present the House adjourned.

Tuesday, the 7th day of April, 1857

Present: The Speaker, Messrs. J. D. Pemberton, J. W. McKay, Kennedy, Yates, Skinner.

Mr. Skinner brought up the report of the "Committee upon Postal arrangements" of which the following is a copy.

We the undersigned appointed as a special Committee to enquire into the existing state of the Postal arrangements, and make any suggestion for improving the same that may occur to us have unanimously adopted the following report.

That the General Post Office as at present arranged is conducted within a Public Office and letters exposed under circumstances which your Committee do not consider safe. Your Committee are of opinion that the Post Office ought to be removed to an office more private and more secure.
signed

T. J. Skinner
Chairman
James Yates
J. D. Pemberton.

The above report was then read, and a motion made by J. W. McKay, seconded by J. F. Kennedy "That a copy of the same be sent to his Excellency the Governor."

Carried nem. con.

Mr. J. Yates presented a petition signed by a number of colonists, complaining of the dangerous descents to bridges, the roads being very steep and unprotected, also praying for certain improvements in roads generally and that a road be opened to Mount Douglas.

The above petition was ordered to be read, and then Mr. J. Yates proposed the following resolution

That the consideration of his Excellency the Governor be earnestly requested to the substance of the enclosed petition, at the same time mentioning "That a road to accomodate settlers in the neighbourhood of Gonzalo Point, is still more required, and a road leading to Cadboro Bay much required. Also that the circumstances in this respect of settlers in the neighbourhood of Deadmans River be taken into consideration."

Seconded by T. J. Skinner. Carried nem. con. and a copy of the Petition ordered to be sent to his Excellency the Governor.

Mr. Barr having resigned his Office of Clerk of the House, after having performed his duties in the most exemplary manner, T. J. Skinner proposed the following resolution: "That the thanks of this House be given to Mr. Robert Barr for the exemplary manner in which he has performed the duties of Clerk of the House of Assembly of Vancouvers Island."

Seconded by J. D. Pemberton.

Carried nem. con.

A copy of the above to be sent.

The Speaker then laid upon the table a number of letters containing applications for the vacant Office of "Clerk of the House."

Mr. Secretary Golledge brought a message from his Excellency the Governor of which the following is a copy "of certain amendments to the Bill for granting certain sums of money for the use of the House of Assembly &c.

1st Amendment That the words "Attending the conduction of the business" in the preamble be omitted.

2nd Amendment. That the following words in the 8th clause, viz. "Licenses of July 16th 1856" be expunged, and the following inserted vizt. "That the above items be paid out of the revenue derived from the duty charged on Licensed Houses."

J. D. Pemberton moved that the amendments be agreed to.

Seconded by J. W. McKay.

T. J. Skinner opposed the reception of the amendments & proposed the following resolution.

“That in the opinion of this House, the funds derived from the Licenses, granted in July 1856 are under its controul; and that the 8th clause of the bill remain unamended.”

Seconded by J. Yates.

The question being put, the following was the result,

<i>Ayes</i>	<i>Noes</i>
Yates	McKay
Skinner	Pemberton.
Kennedy	

Mr. Skinners amendment was therefore carried.

Upon the motion of Mr. Pemberton the House adjourned till this day fortnight, April 21st.

J. S. Helmcken
Speaker

Tuesday, the 21st day of April, 1857

The House assembled this morning.

Members present: The Speaker, Messrs. T. J. Skinner, J. W. McKay, J. D. Pemberton, Kennedy.

A communication was received from his Excellency the Governor of which the following is a copy.

I have the honor to acknowledge the receipt of your Speakers several communications of the 7th April, with the accompanying Documents.

With those Documents is the Bill providing for the ordinary expenses of the House of Assembly which the House has objected to pass as amended by the Council.

I would observe in reference to that Bill that the duties raised on Licensed Houses for the year 1856 were paid into the General Colonial fund: and expended, with other proceeds of revenue, in the service of the Colony; prior to the convention of the House of Assembly in August last, and for that reason are not at our disposal.

The Council in amending the Bill, by charging the sums thereby granted, to the revenue derivable from the same source in 1857, were influenced solely by the knowldge of that fact, and not from any desire to interfere with the arrangements of the House of Assembly.

I have received the report of the Committee on Postal arrangements and the petition from certain Colonists, praying for the improvements of part of public Roads and for opening new Roads in the District of Victoria.

Feeling the great importance of the objects recommended in those papers, I am of opinion that no time should be lost in providing means for initiating a postal system, securing at once the twofold object of safety and despatch in the transmission & delivery of letters, and also that a provision should be immediately voted by the House for the improvement and opening of public roads.

The Council will cordially cooperate in all measures suggested by the House for the attainment of those objects.

I herewith annex a Scheme of the probable outlay which will be thereby incurred.

Signed.
James Douglas
Governor

Estimate of Expenditure			
Postal Expenses			
Post Master, Salary.	£100		
Post Office, rent &c.	100		
Transmitting Mails	300		
	£500		500
Road Expenses			
Improvements of Public Road	200		
Opening Road from Victoria to Mount Douglas	450		
Opening Road from Victoria to Point Gonzalo	250		
	£900		900
			£1400

The above communication having been read, Mr. Skinner moved and Mr. McKay seconded the following resolution.

That on account of the communication from his Excellency the Governor explaining that the money derived from the duties on Licensed Houses had been expended previous to the creation of this House, this House do agree to the Amendments proposed by the Honble. Council that the various items be paid out of the Revenue derived from Licenses of 1857.

Carried Nem. Con.

It was then moved "that the House adjourn until this day fortnight" 10 A. M.

Carried Nem. Con.

J. S. Helmcken
Speaker

Tuesday, the 5th day of May, 1857

The House met this day.

Present : Messrs. J. W. McKay, J. D. Pemberton, J. Yates, T. Skinner, J. Muir, Kennedy, and The Speaker in the Chair.

Mr. Pemberton asked leave to bring in a Bill "to define the boundaries of the Town of Victoria." 2nd A Bill to Enfranchise the Town of Victoria.

Leave granted, and the Bills ordered to be read a first time tomorrow morning at 10 A. M.

The House then went into Committee to take into consideration the Governors message, relating to Postage and Roads.

Mr. Skinner Chairman.

Mr. McKay moved "that the sum of 1400£, as required by his Excellency the Governor, be voted out of the Trust-fund for the purpose of making and repairing roads, and for a better system of Postal arrangements.

Seconded by Mr. Yates.

Mr. Helmcken, then moved an amendment, viz. that the following address be respectfully sent to his Excellency the Governor.

The House of Assembly to His Excellency the Governor

The House of Assembly respectfully acknowledges the receipt of your Excellencys important communication suggesting "that means should be provided for initiating a Postal system . . . and also that a provision should be immediately voted for the opening and improvement of Public Roads."

The House in replying, does so with the best feeling and the greatest respect towards Your Excellency, and wishes to observe, that there are not at present any funds at its disposal to meet the suggestion relating to the construction of a Postal system, and considers the Colony unable to bear so large an annual expenditure as the one contemplated (500£) the number of letters passing through the Post Office being too small to pay the tenth of the Estimate even supposing a heavy Tax were imposed upon each.

The House therefore cannot adopt your Excellencys suggestion, but at the same time consider & acknowledge, that the Colony is under great obligation to the Honble. Hudsons Bay Co. for the kind and liberal manner in which they have carried, gratuitously, the letters from the American shore to this Island.

With regard to Appropriating 900£ for Roads &c. The House is of opinion that the legitimate funds for such purposes are those derived from sales of land, Royalties &c., but the House having been given to understand that the sums derived from these sources are not under the controul of the Legislature, cannot make any appropriation therefrom, and indeed the Documents already laid before the House, indicate, that such funds have been already exhausted.

The House has also reason to believe, that the Income of this year will not more than balance the Expenditure, and therefore if the appropriation were made, this House would be under the necessity of raising the amount.

But the House is humbly of opinion that it would be unconstitutional to levy Taxes until the Legislature be more complete, and the Towns represented as well as the Districts, and the House further conceives, that before such a step were taken as that of raising Taxes, the entire Revenue ought to be placed under the controul of the Legislature of this Island, to be by them appropriated, as might be deemed most expedient to the welfare of the Colony.

The House agrees, that at the present time Taxation would be injudicious, and that the sum would press too heavily upon each, the number of Colonists being so small.

Upon these grounds the House cannot make the appropriations suggested.

The House can only suggest, that if the roads cannot be made, it would be advisable that their course should be plainly marked, in order to save Settlers about such lines the labour & expense of removing fences when the time arrives that sufficient funds shall be at hand to complete such ways of communication.

The House of Assembly begs to assure your Excellency of every respect and confidence.

Mr. Kennedy seconded the above.

After much discussion Mr. McKay withdrew his motion.

Mr. Pemberton did not agree with either as it left the question in statu quo, but still would give his support.

The Address was then agreed to Nem. Con.

The House then resumed its sitting and Mr. Skinner, Chairman of Committee brought up the Report which was agreed to.

Mr. McKay moved "that requisition be respectfully made to his Excellency the Governor, for an Abstract of the Annual Income and Expenditure of the Colony from its commencement until the end of 1856. Also if possible to

know what sums have been expended in England by the Honble. Hudsons Bay Co., and for what purposes. If the Colony be in debt, to know to whom such debt is owing, or if liquidated to shew how and by whom, and whether any interest is or has been paid or charged upon such sum lent to pay the debt and if so, the rate of interest per annum and the amount already paid.”

The Business being completed the House adjourned until to morrow 10. A. M.

J. S. Helmcken
Speaker

Wednesday, the 6th day of May, 1857

The House met this day.

Present: Messrs. Speaker, T. Skinner, J. D. Pemberton, J. W. McKay, Dr. Kennedy, J. Yates.

Mr. Pemberton moved that the Bill to Enfranchise the Town of Victoria be read a first time, and explained that the Act to define the Town of Victoria had been incorporated therewith.

Whereas it is advisable that the interests of all Her Majestys loyal Subjects holding and owning fixed property in Vancouvers Island as hereinafter described shall be represented in the Legislature of the said Island and whereas provision has not yet been made for electing Representatives to Cities Towns &c. as they may arise and Whereas the Town of Victoria does at present contain more House property and more inhabitants than some of the Districts allowed Representatives in the Legislature, and is not represented and Whereas the Legislature of Vancouvers Island has the privilege and power of extending the Franchise as occasion may require

Be it Enacted by and with the consent of the Legislature of Vancouvers Island

1st That the Town of Victoria shall from and after the passing of this Act possess the Privilege of electing Two Members to serve in the House of Assembly of Vancouvers Island.

2nd That the qualification of Members to represent the Constituency of Victoria be the same as required of the Representatives of Districts and subject to the same laws rules & regulations.

3rd That the right to vote for such Member or Members shall rest exclusively with the Loyal subjects of Her Majesty being Males, of mature age and sound intellect, able to read and write, not convicted of any criminal offence, inhabiting and possessing in his own right Freehold property consisting of Houses or Buildings of the value of 50£ (fifty) sterling or upwards in the aforesaid Town of Victoria.

4th That no person be allowed to vote, who has not resided and possessed the required property qualification at least Three Months before the day of such election.

5th That the voting must be done in person and not by proxy and the voter be allowed but one vote for each Member however many Houses or Buildings such voter may possess in his own right.

6th That in the event of the property to be represented belonging to a Company associated together with the object of gain and the majority of whose shareholders are British subjects, the right to vote shall rest exclusively with the principal agent of such Company for the time being, who shall have one vote on behalf of such Company, the qualification of such Company being equal to and subject to the same regulations as that of an individual voter, but if the majority are not British subjects, the Principal Agent shall not have a vote on behalf of such Company.

7th That no salaried Officer of the Executive be allowed to vote.

8th That no Member of Council be allowed to vote.

9th That in all cases the proof of being a British subject shall rest with the person tendering.

10th In case of any dispute as to the qualification shall arise, it shall be settled by three Arbitrators or Assessors, one chosen by the claimant, a second by the Reviser, and the third by the former two, whose decision and judgment or that of the Majority of them delivered upon oath to the Reviser aforesaid of the list of voters, shall be final and binding as to the point at issue.

11th That a fee of Five shillings be payable to each Assessor for each final decision, chargeable against the Revenue if in favour of the proposed voter on the written order and certificate of the Reviser of the Lists of Voters, appointed by the Executive, and chargeable against the proposed voter, if such decision shall be unfavourable, the amount being recoverable in any Court of Law in Vancouvers Island on the certificate of such Reviser.

12 That for the purposes of this Act and for Electoral purposes only the Town of Victoria shall be defined as that portion of the District of Victoria comprised within the circle whose radius is three quarters of a mile and whose centre is Government House.

Mr. Kennedy seconded the above Bill.

Mr. Skinner could not agree with the whole Bill and Gave notice that he intended moving when the Bill went into Committee

That freehold property to the Amount of forty shillings per annum shall be entitled to a vote.

That persons paying a rental of 10£ per annum be allowed to vote.

That "not able to read and write" be expunged.

Mr. McKay intends moving in Committee that the eighth clause be expunged.

The Bill then passed the first time and the second reading ordered for the 13th day of May at 10 A.M., until which time the House adjourned.

J. S. Helmcken
Speaker

Wednesday, the 13th day of May, 1857

House adjourned until Monday on account of unavoidable absence of Mr. Pemberton.

Monday, the 18th day of May, 1857

House met this day.

Present: Messrs. J. W. McKay, J. Yates, J. D. Pemberton, T. J. Skinner, J. Kennedy, and The Speaker.

Mr. Pemberton moved that requisition be respectfully made for copies of Laws passed by the Council and at present in force in the Colony.

Agreed to.

Mr. McKay gave notice that at the next meeting he intended moving for a Select Committee to enquire into the state of Education in Vancouvers Island.

Mr. Pemberton moved That the Bill for the Enfranchisement of Victoria be read a second time.

Read accordingly a second time and agreed to.

Mr. Pemberton gave notice that on the Bill going into Committee he intended moving "That the 7th Clause be expunged".

Notice was also given that in Committee a new Clause would be proposed "That nothing in this act should prevent its being repealed altered or amended."

The Business having been completed the House adjourned until Thursday week 28th ult. at 10 A. M.

J. S. Helmcken
Speaker

Thursday, the 28th day of May, 1857

The House met this day

Present: Messrs. J. W. McKay, J. D. Pemberton, T. Skinner, J. Yates, Kennedy, The Speaker.

T. J. Skinner moved that requisition be respectfully made to his Excellency the Governor for information relating to the progress of the negotiations for a Reciprocity Treaty affecting this Colony.

Agreed to.

Mr. Yates moved That requisition be made with every respect to his Excellency the Governor for information relating to the "Inferior Court of Civil Justice" the constitution of the same, and by whose Authority the said Court has been constituted.

Agreed to.

Secretary Golledge brought in a message from the Governor being an abstract of Income & Expenditure for years 55 & 56. Also a copy of Laws and Orders in Council as moved for by Mr. Yates—neither returns being complete.

Mr. McKay Committee on Education was then appointed viz. J. W. McKay, J. Yates, J. Kennedy.

Mr. Yates moved that the House do now go into Committee.

Agreed to.

Mr. Skinner in the Chair. The subject for the consideration of the Committee being the Bill for the Enfranchisement of Victoria Town.

Mr. Skinner withdrew his notice of motion that 40 shilling freeholders should have a vote.

On the reading of the 3rd clause Mr. Skinner moved that the words "read and write" be expunged.

After discussion the House divided

<i>Ayes</i>	<i>Noes</i>
J. Yates	J. S. Helmcken
J. Kennedy	J. D. Pemberton
J. Skinner	J. W. McKay.

The votes being equal the Chair voted with the Ayes, and therefore the words ordered to be expunged.

In the same clause T. Skinner moved "That after the 50£ freeholders the following words be added 'and with similar persons, who shall have occupied such House property for 12 months previous to exercising the said right at a rental of 10£ sterling per annum, for the entire building so occupied?'"

Agreed to without division.

Clause 7 being read Mr. Pemberton moved that the same be expunged.

J. Kennedy seconded the motion.

After some discussion the House divided

<i>Ayes</i>	<i>Noes</i>
J. D. Pemberton	J. S. Helmcken
J. Kennedy	J. Yates
J. W. McKay	T. J. Skinner (2).

The numbers being equal the Chairman gave the Casting vote with the Noes, and the Clause [was] therefore retained unaltered.

Clause 8 being proposed Mr. McKay moved that the same be expunged.

Dr. Kennedy seconded the same.

After warm discussion relating to Privilege &c. the House divided.

<i>Ayes</i>	<i>Noes</i>
J. W. McKay	J. Yates
J. D. Pemberton	J. S. Helmcken
J. Kennedy	T. J. Skinner (2).

The votes being equal the Chairman gave the Casting vote with the Noes, and therefore the Clause was retained unaltered.

J. S. Helmcken moved that the following clause be added "That the provisions of this Act shall remain and be enforced until revoked or altered by the Legislature."

Seconded by J. D. Pemberton.

Agreed to Unanimously and ordered to be placed as the final clause viz. 13.

The Committee having finished the House resumed its sitting.

The Chairman of Committee then brought up the report, which was agreed to, nem. con., and the Bill ordered to be read a third time on Monday next.

The House then adjourned until Monday June 1st at 10 A. M.

J. S. Helmcken
Speaker

Monday, the 1st day of June, 1857

The House met this day.

Present: Messrs. J. D. Pemberton, J. W. McKay, T. J. Skinner, J. Kennedy, and
The Speaker in the Chair.

Mr. Skinner moved "To know whether any Royalties upon Coal have been received from Nanaimo for the year 1856, and if not, the reason for their being withheld."

Mr. Pemberton then moved the third reading of the Bill for the Enfranchisement of the Town of Victoria.

J. Kennedy seconded the motion.

The Bill was then read a third time, passed and ordered to be sent to the Governor and Council.

The House then adjourned until Thursday week at 10 A. M.

J. S. Helmcken
Speaker

Thursday, the 11th day of June, 1857

The House met this day.

Present: Messrs. J. D. Pemberton, J. W. McKay, J. Yates, T. J. Skinner, J. Kennedy, and Mr. Speaker in the Chair.

Mr. McKay asked leave to bring in a Bill for the Registration of Births Deaths and Marriages. Also for a Bill to define the width of Roads &c.

Leave granted, the Bills to be read a first time at the next meeting.

The returns previously moved for not having been received on account of the absence of the Governor, It was proposed by J. D. Pemberton and seconded by T. J. Skinner "That the House do adjourn until this day fortnight 10 A. M."

Agreed to Nem. Con.

J. S. Helmcken
Speaker

Wednesday, the 25th day of June, 1857

The House assembled this day.

Present: Messrs. Skinner, McKay, Pemberton, Kennedy, and Speaker.

The Speaker laid upon the table the following returns

1. An Act regulating the importation of Spirituous Liquors.
2. An Act prohibiting the Gift or Sale of spirituous Liquors to Indians.

3. An Ordinance establishing regulations for the arrangement of the Colonial Church at Victoria.

4. Copy of a communication from Chief Justice Cameron dated Belmont May 31st 1857.

The following Communications were then read by the Speaker, from his Excellency the Governor being returns upon these several subjects viz. relating to

1. The Inferior Court of Civil Justice.
2. The Non receipt of Royalties upon Coal for the year 1856.
3. The Negotiations with the American Government for a Reciprocity Treaty.
4. Copy of a Communication from Chief Justice Cameron to his Excellency the Governor.

Mr. Skinner moved that on the 9th of July the House resolve itself into Committee to consider the above communications.

Seconded by Mr. Kennedy.

Carried Nem. Con.

The Business of the day was now brought forward.

Mr. McKay brought forward A Bill for the Registration of Births, Deaths and Marriages in Vancouvers Island and its Dependencies. The Bill was then read.

Mr. McKay moved that it be read a first time.

Seconded by Mr. Skinner.

Carried Nem. Con.

The second reading ordered for July 16th.

Mr. McKay then brought forward A Bill to define the Width of Roads.

Seconded by Mr. Kennedy.

Read a first time, but will be opposed by Mr. Pemberton on the second reading.

The Business of the day having been disposed of House adjourned until July 9th 10 A. M.

J. S. Helmcken

Thursday, the 16th day of July, 1857

The House met this day.

Present: Messrs. J. W. McKay, T. J. Skinner, J. D. Pemberton, Kennedy, and The Speaker in the Chair.

Mr. McKay moved that the Bill for the Registrations of Births Deaths & Marriages be read a second time.

Seconded by J. F. Kennedy. Agreed to, and the Bill read a second time accordingly and ordered to go into Committee on July 21st.

Mr. McKay moved the second reading of the Bill to define the Width of Public Roads.

Seconded by J. F. Kennedy.

J. D. Pemberton opposed the Bill and moved that it be read that day six months.

T. J. Skinner seconded the Amendment.

The voices being equal the Speaker voted for the motion, and the Bill passed a second reading accordingly.

The House then went into Committee, pursuant to notice, to consider the communications received from his Excellency the Governor June 25th (for which Communication see Correspondence book.)

T. J. Skinner in the Chair.

The communication relating to the non payment of Royalties upon Coal for the year 1856 having been read Mr. Helmcken moved that the following addresses be agreed to in answer to the same.

The House of Assembly having considered your Excellencys communication of the 8th June, being the returns relating to the non receipt of Royalties upon Coal from Nanaimo for the year 1856, beg humbly to observe

That the form of Indenture to land usually issued, subjects the purchaser to the payment of a Royalty of 2/6 per Ton upon all Coal gotten, whether sold or not, on the first day of January in every year.

It follows therefore that certain Royalties are due for the Coal raised during the year 1856.

The House is well aware and fully appreciate the great efforts made by the Nanaimo Coal Co. towards the improvement of the Colony and much regret the disadvantages under which they at present labour.

The House, without giving an opinion as to whether the "Royalties" be judicious or not, do not know, whether the Hudsons Bay Co. would be willing to surrender, in favour of the Nanaimo Coal Co., their private interest, viz. 10 per Cent upon the Royalties, or not.

The House begs to assure your Excellency of every respect.

Agreed to unanimously.

The Committee next considered the Communication from his Excellency, relative to the progress of the Reciprocity Treaty with the American Government.

Mr. McKay moved that the following address be adopted in answer thereto.

The House of Assembly begs to acknowledge the receipt of your Excellencys communication of June 1st replying to a Requisition for Returns regarding the progress of the Negotiations with the American Government for a Reciprocity Treaty.

This House observes with regret that such Negotiation has been brought to an abrupt termination.

Ever mindful of your Excellencys manifold and earnest endeavours to procure the free interchange of the productions of this Island with the United States by means of a Reciprocity Treaty, this House cordially agreeing to the propriety advantage and honorable fairness of such a Treaty, beg to convey their thanks for such past exertions (as well in this as other matters calculated to promote the interest and welfare of this Colony), but lament that such endeavours (as far as regards the Reciprocity Treaty) have not met with the desired success, occasioned probably by circumstances adverse and foreign to the subject itself.

The House sincerely trust that such disappointment may not deter from a further prosecution of the Scheme, which under happier circumstances may lead to

the completion of a Treaty and thus prevent the levying of import duties, a system cumbrous and filled with manifold disadvantages.

Carried unanimously.

The Committee then dissolved.

Mr. Skinner the Chairman brought up the report which was adopted and ordered to be transmitted to his Excellency.

The House then adjourned.

J. S. Helmcken
Speaker

Tuesday, the 21st day of July, 1857

There not being a sufficient number of Members present the House adjourned until [blank].

Monday, the 3rd day of August, 1857

The House met this day.

Present: Messrs. J. D. Pemberton, T. J. Skinner, J. Yates, J. W. McKay, J. Kennedy, and The Speaker.

The House went into Committee upon the order of the day.

Mr. Skinner in the Chair.

The Bill for the Registration of Births Deaths and Marriages, was then considered and unanimously agreed to without amendment or erasure.

The Bill for defining the width of Public Roads was then brought forward.

Mr. Pemberton moved that the first clause be expunged, as he considered the Bill unnecessary and incomplete.

Mr. Helmcken opposed the motion and considered the Bill very much wanting and would prevent much trouble and litigation in future; moreover [it] would shew every colonist how much the authorities could take from his estate in shape of roads, and thus in some measure prevent the present arbitrary system.

Several members then made observations and the House divided

<i>Ayes</i>	<i>Noes</i>
J. D. Pemberton	J. S. Helmcken
J. Yates	J. W. McKay
J. Kennedy.	

The Bill was therefore considered lost. (But there is a mistake here, as the Chairman did not vote. J. S. H.)

Mr. Skinner brought up the report, the Speaker being in the Chair.

Mr. Skinner wished to know whether the Executive intended taking any steps for the apprehension of the murderers of James Newbird.

The Speaker answered that from a conversation he had had with his Excellency, it appeared that steps would be taken for their apprehensions, but as they resided in Russian Territory some time would be consumed.

The House then adjourned.

J. S. Helmcken
Speaker

Tuesday, the 11th day of August, 1857

Present: Messrs. J. D. Pemberton, J. Yates, J. W. McKay, J. Skinner, and The Speaker.

The Speaker directed the attention of the House to an error which had been committed at last meeting, viz. that the Chairman of Committee had not voted upon the Bill for defining the width of roads.

Mr. Skinner declared that he intended voting in favour of the Bill.

The House after discussion considered it expedient to renew the Committee on Friday next and to take the Bill into consideration; upon the principle that an error having been committed was capable of remedy.

The Speaker informed the House that a Message had been sent from his Excellency the Governor, and read the following.

Government House
5th August /57

To the Speaker and Gentlemen of the House of Assembly

I have received your Speakers communication of 16th July last, transmitting two addresses from the House of the same date, which shall have my best consideration.

I have on the present occasion to call the attention of the House, to the Ordinance of the 29th of March 1853, which authorises the licensing of Inns Public or Beer Houses, and regulates the amount of duty chargeable for general wholesale and retail Licenses, but does not fix the rate of duty chargeable on Houses licensed for the sale of Beer only.

An application for a Beer License, having been made to the Licensing Magistrates, at their late annual meeting by a respectable citizen of Victoria, it was granted accordingly, and in the absence of a legally fixed rate, the sum of 20£ was charged for the said License.

I have now to recommend to the House that the License Law be remodelled, or a clause added to that Law, fixing the amount of duty to be hereafter charged for Licenses to sell Beer and other Malt Liquors.

Signed James Douglas
Governor

This communication having been read, several Members made observations censuring the assumption of extraordinary powers by the Magistrates, whilst others defended the same on the score of expediency. The House at last agreed to go into Committee on the 14th inst. to consider the steps to be taken relative thereto.

Mr. McKay Moved that the Bill for the Registration of Births Deaths and Marriages be read a third time.

The Bill was then read a third time, and upon the motion that the Bill do pass being put, there was no opposition and the Bill passed accordingly, and ordered to be transmitted to His Excellency the Governor and Council for their consideration.

The House then adjourned until Aug. 14th then to go into Committee as above stated.

J. S. Helmcken
Speaker

Friday, the 14th day of August, 1857

Present: Messrs. J. Yates, J. Kennedy, J. D. Pemberton, T. J. Skinner, and The Speaker.

The Speaker informed the House that there was no business on hand.

The House then went into Committee pursuant to notice.

Mr. Skinner in the Chair.

The subject of the Governors communication was then brought forward by the Chairman reading the communication.

The Members made observations thereon and determined that "the levying of 20£ for beer Licenses without the consent of the Legislature was a breach of Privilege and contrary to constitutional usage, but considered that it had not been done with such intention, but nevertheless considered that notice ought to be taken of the fact. The House also considered it inexpedient to legalize ex post facto¹ the Act as being a dangerous precedent.

The House therefore embossed the following resolution brought forward by Mr. Pemberton at the instance of the Committee Seconded by J. S. Helmcken.

To His Excellency, James Douglas, Governor Vancouvers Island

The House of Assembly in Committee have the honor to acknowledge the receipt of your Excellencys communication of the 5th August 1857 suggesting their consideration of the Ordinance of the 29th March 1853 with a view to remodelling the same, and beg to say the subject shall receive their closest attention at a future period.

The House is further of opinion that the sense of the House should have been taken previously to fixing the 20£ rate, which they would respectfully suggest was a breach of their privilege.

The above resolution was then unanimously agreed to.

A conversation then took place upon the subject of the amount of the Licenses and the general opinion appeared to be that the rates were too high, but no conclusion on this subject was come to, the conversation being with the

¹ In the original the words "an ex post facto" were stricken by the clerk, but the sense of the text suggests that this was in error.

intention of knowing the opinion of Members with the intention of embodying the same in a Bill.

The next Bill brought forward was An Act to define the width of Public Roads.

Mr. Helmcken begged to observe that with the permission of the House he would withdraw the Bill for the present, provided that the House would consent to its reintroduction in another form on a future occasion.

The House agreed to the proposal.

The Business before the Committee having been completed, the Chairman reported progress &c &c.

The Speaker then took the Chair.

Mr. Skinner Chairman of Committee brought up the report which was agreed to.

Upon mutual agreement the House adjourned until September 11th previous to which, however, Mr. Skinner asked leave to bring in a Bill on the subject of Licenses to Inns Beer Houses &c., with a view to fix the rate of the same.

J. S. Helmcken
Speaker

Friday, the 11th day of September, 1857

The House met this day.

Present: Messrs. J. Yates, T. Skinner, J. W. McKay, J. Kennedy, and The Speaker.

Mr. Skinner withdrew his notice of Motion on the subject of the Licensing of Public Houses &c.

There being no other business before the House, the House adjourned until this day fortnight.

J. S. Helmcken
Speaker

Friday, the 25th day of September, 1857

No business.

On the motion of Mr. Pemberton [the House] adjourned until this day four weeks.

J. S. Helmcken
Speaker

Friday, the 23rd day of October, 1857

No Business.

Present: Messrs. Skinner, Kennedy, Yates, McKay, and The Speaker in the Chair.
On the motion of Mr. McKay the House adjourned until this day two weeks.

J. S. Helmcken
Speaker

Friday, the 6th day of November, 1857

No Business.

Adjourned until 20th Nov.

Friday, the 20th day of November, 1857

No Business.

Adjourned until December 4th at 11 oClock A. M.

J. S. Helmcken
Speaker

Friday, the 4th day of December, 1857

The House met this day.

Present: Messrs. J. Yates, J. W. McKay, J. Kennedy, J. Pemberton, and The Speaker in the Chair.

Mr. McKay brought up the report of the Committee appointed to Enquire into the state of the Public Schools.

The report was then read and ordered to be laid upon the table.

Mr. McKay then gave notice That the House go into Committee at its next meeting for the purpose of considering the propriety of removing the Victoria School to a position nearer the Town of Victoria.

The House was then adjourned by motion to Decbr. 11th at 10½ A.M.

J. S. Helmcken
Speaker

Friday, the 11th day of December, 1857

The House met this day.

Present: Messrs. J. W. McKay, J. Yates, J. Kennedy, J. D. Pemberton, T. J. Skinner, and The Speaker in the Chair.

J. Yates moved "For information respecting the Bill to extend the Franchise to the Town of Victoria; also concerning the Bill for the Registration of Births Deaths and Marriages."

J. Kennedy seconded the motion.

Agreed to Nem. Con.

J. Kennedy Moved "that a copy of the Colonial accounts for the year 1857 be laid before the House as early as convenient."

T. J. Skinner seconded the motion.

Agreed to Nem. Con.

The House then went into Committee, there being no objection thereto.

Mr. Skinner Chairman.

Mr. McKay then moved "that the House consider the propriety of removing the Schools to a position nearer the Town of Victoria."

J. Yates seconded the motion.

After discussion it was agreed to unanimously.

J. D. Pemberton moved the next resolution "That the School House at Craig Flower being in a very delapidated condition, be thoroughly repaired before being taken off the Contractors hands."

J. W. McKay Seconded the motion.

It was also moved that Information be requested "whether any land be legally attached to the District Schools or not, and if any, what extent of Land is attached to each School."

The Report of the Committee on Schools was ordered to be transmitted to his Excellency the Governor, & Council with the request that he would direct his attention to the subjects mentioned therein.

On Motion the House adjourned until next Tuesday a week Decbr. 22nd.

J. S. Helmcken
Speaker

Tuesday, the 22nd day of December, 1857

The House met this day.

Present: Messrs. T. J. Skinner, J. W. McKay, J. D. Pemberton, J. Kennedy, and The Speaker in the Chair.

Mr. Secretary Gollodge brought in a communication from his Excellency the Governor, which was opened and read, relating to

1st "The Bill for the Enfranchisement of Victoria."

2nd The Bill for the Registration of Births Deaths and Marriages which Bills are to be laid before the Council as also

3rd Certain Resolutions regarding the Licensing of Public and Beer Houses.

4th A communication relating to Schools, and a Notice regarding the Fees authorized to be taken by Teachers.

5th An Account of the Expenditure for the year ending Octbr. 31st 1857.

For all these communications see Correspondence Book Decbr. 19th.

Mr. Skinner proposed a vote of thanks to his Excellency the Governor for his communication.

Carried Nem. Con.

The House then adjourned until the second Thursday in January.

J. S. Helmcken
Speaker

Thursday, the 14th day of January, 1858

The House met this day.

Present: Messrs. J. W. McKay, J. Kennedy, T. J. Skinner, J. D. Pemberton, and
The Speaker in the Chair.

No business.

Adjourned for a Month.

Sunday, the 14th day of February, 1858

No House.

Sunday, the 14th day of March, 1858

No House.

Thursday, the 8th day of April, 1858

The House met this day.

Present: Messrs. T. J. Skinner, J. Yates, J. W. McKay, J. Kennedy, and The Speaker in the Chair.

Mr. McKay moved that the House go into Committee at its next meeting "To consider whether any alteration is required in the laws relating to the Licensing of Houses for the sale of Spirits, Beer &c.

Agreed to.

The House then adjourned until Monday.

J. S. Helmcken
Speaker

Monday, the 11th [12th] day of April, 1858

The House met this day.

Present: Messrs. J. W. McKay, J. Kennedy, T. J. Skinner, J. Yates, and The Speaker.

His Excellency the Governor's message of the 5th August 1857 was then read. After which the House went into Committee to consider Mr. McKays notice.

The Committee after due consideration of the subject adopted the following resolutions without division.

That no alteration is at present necessary in the law relating to the granting of Licenses for the sale of Spirituous Liquors.

That 50£ shall be paid for a License to sell Beer only.

That this Law be limited to one year from its passing.

The House then adjourned until Monday [Thursday] next April 15th.

J. S. Helmcken
Speaker

Thursday, the 15th day of April, 1858

The House met this day.

Present: Messrs. J. W. McKay, T. J. Skinner, J. Yates, J. Kennedy, and The Speaker.

The Bill to amend the Law relating to the licensing of Inns Public and Beer Houses was read a first time, and is as follows,

An Act to amend the Law relating to the licensing of Inns public and Beer Houses.

Whereas by an Ordinance published March 21st 1853, provision was made for the licensing Houses for the sale of Spirituous Liquors and whereas no provision

was at that time made for licensing Houses for the sale of Beer and other Malt Liquors Cyder and Perry

Be it enacted That the sum payable for a Beer license shall be 50£ sterling per annum.

2nd That such license shall permit the sale of Ale Beer Porter or other Malt Liquors as well as Cyder and Perry.

3rd That the Law relating to Licensed Houses shall terminate at the expiration of one year from the passing of this Act.

The bill was then read a first time and Agreed to Nem. Con.

The second reading ordered for April 19th 1858.

The House then adjourned.

J. S. Helmcken
Speaker

Monday, the 19th day of April, 1858

The House met this day.

Present: Messrs. T. J. Skinner, J. Kennedy, J. W. McKay, J. Yates, and The Speaker.

The Bill to amend the Law relating to the Licensing of Inns Public and Beer Houses was then brought forward and the Second Reading agreed to Nem. Con.

The House then adjourned to April 22nd.

Thursday, the 22nd day of April, 1858

No House.

Thursday, the 29th day of April, 1858

The House met this day.

Present: Messrs. J. W. McKay, J. D. Pemberton, J. Yates, T. J. Skinner, and The Speaker.

On Motion of J. W. McKay the Bill to Amend the "Law relating to the licensing of Inns Public and Beer Houses" Was read a third time.

After discussion the Third Reading was agreed to Nem. Con.

Ordered to be forwarded to his Excellency the Governor and Council.

House adjourned until this day fortnight.

J. S. Helmcken
Speaker

Wednesday, the 12th day of May, 1858

Present: Messrs. J. Yates, J. D. Pemberton, J. W. McKay, Kennedy, and The Speaker.

Mr. Pemberton gave notice of intention to bring in a bill on the subject of Castration of Cattle roaming the plains.

Mr. McKay asked leave to bring in a Bill to impose a duty of 5 per Cent upon all goods imported into Vancouvers Island. Leave granted.

The House to go into Committee at next meeting.

House adjourned for a week.

J. S. Helmcken
Speaker

Wednesday, the 19th day of May, 1858

The House met this day.

Present: J. D. Pemberton, J. W. McKay, Kennedy, T. J. Skinner, J. Yates, and Speaker in the Chair.

Mr. Pemberton withdrew his Bill upon the subject of the Castration of Cattle, owing to the numerous difficulties besetting the subject, but would bring it forward on a future occasion.

Mr. McKay hoped the House would grant him a longer period to prepare the Bill for levying an import duty of 5 per. Cent on all goods imported into Vancouvers Island.

Leave granted.

The House then adjourned until the second Thursday in June, to meet at 11 A. M.

J. S. Helmcken
Speaker

Thursday, the 10th day of June, 1858

The House met this day.

Present: Messrs. J. W. McKay, J. D. Pemberton, T. J. Skinner, J. Yates, J. Kennedy, and The Speaker.

Mr. J. D. Pemberton presented a petition signed by upward of 80 Colonists against the proposed import duty of 5 per. cent.

Permission was granted to read the Petition which was done accordingly.

Mr. Yates gave notice that at next Meeting "I intend putting a question to the Surveyor General to know by what right and Authority the services of the colonial surveying department are employed in laying out and disposing of

the private property of the Hudsons Bay and Puget Sound Cos.; and also whether these companys pay for the time and expenses occurred in doing so.”

Mr. Yates also gave notice that at next meeting the House go into Committee to consider the subject of petitioning the Home Government to attach Frazers River and the surrounding Country to Vancouvers Island and to remove the same from the dominion of the Hudsons Bay Compy.

The House then went into Committee upon Mr. McKays motion to levy a duty of 5 pr. cent upon all goods imported into Vancouvers Island; but allowing a drawback for all goods reexported. Mr. McKay considered a revenue necessary and that this was the easiest way of raising one: being a Tax upon Merchants who up to the present have not paid any Taxes at all, whilst the Land owners have paid 18 shillings upon every acre of Land they purchase.

Mr. Pemberton seconded the motion; not that he intended supporting the same but merely to give it discussion.

Mr. Yates rose to oppose the motion and to move that the Bill be read this day six months.

Mr. Helmcken seconded the amendment and shewed that the question had been already considered and that the House had already come to the decision

1st That before Taxes were raised the Representation should be more perfect the Towns being represented as well as the Districts.

2nd That before Taxes were raised the whole revenue of the Island should be placed under the Colonial Legislature.

He meant to adhere to these decisions and not to tax people who were not represented; moreover no reason had been assigned for the Tax.

Mr. Pemberton altho he seconded the motion did not mean to support it, because he considered it illegal and injudicious to levy duties upon British Manufactures.

After some further discussion in which it was complained that the Bill already passed by the House for the Enfranchisement of Victoria had not been taken any notice of, the House divided

<i>For the Motion</i>	<i>For the Amendment</i>
J. W. McKay.	J. Yates
	J. W. Skinner
	J. Kennedy
	J. S. Helmcken
	J. D. Pemberton.

The Motion of course lost.

The Chairman reported progress and the House adjourned until Tuesday next 11 A. M.

J. S. Helmcken
Speaker

Wednesday, the 16th day of June, 1858

The House met this day.

Members present: Messrs. J. W. McKay, T. J. Skinner, J. Yates, J. D. Pemberton, J. Kennedy, and The Speaker.

Mr. Yates rose and asked the questions of which he had given previous notice.

Mr. Pemberton did not consider himself bound to give any answer and thought the House arrogated to themselves powers they did not possess—He was not under the jurisdiction of that house—the House did not vote his salary—in fact he was engaged to the Hudsons Bay Co. and to them alone was he answerable for any official act: if he had been called upon by the Governor and Council as well as the Assembly he would have taken a different course—but constituted as this House was he at all events would not serve them supposing he was under their jurisdiction.

Mr. Yates considered the answer an insult to the House generally: and would take other steps to ensure his end.

The subject was then dropped.

Mr. Skinner rose to move

That an address be presented to his Excellency the Governor humbly praying a Conference with his Excellency the Governor upon the following subjects

1st The rights and privileges of the Hudsons Bay Co. as far as relates to the exclusive Navigation of Frazers River.

2nd Whether the Executive have assumed any Authority over that River.

3rd By whose Authority the sufferances to navigate Frasers River are granted; and by what right the Hudsons Bay Cos. goods only are allowed to be carried up.

4th What intentions of his Excellency the Governor and Council may be with regard to the future Government of the district around Frasers River.

5th The House begs to assure Your Excellency that the Conference is requested solely with the intention of promoting the interest of this Colony.

The House will meet again on Thursday at 11 A. M. and trust to receive an answer naming the time and place for holding the Conference and convenient to Your Excellency.

Mr. Yates seconded the motion.

Mr. McKay opposed the motion upon the grounds that we had no right to ask a Conference: that in fact we were interfering where we were not concerned and stultifying ourselves.

Mr. Pemberton seconded the opposition and considered that notice ought to have been given previous to bringing on the subject.

Mr. Skinner could only draw the attention of the House to the importance and urgency of the subject as an excuse for the present mode of proceeding.

After some further unimportant discussion the House divided

<i>For the Address</i>	<i>Against it</i>
J. Yates	J. W. McKay
T. J. Skinner	J. D. Pemberton
J. Kennedy	

Address carried.

Mr. Yates asked leave to postpone his motion for a petition to the British Government to annex the country about Frazers River to this Colony, for a week, as the Conference might afford information most important to the subject.

Leave granted.

The House then adjourned until June 18th at 11 A. M.

J. S. Helmcken
Speaker

Friday, the 18th day of June, 1858

The House met this day.

Present: Messrs. T. J. Skinner, J. Yates, J. D. Pemberton, J. W. McKay, and The Speaker.

A Message was brought from his Excellency the Governor of which the following is a copy.²

The Message having been read the House consented to meet at the time and place appointed, and the Speaker was deputed on the part of the House to conduct the Conference: and also to convey the thanks of the House to his Excellency for the courtesy shewn.

At 3 o'clock P. M. the Members mentioned as having been present at the House assembled at Government House and there met his Excellency the Governor, John Work and Roderick Finlayson, Councillors.

His Excellency commenced by stating that any information he possessed would be cordially given; but that which was in process of negotiation he could not inform the House excepting in confidence and that this part must by no means be made public.

1st With regard to rights of the Hudson Bay Co.—

These rights were granted to them by license.

The Speaker suggested that this License referred to trade with Indians only; and not to white men, but his Excellency suggested that there were no white men at that time in the country; but further he had received advices from the Home Government which left no doubt that the Hudsons Bay Co. did possess the exclusive right of navigation and trade.

² The communication from Governor Douglas dated 16 June 1858 inviting the House to confer with him was omitted from the original.

2nd As to whether the Executive had assumed any Authority over that River—He had not assumed any power, but he being the representative of the Crown had stepped in to preserve Law and order as in duty bound, and had made regulations enforcing the navigation Laws of Great Britain. He had allowed persons to go up and granted them a License to mine. He had appointed Custom House Officers. He had appointed justices of the peace; and he had called upon H.M.S. Satellite to aid and assist in the prevention of the violation of the Navigation Laws.

The Speaker wished to know whether having taken or undertaken the Government of Frasers River, this in itself did not abrogate the right of the Company to exclusive navigation, but his Excellency replied that it was entirely out of his power to abrogate any of the rights or privileges of the H. B. Co.; in fact as far as he had gone he had received the sanction of the Hudsons Bay Cos. officers out here: moreover that the British Government regarded treaties as sacred and binding in all cases.

3rd As regards the point by whose Authority the “Sufferances” to Frasers River are granted; his Excellency replied “by the power vested in him as representative of the Crown and also by consent of Hudsons Bay Cos. agents; and as regards the point as to what right the Hudsons Bay Cos. property only is allowed to be carried up; he must reply that the Company as already said having the exclusive right to the trade and navigation, necessarily excludes any others property being taken up except by permission.

The Speaker suggested that the miners having been *allowed* to go up and as the Government had more or less taken controul of the River, it would almost be supposed [to] follow that these people had a right to be supplied with provisions exclusive of the Cos. monopoly, and therefore that British vessels had the right to proceed there (having cleared here of course) for that purpose, that is to say to supply their natural wants.

But his Excellency replied that he must say again he had no [authority] to diminish or lessen the Cos. rights and privileges.

The Speaker suggested that the H. B. Co. had not the means of supplying the large number of persons that would be at the Mines within a short time; and that it appeared probable that starvation or matters equally serious would probably happen; it would therefore be considered [to] be proper to allow vessels to trade provisions.

His Excellency replied that all these matters had received very serious and severe deliberation and already permission had been granted to two American Steamers to carry passengers and provisions under certain restrictions; and in allowing this he had been compelled by necessity, and that necessity had also compelled him to act more or less illegally but not unjustly; if necessity should compel of course permits would be granted to other vessels for like purposes and that everything possible would be done to avoid the dangers of starvation.

The Speaker suggested also that Merchants in England seeing the restrictions put upon trade would be very unlikely to send out ships with supplies and Emigrants or passengers, thus committing a double injury first to our country and secondly to our Colony; and also it was to be feared that Merchants would

suppose that as the Hudsons Bay Co. could be the only or at least the only great purchasers they would be more or less at the mercy of this Co. who would only give whatever price they pleased; that is to say the ships could not have any other market to take their supplies to.

But his Excellency replied that far from having the effect the Speaker so much feared it would have exactly the contrary; and that he thought it offered greater inducements to British Merchants than an open trade would do. And as regards the price of articles that depended entirely upon supply and demand, and he was quite sure and the House must also know, that the Hudsons Bay Co. were upright and honorable and not likely to stoop to unfair dealing.

4th As regards the fourth clause relating to the future government of Frazers River, he must apprise the deputation that as this was a matter at present under negotiation, he could not make it known, but in confidence and that the House might know the general outline of his policy he would read Extracts from his last Despatches to the Home Government.

The Speaker wished to enquire whether the Hudsons Bay Co. having the exclusive right to trade could transfer any part of their right to others; that is to say whether they could grant sufferances to other vessels to trade.

The Governor suggested that the Company did not transfer their rights; in fact that the regulations and stipulations did not interfere with their rights; and that the House must recollect: that it was the conjoint act of the Governor and the Governor as part of the H. B. Co.

His Excellency remarked that he had been actuated by motives; in the first place to do every justice to the Hudsons Bay Co. and secondly to promote by every legitimate means the welfare and prosperity of the colony. He would be always willing to give the House every information and was pleased that this conference had been asked.

The Speaker replied that the Conference had been asked 1st for the sake of information; it being the Misfortune of the House of Assembly not to possess any Government Member; that is to say any one to supply information upon the acts and intentions of the Governor and Council, and secondly that the information afforded verbally would save his Excellency an immense amount of trouble in writing which it was also intended to obviate as the House was well aware that his Excellency was at the present time very much harrassed and they did not wish to add unnecessarily to his trouble; but as the House had a duty to perform, viz. to endeavour to promote the interest and welfare of their constituents or rather of the Colony; they had chosen to ask information previous to pledging themselves on the subject. He in the name of the House begged to thank his Excellency for the courtesy shewn, and did not think that any great difference of opinion existed (now that all had been explained) between those entertained by the House and his Excellency.

The Deputation then withdrew.

J. S. Helmcken
Speaker

Friday, the 25th day of June, 1858

No House.

Mr. Yates' motion relating to a Petition to the Home Government to attach Frasers River to this Colony falls to the ground.

Saturday, the 3rd day of July, 1858

The House called together at the request of his Excellency the Governor.
Present: Messrs. T. J. Skinner, J. W. McKay, J. D. Pemberton, J. Yates, and The Speaker.

The Speaker read a petition received from the Governor and signed by Messrs. Peck, Anderson, Young and Pearse offering to form a Company for supplying the Town of Victoria with water at one Cent the gallon, provided that the Monopoly of supplying the Town of Victoria with water were granted to them for the Term of Fifty Years, at the expiration of which period all the property of the said Co. should fall to and be vested in the Corporation of the said Town of Victoria.

After some discussion thereon in which the urgency of the case was allowed and the necessity for a supply of water admitted by all Mr. Pemberton (Victoria) proposed the following Resolution.

That this House is of opinion that an exact and definite Scheme should have been proposed with correct Plans and Estimates shewing its feasibility and probable profits. The Water Company should also state all particulars as to its formation the Number and Amount of Shares and Stockholders and the amount of Capital that would be lodged previous to obtaining any grant of Monopoly from this House.

Mr. Yates (Victoria) then asked leave to bring in a Bill upon the subject of the Registration of Real Estate.

Leave granted. The first reading to be taken on Thursday next.

The Speaker next informed the House of his intention to ask permission of Honble. Members to retire from his present position and hoped that the Honble. Members would elect another to fill the Chair.

J. S. Helmcken
Speaker

Friday, the 9th day of July, 1858

The House met this day.

Present: Messrs. J. D. Pemberton, J. Yates, J. Kennedy, J. W. McKay, T. J. Skinner, and The Speaker.

A Petition was presented from Messrs. Anderson and Pearse remarking upon the subject of the Resolution of the House of the 3rd Inst. intending to shew the

impossibility of forming a company excepting the House should first grant them the privilege prayed for in their petition.

Mr. Pemberton moved "That this House cannot reenter upon the Question excepting the Resolution of the House be complied with."

He remarked that in all cases of Companys being formed, plans and calculations were made shewing the feasibility of the Enterprise. He also considered that the House could not enter upon such subjects without having accurate data upon which to found an opinion. The object of Governments in such cases being to prevent ill informed persons sustaining severe losses by fraudulent or frivolous schemes. Moreover he did not consider it becoming the dignity of the House to pledge themselves upon any private question. He was also well aware that preliminary expenses were incurred but such expenses could not be avoided and were part of the Scheme. He felt quite sure that the House would lend their assistance to any Scheme which would tend to advance the prosperity and comfort of the Colony.

T. J. Skinner seconded the Resolution, which was unanimously agreed to.

Mr. McKay asked leave to postpone the first reading of the Bill on the subject of the Registration of Real Estate for ten days.

Leave granted.

The Speaker then brought forward the request of which he had given notice viz. to Allow him to resign the Office of Speaker.

Mr. Pemberton hoped Mr. Speaker would reconsider the matter. He was only speaking the sentiments of the House in saying that every Member would regret to lose the services of one who had become invaluable.

Mr. Skinner coincided with the views of the Honble. Member for Victoria and hoped that Mr. Speaker would reconsider the question but if Mr. Speaker persisted in his wish to retire he would propose that his Excellency the Governor be requested to dissolve the House.

Mr. Yates would support the Honble. Member for Esquimalt but would beg Mr. Speaker to retain the Chair sometime longer as it must be well known that as soon as the Government of the Island was changed the House would be dissolved.

The Speaker expected fully to be allowed to resign but as the Question had now become so complicated, that is to say that if he resigned the House would petition to be dissolved, he must consent to act for a time longer, because he did not consider the present excited period a fit time for a general election, altho he considered a new Election advisable.

The House then adjourned for ten days.

J. S. Helmcken
Speaker

Monday, the 19th day of July, 1858

Present: Messrs. J. Yates, J. D. Pemberton, J. W. McKay, J. Kennedy, and The Speaker.

A petition was presented from Messrs. Young Anderson and Pearse.
Ordered to be taken into consideration on Tuesday next.

Mr. McKay begged leave to postpone his Motion for two weeks.
Leave granted.

House adjourned until Tuesday next July 27th.

J. S. Helmcken
Speaker

Tuesday, the 27th day of July, 1858

House met this day.

Present: Messrs. J. D. Pemberton, J. W. McKay, J. Kennedy, T. J. Skinner, J. Yates, and The Speaker.

The Speaker begged to call the attention of the House to the great need at present existing of some place to provide for the destitute sick of whom several existed.

Also to call the attention of the House to the subject of the Funds still remaining unappropriated from the License fund of last year, and also hoped the House would move for returns of the amount derived this year from the same source, with a view to the House going into Committee to vote supplies for the ensuing or rather present year.

A Petition was presented by Mr. Skinner from Henry Toomy for self and associates upon the subject of obtaining the Privilege of supplying the Town of Victoria with Gas.

Petition ordered to be taken into consideration on Tuesday next and Mr. Toomy requested to be present upon the House going into Committee.

Mr. Skinner then brought forward the following resolution "That an humble request be presented to his Excellency the Governor that he will cause the Springs and Land adjacent to the old well which formerly supplied the Town of Victoria with water to be reserved for the uses of the Public and on no account to be sold at present to any private individual or joint stock Company."

Agreed to unanimously after having been seconded by Mr. Yates.

The House then went into Committee upon the subject of the Petition of Messrs. Anderson, Young and Pearse concerning the water company.

After the Petition had been read and the Question discussed Mr. Pemberton moved "That the Committee are of opinion that the Resolution of the House of July 3rd had in no way been complied with by the Petitioners Messrs. Anderson Young and Pearse, but would recommend the House to grant a

Monopoly for a term of ten years to a Joint Stock Co. proving itself the best qualified to supply the Town of Victoria with water in the most economical and satisfactory manner and at the earliest period."

Mr. McKay seconded the Resolution which was subsequently agreed to Nem. Con.

The House then resumed its sitting. Mr. Skinner brought up the Report of the Committee which being agreed to.

A desultory conversation took place upon the subject of the dangerous condition of the Bridges and obstruction to the pathways at present. Mr. Pemberton undertook to lay the whole matter before the Executive not that he had any authority but because he had hitherto undertaken that Department and had formerly caused a notice to be published prohibiting galloping over the Bridges which he foresaw would lead to the evil now complained of.

The House then adjourned until Tuesday next to meet at 11 A. M.

J. S. Helmcken
Speaker

Tuesday, the 3rd day of August, 1858

The House met this day.

Present: Messrs. J. W. McKay, J. Yates, J. Kennedy, T. J. Skinner, and The Speaker.

Mr. Yates moved—That a Committee be appointed to enquire into the state and discipline of the public Prison and to report thereon at the very earliest period.

Mr. Skinner seconded the Motion. The Speaker suggested that notice ought to have been given of the Motion, but if the House had no objection to enter upon the subject they might do so.

The House agreed to the Motion and the following Members appointed to act on the Committee: T. J. Skinner, James Yates, J. Kennedy.

The Committee to deliver report on Thursday next.

Mr. McKay begged to move for Returns of Monies received for the Licenses from Inns Public & Beer Houses, the names of the parties holding such Licenses and for any other funds at the disposal of the House.

Agreed to.

Mr. McKay then brought forward the Bill for the Registration of Deeds &c.

The Bill having been read Mr. Kennedy seconded the Motion—After which the first reading was agreed to & the Bill ordered to be printed.

The second reading to be taken this day fortnight.

The Speaker informed the House that the Committee of the House to enquire into the Petition of Mr. Henry Toomy relating to a Gas Company had been postponed until Thursday at 10 A.M.

J. S. Helmcken
Speaker

Thursday, the 5th day of August, 1858

Present: Messrs. J. W. McKay, J. D. Pemberton, J. Yates, J. Kennedy, and The Speaker.

Mr. Skinner begged leave to ask whether the Colonial School House had been taken for a private Residence and if so by whose Authority.

Mr. Pemberton tried to explain the matter but information to be requested from the Governor.

Mr. Skinner seeing the Honble. Member the Colonial Surveyor in his place begged to be informed whether the Victoria Bridge is capable of being opened or not and if sufficient room existed for the passage of ships.

Mr. Pemberton explained that the Bridge could be opened but that it was difficult and he thought dangerous to the structure. When opened it would only admit small craft for which it had been intended. There might be some Temporary means adopted whereby ships of larger size could be admitted.

Ordered to be considered at next meeting.

Mr. Skinner brought in the Report of the Committee appointed to enquire into the state and discipline of the public Prison and to report thereon.

Ordered to be read and the Recommendations of the Committee to be taken into consideration at next meeting Tuesday next at 11 A. M. and in the meanwhile the report to be sent to his Excellency the Governor.

At the next meeting it was proposed to take into consideration the propriety of erecting a public Hospital.

The House then went into Committee to consider Mr. Toomeys petition with regard to supplying the Town of Victoria with Gas. After much discussion the following resolution was agreed to.

That Your Committee would do all in their power to promote Lighting the Town of Victoria with Gas; But until the Town of Victoria is Represented and Incorporated Your Committee do not think it advisable that any steps should be taken in the matter.

The House then resumed. The Chairman brought up the Report which was agreed to.

The House adjourned until Tuesday next 11 A. M.

J. S. Helmcken
Speaker

Tuesday, the 10th day of August, 1858

The House met this day.

Present: Messrs. J. D. Pemberton, T. J. Skinner, J. W. McKay, J. Kennedy, and The Speaker.

Communication received from his Excellency the Governor relating to

1st Returns of Monies arising from Duties on Public Houses.

2nd Information of Instruction having been given to reserve the Springs and Lands adjacent to the old wells for the use of the Public.

3rd Information regarding the School House, Victoria, being information asked for as per Resolution of the House of August 5th.

4th A Communication relative to the necessity of enlarging the Prison and raising funds for the erection of the same and other matters
For which see Correspondence Book.

Mr. Skinner gave notice that at the second reading of the Bill for the Registration of Deeds, He intended to move

1st That in lieu of 1200£ salary; the Office and Officials should be paid by Fees received from those Registering.

2nd That a Schedule of Fees should be made out.

3rd That securities should be required of the Registrar.

Upon Motion that the House go into Committee Mr. Pemberton moved that the Committee adjourn for a week, in consequence of the indisposition and absence of certain Members whose presence was desirable—particularly since the communication from his Excellency.

Mr. McKay seconded the motion which was agreed to Nem. Con. and the House adjourned until Tuesday next at 11 A.M.

J. S. Helmcken
Speaker

Tuesday, the 17th day of August, 1858

The House met this day at 11 A. M.

Present: Messrs. J. D. Pemberton, J. W. McKay, J. Yates, J. Kennedy, J. Muir, T. J. Skinner, and The Speaker.

Mr. Skinner presented a Petition from Mr. Toomey upon the subject of a Gas Company.

Ordered to be laid upon the table.

Mr. Yates Moved for Returns of the number of vessels entered at the Custom House since March 1st 1858 and the amount of Dues collected from the same. The number of Officers engaged in the Customs Department with their Salaries and whether they are British subjects or not.

Also for a copy of the Customs Regulations as passed by the Governor and Council, and to what purpose the Dues are appropriated.

Agreed to.

Mr. McKay Moved the second reading of the Bill for establishing a Registry of Deeds.

Mr. Skinner moved that in lieu of 1200£ a year salary the Office and Officials should be paid by the Fees received from those registering.

2nd That a Schedule of Fees should be made out.

3rd That securities should be given by the Registrar.

After some discussion Mr. McKay consented to No. 2 and 3 and it was agreed that No. 1 should be considered when the House went into Committee upon the Bill.

The Bill was then read a second time and ordered to go into Committee August 24th at 11 A. M.

The House then resolved itself into Committee as agreed upon to consider the communications received from his Excellency August 10th Mr. Skinner, Chairman.

The communication of his Excellency relating to the Prison at Victoria and Hospital was first brought forward and after discussion the following Address Agreed to Nem. Con.

The House begs to acknowledge the receipt of your Excellencys communication of August 9th relating to the Public Gaol and incident upon the report transmitted to your Excellency.

The House of Assembly in answer to that communication adopt the recommendations of the Committee appointed to enquire into the state and discipline of the Public Gaol, a copy of which is herewith transmitted, and furthermore think it advisable that a portion of the new addition to the Prison should be so planned as to serve the place of an Hospital for sick prisoners and that the building should be made chiefly for the purpose of keeping the nonconvicted from the convicted.

The House considers that the expense of such a building need not exceed the sum of 500£ and the mode of defraying the same will be considered in Committee of Ways and Means.

With respect to the erection of a Public Hospital, the House does not consider that such an Institution should be supported by the Colonial Government, but think that such benevolent objects should be left to the good feeling and charity of the Public, but at the same time the House agrees that when such an Institution is properly projected and in process of being carried out, the Government should lend assistance to the Scheme and promote the same in every constitutional way always premising that the Medical and Surgical staff of such Hospital should be composed of British subjects possessing a proper Diploma.

The preceding address proposed by J. Yates and seconded by J. D. Pemberton and agreed to unanimously.

The second Communication brought forward was that relating to the Victoria School House.

The House begs to acknowledge the receipt of your Excellencys communication of August 9th relating to the Victoria School House being information asked for as per Resolution August 5th.

The House with every respect would observe that by a Resolution of the House of Decbr. 11th 1857 and transmitted to your Excellency, the removal of the School House was recommended, but the House not having received any answer to that Recommendation supposed that such Resolution was not deemed advisable by the Executive particularly as 10 acres of Land surrounding the same were secured to the School after the recommendation of removal was made.

In consequence of the discovery of Gold in considerable quantities about Frazers River, Victoria from being a small village of a few acres in content, has now increased (judging from the quantity of Land sold) to three or four Miles in circumference and likely to become a place of importance and the Victoria School House instead of being a Mile away from the Town is actually at present upon the very border of it.

It is also to be observed that the said School House belongs to the District of Victoria and paid for out of the Funds derived from the Sales of Land &c. and being situated in the District of Victoria may be now considered as properly placed, particularly as the Town of Victoria when incorporated or properly organized will require a School for its own inhabitants and payable out of its own Funds.

With respect to the School-House (Victoria) being made over to the Customs Department the House would humbly submit the proceeding to be impolitic and considers it inexpedient unnecessary and unadvisable to supply the Officers of the Customs Department with private Residences as this would be entailing an unjustifiable and superfluous expense upon the colony and which in process of time would become a great evil and burden of some magnitude. Moreover the House considers that Officers of the Customs Department should reside near to where their services are most likely to be required and the School House being at least a Mile from any part of Victoria Harbour the House deems that building under any circumstances unsuited for the purpose.

For these reasons the House would humbly submit

1st That the Victoria District School House be allowed to remain in its present situation and be put into a proper state of repair.

2nd That it is inexpedient unnecessary and unadvisable to supply Officers of the Customs Department with private residences.

The above answer brought forward by J. S. Helmcken and seconded by Mr. Yates.

Mr. Pemberton moved that the words unnecessary and unadvisable be left out, but after discussion the sense of the Committee was against and subsequently the address was agreed to unanimously.

Mr. Kennedy then moved the following Address in answer to the Returns of Money over which the House had controul.

Seconded by Mr. Muir.

The House begs to thank Your Excellency for the Returns of Money over which the House has controul.

The House observes with surprise that no Licenses have been taken out by any one for the District of Nanaimo, altho it is very well known that large quantities of Spirituous Liquors are consumed there.

The House trusts that enquiry will be made into this matter and steps taken to enforce the Law in that District.

The House also observed that no notice has been taken of the balance remaining in hand from the License Fund of last Year.

The House further considers that the Income of the Customs Department is also under the controul of the Legislature, such income being derived in virtue of regulations made by the Colonial Government.

Unanimously agreed to.

Mr. Pemberton then moved the following resolution relating to the Victoria Bridge concerning which he had been asked at last meeting.

The Committee is of opinion that the Colonial Surveyor be empowered to widen the opening in Victoria Bridge, with a construction proper for the purpose and that a sufficient sum be placed at his disposal for that purpose.

This resolution was agreed to upon the understanding that the expenses should not exceed 1000£.

The business of the Committee being now completed, the House resumed its sitting, the report of the Committee was brought up and agreed to.

After which it was moved that the House go into Committee of Ways and means this day fortnight.

Agreed to.

The House then adjourned until Tuesday next at 11 A. M.

J. S. Helmcken
Speaker

Tuesday, the 24th day of August, 1858

The House met this day.

Present: Messrs. J. D. Pemberton, J. W. McKay, J. Yates, T. J. Skinner, and The Speaker.

A Petition was presented from Messrs. Nelson & [Jones] praying for permission to lease the Springs and old well, for the purpose of supplying the Town of Victoria with water.

Also a Petition from Capt. Stamp for permission to form a Company to supply the Town of Victoria with water.

These two petitions also that of Mr. Toomey to be taken into consideration this day week.

A Petition was also brought forward but being written in French was turned back as the House could not receive petitions presented in a Foreign Language.

Mr. Pemberton then wished the House to reconsider the Question of opening the Bridge. Whether it would not be better to build a new one at point Ellis [Ellice].

The Speaker informed the Honble. Member that according to the Rule of the House the same subject could not be twice considered during the same session; excepting permission was obtained by Motion from the House.

Motion made that Reconsideration be granted. Granted Nem. Con.

Mr. Pemberton then moved "That the Resolution of the House of the 16th Inst. to make a swing Bridge in the present Victoria Bridge be reconsidered, with the intent to make a New Bridge at Point Ellis with proper approaches and containing a draw or swing Bridge."

The House agreed to go into Committee upon the subject on Friday next at 11 A. M.

Upon Motion that the House do now go into Committee upon the Bill for Registration of Deeds. Mr. McKay explained that he had not been able to prepare a scale of Fees and begged to withdraw the Bill in order to render it more complete and reintroduce it at a future period.

Leave granted.

The House then adjourned until Friday next at 11 A. M.

J. S. Helmcken
Speaker

Certain communications were also received from his Excellency the Governor which were ordered to be taken into consideration on Tuesday next. See correspondence Book Aug. 24th.

J. S. H.

Friday, the 17th day of September, 1858

House met today, the first time since August 24th.

Present: Messrs. J. W. McKay, T. J. Skinner, J. D. Pemberton, J. Yates, and The Speaker.

Mr. Pemberton presented a petition from certain Restaurant Keepers (French) complaining of their not being allowed to sell wines, (an indispensable commodity) to their customers.

Mr. Pemberton gave notice of leave to bring in a Bill upon the subject, and moved that it be read a first time to day after Committee.

The House then went into Committee upon his Excellency's letters received at last Meeting.

The first brought forward was that relating to Licenses not having been taken out for Nanaimo.

Mr. Skinner (Chairman) thought the message disrespectful to the House; they were not common informers and had done their duty in calling the attention of the Executive to the subject.

Mr. Pemberton considered the letter a very sensible one and to the point; he did not think the Executive was the proper power to prosecute.

After discussion the following address was agreed to.

With every respect the House of Assembly acknowledge your Excellency's communication of Aug. 23rd in answer to theirs of 17th of same month.

The House in replying do so with all deference and beg to thank your Excellency for the suggestion contained in the first paragraph, but find themselves relieved from following the same in consequence of the Nanaimo Coal Co. (these being the only landowners in that District) having taken out a License.

In regard to the second paragraph wherein it is stated "that the House has consequently the means of ascertaining through its own records, what sums were voted for the service of the year and what balance if any remains disposable for the current year." The House begs with all deference to observe that altho an account of the Expenditure for the year 1857 to 58 had been laid before the House, yet the account of the income of the same year had not been received.

The House therefore was under the necessity of taking the trouble to refer to your Excellency for information which doubtless would have been willingly given had your Excellency been aware of the circumstances alluded to above.

The House regrets giving your Excellency so much trouble but beg for an Account of the Income for the year ending October 31st 1857, particularly distinguishing the amount received from the Licenses to Inns Public & Beer Houses.

The next letter was that relating to the Victoria District School House.

Mr. Helmcken brought forward the following after stating that he considered part of the letter an insult to the House.

House of Assembly
Sept. 17th 1858

The House of Assembly in Committee assembled beg to acknowledge your Excellency's communication of August 23rd being an answer to an Address of the House of the 17th Inst. relating to the intended removal of the Victoria District School, and the occupation of the School House by the Customs Department.

The House in replying to the communication of August 23rd do so with the utmost respect and remark that the contract for building the new School House not

having yet been issued from the Office and the designs even unprepared, it would not seem impossible that the wish of the House not to remove the Victoria District School might not be agreed to or complied with and in the hope that such may still be done, the House with all deference would remark That the ten acres of Land attached to the Victoria District School are the peculiar property of that School and cannot be alienated excepting with the consent of the Legislature. The House of Assembly object to the same being alienated as they consider that ultimately this Estate will be of the greatest importance to the Institution in question, and even supposing the School to be removed (which they trust may not be the case) the Estate must still remain the property of the Victoria District School.

With regard to the School House being removed to the Church Lands the House is further of opinion that the same is unadvisable, the School not being in any way connected with the Church, has no right whatever to usurp her land, which ere long she may require for her own peculiar purposes, in fact it would appear unconstitutional to alienate the one or appropriate the other.

The House beg leave also to remark that the Representatives of the District of Victoria to which the School belongs are the exponents of the opinions of the inhabitants of Victoria.

A rather stormy discussion ensued in which members retreated from the former deliberate opinion and ultimately Mr. Pemberton moved the following Amendment.

That this House is of opinion that your Excellencys answer dated August 23rd in relation to Removal of a certain School House is quite satisfactory, and that it is not their province to take active steps in such matters until required to do so by petition or by the voice of the people otherwise expressed.

After considerable merriment at the expense of the author the House divided:

<i>For the amendment</i>	<i>For the Address</i>
J. D. Pemberton	J. S. Helmcken
J. W. McKay	J. Yates
	J. Skinner

The Address consequently carried.

The Governors address with reference to the Public Gaol now Came on and the following answer Thereto brought forward.

House of Assembly
Sept. 17th 1858

The House of Assembly in committee beg to acknowledge Your Excellencys communication of August 23rd relating to the enlargement of the Victoria Prison; wherein reasons are given shewing such recommended enlargement to be both unadvisable and impossible.

The House was not aware of the objection entertained by the Hudsons Bay Co. upon the subject, but such being the case the House presumes a new one will have to be erected, and is moreover of opinion that the proper funds for (that purpose are) defraying the expenses of such Building are those derived from the Sales of Land & over which funds the House as stated by your Excellency has no controul.

The House therefore is relieved from voting any sum of money for the above purpose.

Mr. Pemberton moved that in place of "the House presumes" the words "the House strongly recommends" be substituted.

After much spirited discussion the same was negatived and the Address carried.

Now came forward the subject of the Customs Returns, and the following Address agreed to.

The House of Assembly beg to acknowledge the receipt of certain returns from the Customs Department, but would beg to represent that the Income of the Collector of Customs has been omitted in those returns.

The House would therefore request returns shewing the Income of the Collector of Customs and also a copy of the agreement with the said Collector as referred to in your Excellency's communication of August 23rd. The House would also be glad to know whether those officers engaged at the Custom House are paid by the Government or by the Collector out of his salary.

With reference to the second paragraph, wherein it is stated "that the Governor and council has not framed any Customs Regulations," the House would observe, that altho the Laws relative to shipping are enforced according to the Customs Consolidation Act, still the revenue arising from the same is in virtue of a Tax levied upon ships &c. in the shape of Entrance and clearance. The Amount payable for such entrance and Clearance being regulated entirely by the Colonial Government, and therefore being funds raised within the Colony by the Colonial Government are under the controul of the Legislature.

The House would therefore request that the Funds arising from this source be kept separate and distinct from those over which the House is said to have no controul.

Carried unanimously.

The House then resumed its sitting and Mr. Skinner brought up the Report after which Mr. Pemberton moved the first reading of the following Bill.

Whereas it is expedient that the Law relating to Licensed Houses be extended, be it enacted by the House of Assembly by and with the consent of his Excellency the Governor and Honble. Council.

1st That on and after the passing of this Act it shall be lawful for the Licensing Magistrates to grant Licenses to Houses for the sale of Wines only, and also to grant Licenses to keep Billiard Tables or Bowling Alleys or Skittle Grounds for hire or gain.

2nd That the annual sum to be paid for a License to sell wines only, shall be and is hereby declared to be Twenty Five Pounds.

3rd That the License to keep a Billiard Table or Bowling Alley or Skittle Ground for Hire or gain shall be Ten pounds for each and every one singly, but for each additional Billiard Table, Bowling Alley or Skittle Ground the sum of 5£ shall be paid.

4th Any person infringing this Law, shall be fined for each offence the sum of not less than Five nor more than 10£ or in default of payment, imprisonment for not less than five nor more than twenty days.

Seconded by Mr. McKay. The Bill agreed to for the first reading but serious Amendments to be proposed in Committee.

The Business having been completed the House adjourned until Sept. 21st at 11 A. M.

J. S. Helmcken
Speaker

Sept. 17. Additional and omitted in its proper place. Mr. Pemberton with the consent of the House rescinded the Resolution of August 17th empowering the widening of the opening in the Victoria Bridge, and then postponed the consideration of motion to build a new Bridge at Point Ellice.

Mr. Toomeys petition for the erection of Gas Works rejected in order not to throw any impediments in the way of a new Government.

J. S. Helmcken
Speaker

Tuesday, the 21st day of September, 1858

House of Assembly

Present: Messrs. J. W. McKay, J. D. Pemberton, J. Yates, T. J. Skinner, and The Speaker.

Mr. McKay moved that the House go into Committee at next meeting, to consider the propriety of voting £2000 for Roads in Victoria, and 600£ for improving the Road to Esquimalt Harbour.

Mr. Skinner asked leave to bring in a Bill for the preservation of Game during certain seasons of the year.

Business of the day. Mr. Pemberton moved the second reading of the Bill to extend the License Law.

Mr. McKay seconded the motion.

Second reading carried.

House to go into Committee on the Bill on Thursday next at 11 A.M.

Amendments to be proposed.

1st To be drunk on the premises only.

2nd That 15£ be put in lieu of 25£ annually.

3rd To exclude all that portion relating to Billiard Table, Skittle Grounds &c.

4th That a Licensed House to sell Spirituous and malt Liquors may keep one Billiard or Bagatell Table.

5 Several verbal amendments.

House adjourned until 23rd.

J. S. Helmcken
Speaker

Thursday, the 23rd day of September, 1858

House of Assembly

Present: Messrs. J. W. McKay, T. J. Skinner, J. D. Pemberton, J. Yates, and The Speaker.

Mr. Skinner Brought forward a Bill for the preservation of Game during certain seasons of the year.

Seconded by Mr. Pemberton. Opposed by Messrs. Skinner & McKay.
Bill withdrawn with the consent of Honorable Members.

The House then went into Committee.

Mr. Skinner in the Chair.

The Bill to extend the Law relating to Inns Public and Beer Houses.

Mr. Helmcken moved that "To be drunk on the premises only" be inserted.
Agreed to.

Mr. Pemberton Moved that all that portion of the Bill relating to Billiards & Bagatelle Tables, Skittle Grounds &c. be left out.

After discussion Carried.

The various clauses of the Bill were then read and a few verbal alterations made.

In first clause instead "of Licenses to Houses"—Licenses to "persons keeping Hotels" inserted.

The other portions of the Bill agreed to.

Mr. Helmcken then brought in a Bill of Supply.

Whereas, it is necessary that certain sums of money, amounting in all to 3000£ be supplied for certain useful purposes within the Colony, be it enacted, by the House of Assembly of Vancouvers Island by and with the Consent of his Excellency the Governor and Honorable Council

1st That 2000£ sterling be supplied for improving the wagon road in certain portions of the District of Victoria, viz.: Wharf Street, from Victoria Bridge to the South end of Fort Victoria; Government Street, from the Ravine to Humboldt Street; Johnson Street, from Victoria Bridge to Government Street; Yates Street from Wharf to Government Street.

2nd That 600£ be applied to improving the Road from Victoria to the Hospitals at Esquimault.

3rd That 150£ be granted for the use of the House of Assembly of Vancouvers Island.

4th That 250£ be granted, for the purchase of a Library for the use of the House of Assembly.

5th That these various items be paid out of the Funds received from the Licenses to Inns &c.

Agreed to.

J. S. Helmcken
Speaker

Saturday, the 25th day of September, 1858

Present: Messrs. J. W. McKay, J. Yates, T. J. Skinner, J. D. Pemberton, The Speaker.

The Bill of Supply for £3000 was read a second time.

House adjourned until 27th at 11 A.M.

Monday, the 27th day of September, 1858

Present: Messrs. J. W. McKay, J. D. Pemberton, J. Yates, T. J. Skinner, and The Speaker.

The Bill to extend the Law relating to Inns Public and Beer Houses was read a third time and passed.

The Bill of Supply for 3000£ 0s. 0d. was read a third time and passed.

Both ordered to be transmitted to his Excellency the Governor & Council.

The Business of the House being completed, the House adjourned until Thursday week to receive any message from his Excellency the Governor.

J. S. Helmcken
Speaker

Thursday, the 7th day of October, 1858

No business.

House adjourned until 19th.

J. S. Helmcken
Speaker

Tuesday, the 19th day of October, 1858

No business.

House adjourned until October 26th.

J. S. Helmcken
Speaker

Tuesday, the 26th day of October, 1858

Present: Messrs. J. D. Pemberton, J. W. McKay, T. J. Skinner, J. Kennedy, and The Speaker.

The Speaker begged to call the attention of the House to certain dues levied upon shipping and also to sundry charges for "permits" to land goods. He thought that such charges were contrary to the fundamental principle of the foundation of the Colony viz. that the Ports of Entry should be free. He remarked that sooner or later this Colony must come into competition with British Columbia and therefore it was essentially necessary that the dues upon shipping should be as light as possible—not greater upon foreign than British Bottoms; in fact that ships should rather be invited to come rather than driven away by onerous charges, and it should be recollected that it would be impolitic to attempt to

raise revenue from this source. With regard to the observation that the House had no controul over the matter, he begged to remark that if the House of Assembly deemed any regulations instituted by his Excellency the Governor detrimental to the interests of the Colony, it was their duty to represent the same in a proper manner and no doubt such representation would meet with due consideration from his Excellency. He hoped that Members would inform themselves upon the subject, and bring the matter forward at an early opportunity.

No returns having yet been received from his Excellency in relation to the Addresses of the 17th Sept., the House adjourned until November 2nd.

J. S. Helmcken
Speaker

Tuesday, the 2nd day of November, 1858

The House met this day.

Present: Messrs. J. D. Pemberton, J. W. McKay, J. Yates, J. Skinner, and The Speaker.

Mr. Yates moved for returns shewing the progress of the Bill to Enfranchise the Town of Victoria, which passed this House June 1st, 1857.

Agreed to.

The House then adjourned to November 9th.

J. S. Helmcken
Speaker

Tuesday, the 9th day of November, 1858

Present: Messrs: J. Yates, T. J. Skinner, J. Kennedy, J. D. Pemberton, and The Speaker.

Certain returns were received from his Excellency the Governor.

1st Relating to the Victoria School House.

2nd Relating to the salary of the Collector of Customs; which was stated to be 700£ per annum.

The Speaker informed the House that part of the expenses of the Customs Department would be paid out of the revenues derived from British Columbia: and that the agreements of the officials were capable of alteration; supposing circumstances to render the same necessary at any future time.

3rd Relating to Returns of the Income for the year ending October 31st 1857.

4th Relating to the progress of the Bill to enfranchise the Town of Victoria.

Mr. Pemberton in answer to a question previously asked, had to inform the House that he had received instructions from his Excellency the Governor to charge the Hudsons Bay Company with the expense of laying out the Town of Victoria, and that the Hudsons Bay Company were disposed to pay liberally for the work done.

Mr. Skinner hoped that steps would be taken to open a road from Craig Flower to the Hospital Road passing by the Barracks at Constance Cove.

Mr. Pemberton replied he had (from instruction) taken steps to improve the Hospital Road, but he had no power either to alter the direction of the Hospital Road as suggested or to open the new one required; in fact he had no authority whatever in road affairs excepting by instructions.

The House then adjourned until November 23rd.

J. S. Helmcken
Speaker

Tuesday, the 23rd day of November, 1858

Present: Messrs. J. D. Pemberton, J. W. McKay, T. J. Skinner, J. Kennedy, and The Speaker.

The following communication from his Excellency the Governor was read.

Government House
November 15th, 1858.

To the Speaker and Gentlemen of the House of Assembly

I herewith return the following Bills which have been under the consideration of the Council and have this day been duly passed and copies of which are herewith forwarded, viz.

- 1st A Bill to amend the Law relating to Inns & Beer Houses.
- 2nd A Bill of Supply granting certain sums of money for the improvement of the Roads and Streets, and for the use of the House of Assembly.
- 3rd An Act to amend the Law relating to the licensing of Inns Public and Beer Houses.

Some formular amendments having been made to these Bills by the Legislative Council, the House agreed to the same.

Mr. Pemberton informed the House that the naval Authorities at Esquimault desired the road through their property should be conceded to them, and made into a private way; at next meeting of the House he would propose "That the present Road through the Government property be conceded to them, provided that a road equally good be given upon the Government property to the water."

Mr. Skinner gave notice that at next meeting he would move That an address be presented to his Excellency the Governor praying that a road be forthwith opened from Craig Flower to the Hospital Road passing by the Barracks at Constance Cove.

The House then adjourned until this day fortnight.

J. S. Helmcken
Speaker

Tuesday, the 7th day of December, 1858

Present: Messrs. J. Yates, T. J. Skinner, J. W. McKay, J. Kennedy, and The Speaker.

Mr. Skinner moved that an Address be presented to his Excellency the Governor praying that a Road be opened from Craig Flower to the Hospital Road passing by the Barracks at Constance Cove.

Mr. McKay while supporting the motion considered that the old road across the Gorge should be reopened and moved that the same sum be included in the address.

The Speaker gave notice of his intention to ask for a sum of money for the purpose of erecting a Bridge across the Ravine at Government Street.

The Speaker also gave notice of his intention to move that an address be presented to his Excellency the Governor praying

1st That the charges upon British and foreign vessels should be equalised.

2nd That the charges upon small coasting vessels be reduced.

3rd That Colonial vessels should pay less for clearance than others.

4th That the permit system be abolished.

5th That the amount paid for Licenses to carry goods &c. be lessened.

The House then adjourned until Tuesday next at 11 A. M.

J. S. Helmcken
Speaker

Tuesday, the 14th day of December, 1858

Present: Messrs. J. Yates, J. W. McKay, J. Kennedy, J. D. Pemberton, T. J. Skinner, and The Speaker.

On account of indisposition Mr. Speaker begged to postpone the Committee

1st For granting a sum of money for the purpose of building a Bridge across the Ravine.

2nd For addressing the Governor on the subject of Dues upon shipping &c. Agreed to.

Mr. Pemberton on account of great press of business begged to postpone the motion regarding the Road through the Hospital property.

Agreed to.

Mr. McKay Presented a numerously signed petition, begging the removal of the Victoria Bridge.

After some opposition the Petition was read and Mr. McKay with consent of the House gave notice of intention to bring the subject forward on the second Tuesday in January until which time the House adjourned.

J. S. Helmcken
Speaker
