

---

**Thursday, the 9th day of February, 1865**

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

9. A Despatch was read from the Secretary of State for the Colonies No. 63 dated 29th November 1864 enclosing the opinion of the Law Officers of the Crown relative to the question whether the Corporation of Victoria possess the power of taxing trades and professions under "The Victoria Incorporation Act 1862."

A draft Bill to explain "The Victoria Incorporation Act 1862" was also read.

The Council were of opinion that the Bill should be introduced into the Legislative Council.

10. A letter was read dated the 1st February 1865 from Messrs. Jay and Co. stating the terms on which they would be prepared to transfer to the Government lands held by them on Discovery Island.

The Council were of opinion that the proposals of Messrs. Jay and Co. could not be entertained.

*Adjourned.*

A. E. Kennedy

---

**Friday, the 14th [17th] day of February, 1865**

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

11. Letters were read from the Postmaster dated 17th January 1865, from Mr. W. F. Tolmie, Chief Factor of the Hudsons Bay Company, dated 31st January 1865, and from the Colonial Secretary of British Columbia dated 4th February 1865 by which it appeared that two distinct arrangements were in existence for the conveyance of Mails between Vancouver Island and British Columbia as follows:

1. Vancouver Island to pay to the Hudson's Bay Company \$485 per annum and half the Harbour Dues paid by the vessels conveying the Mails, and

2. British Columbia to pay to the Hudson's Bay Company \$600 per annum.

It also appeared that the Hudson's Bay Company claimed for the service of 1864, \$485, and \$862.82 being half the amount of the Harbour Dues.

The Council were of opinion that the amount claimed should be paid and that a communication should be made to the Government of British Columbia with a view to placing the service on a more satisfactory footing, and that the Hudson's Bay Company should be informed that as regards 1865 the matter is under consideration.

12. A letter was read from the Colonial Treasurer dated 7th February 1865 suggesting the propriety of procuring a supply of cent pieces with a view to insure exactitude in the receipts and payment of moneys.

The Council were of opinion that the matter should stand over for the present.

13. His Excellency the Governor with the concurrence of the Council accepted a Tender from Messrs. Roper and Co. to supply articles of clothing for the Police and Gaol Departments at various prices.

14. The Council were of opinion that the question of Tenders for constructing a bridge at Fisgard Lighthouse should stand over for the present.

*Adjourned.*

A. E. Kennedy

---

### Monday, the 20th day of February, 1865

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

15. A communication from the Legislative Assembly was read dated 27th January 1865 enclosing Resolutions on the State of the Colony and recommending union with British Columbia.

The Council were of opinion that it would not be desirable to express any opinion on this subject in the Legislative Council and that any Resolution which might be proposed in the Legislative Council other than simply affirming the desirability of Union should be met by an amendment to the effect "That the Legislative Council regards it as undesirable to express an opinion upon the expediency or otherwise of uniting the Colonies of Vancouver Island and British Columbia."

16. A letter was read from Messrs. Drake and Jackson complaining that the steamer "Jenny Jones" had been carried off by force to the American Territory.

The Council were of opinion that the matter should be submitted to the Attorney General for his opinion as to whether the intervention of the Government was necessary.

17. A letter was read from Mr. D. Kavanagh dated February 16th 1865 stating his readiness to supply the Government with coal and wood on the terms of his Tender of 11th November 1864.

The Council were of opinion that Mr. Kavanagh's Tender should be accepted.

18. A letter was read from the Postmaster dated 18th February 1865 stating that the bonds of himself and his clerk, Mr. Sparrow, were executed in April 1862 and left in the possession of the Attorney General. A Minute of the Acting

Attorney General thereon was also read, to the effect that the bonds cannot be found in his office.

The Council were of opinion that in the event of the bonds not being found in the possession of the late Attorney General, Mr. Wootton and Mr. Sparrow should be called upon to execute fresh bonds.

19. The following Bills passed by the Legislative Assembly were agreed to be treated as open questions in the Legislative Council.

A Bill to provide for taking the Census of the Colony and for obtaining other statistical information.

A Bill respecting Common Schools.

*Adjourned.*

A. E. Kennedy

### Wednesday, the 9th [8th] day of March, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

20. The following Despatches from the Secretary of State for the Colonies were read:

No. 67, dated 20th December 1864 approving Indian policy.

No. 68 dated 20th December 1864 approving proceedings of Governor Kennedy relative to massacres of Europeans at Bute Inlet and Bentinck Arm.

No. 74, dated 31st December 1864 approving steps taken to discover and punish Indians concerned in the murder of Mr. Banfield and in the massacre of the crew of the sloop "Kingfisher."

21. A Petition was read dated 10th February 1865 from Messrs. James Macintosh, Edward Stephens and others applying to be allowed to change the boundaries of their claims on Leech River.

The Council were of opinion that the application should be granted.

22. The Council were of opinion with reference to "A Bill to establish the Postal Service" that it was expedient that an amendment thereto should be passed by the Legislative Council to enable the Governor to authorize persons to convey letters &c. by express.

*Adjourned.*

A. E. Kennedy

---

**Monday, the 20th day of March, 1865**

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

23. A Memorandum of the Acting Surveyor General dated 19th October 1864 proposing a scale of fees for the Lands and Works Office was read.

The Council were of opinion that the proposed table of fees should be adopted.

24. A letter was read from Mr. George H. Wilson Brown dated 18th February 1865 making proposals for leasing and working the coal seams discovered by the Exploring Expedition in the Comox District.

The Council were of opinion that Mr. Brown should be informed that in the present position of the Crown Lands question the Governor is not clothed with sufficient power to negotiate with him on the terms he proposes but that he will submit those terms to the Secretary of State for his consideration.

25. An ordinance to amend the Law of Evidence passed by the Legislature of British Columbia to enable the Courts to receive the evidence of Aboriginal Natives given without the sanction of an oath was considered.

The Council were of opinion that the same Law should be introduced into the Legislative Council and passed.

26. An ordinance to consolidate and amend the mining laws passed by the Legislature of British Columbia together with a Bill prepared by the Acting Attorney General on the subject of Mining Laws were considered.

The Council were of opinion that the Bill of the Acting Attorney General should be introduced into the Legislative Council.

27. The Council were of opinion that Gold Mining Claims laid over till the 31st March 1865 should be further laid over till the 15th of April 1865.

28. *His Excellency the Governor* with the concurrence of the Council accepted a Tender from John T. Howard for the conveyance of Express Mails between Victoria and Esquimalt for \$5 per trip.

*Adjourned.*

A. E. Kennedy

---

**Tuesday, the 28th day of March, 1865**

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Surveyor General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

29. Communications from the Legislative Assembly dated 14th and 21st March 1865 were read enclosing Resolutions suggesting the imposition of charges for

landing permits on horses, cattle, sheep, and carcasses, and a bounty on the export of horses cattle and sheep, and also charges for landing permits for potatoes carrots, turnips and cabbages.

The Council were of opinion that the Harbour Master was the only officer who could be employed to collect these charges.

30. A communication from the Legislative Assembly dated 24th March 1865 was read enclosing Resolutions declining to vote Salaries for the Chief Justice, Treasurer and Surveyor General, amalgamating for payment of salary the offices of Superintendent and Inspector of Police, & declining to vote a sum of \$34,000 from the General Revenue for the reimbursement of moneys paid out of the Crown Revenue for general purposes.

The Council were of opinion that His Excellency the Governor should inform the Assembly that under instructions from the Secretary of State he had no authority to pay the salaries of the Chief Justice Treasurer and Surveyor General, that the Superintendent of Police should be offered £350 a year and that the Inspector of Police should be offered a Serjeant's pay with £50 added and that the question of voting \$34,000 in reimbursement of the Crown Revenue should again be brought under the notice of the Legislative Assembly.

31. A communication was read from the Legislative Assembly dated 24th March 1865 suggesting a tax of \$100 upon all persons who sell opium or allow opium to be smoked, eaten or drunk on their premises.
32. The Council were of opinion that the foregoing Resolutions of the Legislative Assembly suggesting the imposition of charges should be forwarded to the Acting Attorney General with an instruction to draft Bills to give effect to the Resolutions.

*Adjourned.*

A. E. Kennedy

### Monday, the 10th day of April, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

33. A communication was read from the Legislative Assembly dated 7th April 1865 enclosing a Resolution fixing the rates for permits for landing goods.

The Council were of opinion that the Resolution should be referred to the Acting Attorney General to prepare a Bill to give effect thereto.

34. A letter was read from Mr. J. McG. Otty and other Road Commissioners of Cowichan dated 1st April 1865 stating that their term of office will shortly expire and recommending certain individuals to be appointed in their stead.

The Council were of opinion that the Gentlemen recommended should be appointed.

35. A Petition was read from Gold Miners dated 8th April 1865 requesting that claims may be further laid over till the 1st of May.

The Governor stated that he had directed the notification of the laying over of claims till that date, in which the Council concurred.

36. A Memorandum was read from the Acting Surveyor General dated 5th April 1865 recommending a fund of \$202 to Mr. Ernest Schloesser being an amount overcharged for land sold in Sallas Island.

The Council were of opinion that the amount should be refunded.

37. His Excellency the Governor with the concurrence of the Council accepted a Tender from Simon Anderson to build a boat for dredging purposes for Victoria Harbour for \$190.

*Adjourned.*

A. E. Kennedy

### Thursday, the 20th day of April, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer.

*The Minutes of the last Meeting were read and confirmed.*

38. *His Excellency the Governor* submitted to the Council a communication from the Legislative Assembly enclosing Resolutions stating they are not prepared to vote a sum of \$15148.<sup>95</sup>/<sub>100</sub> in reimbursement of money paid by the Imperial Government for the erection of lighthouses and asking for further information relative to a sum of \$34066<sup>20</sup>/<sub>100</sub> proposed to be voted for the reimbursement of the Crown Revenues for sums expended thereout for general Colonial purposes.

The draft of a Message in reply was read and met with the concurrence of the Council.

39. His Excellency the Governor with the concurrence of the Council accepted a Tender from Arthur Strong to cleanse the latrines at the Gaol, Victoria for \$125.
40. The Council approved of an advance of \$400 to Maurice Carey repayable in instalments for the purpose of enabling him to bring members of his family from Ireland on his giving bonds for the repayment thereof.

*Adjourned.*

A. E. Kennedy

---

**Monday, the 24th day of April, 1865**

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

41. His Excellency the Governor submitted to the Council the expediency of purchasing for the Governor's residence, Stoneleigh consisting of house and about 26 acres for \$19,500.

The Council were of opinion that it was desirable to effect this purchase.

42. A Resolution of the Legislative Assembly dated 10th April 1865 asking for the details of the amount of \$34,066 proposed to be reimbursed to Crown Revenue was read.

The Acting Colonial Secretary and the Colonial Treasurer were directed to draw up an account to be furnished to the Legislative Assembly.

43. The Report of a Board dated 30th March 1865 relative to the construction of the tug for Victoria Harbour Improvement was read. A Report of the Acting Surveyor General dated 4th April 1865 and a letter from Mr. R. Ewing the contractor dated April 22nd 1865 claiming payment were also read.

The Council were of opinion that the portion of the Report of the Board pointing out the respects in which the tug has not been constructed according to specifications should be submitted to Mr. Ewing with an intimation that when he shall have made good the defects the amount claimed will be paid.

44. A Memorandum from the Acting Surveyor General dated 12th April 1865 inquiring whether he shall proceed to undertake any works in respect of roads was read.

The consideration of this question was postponed in the present condition of the Revenue.

*Adjourned.*

A. E. Kennedy

---



---

**Monday, the 8th day of May, 1865**

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

45. A letter was read from the Crown Agents for the Colonies dated 16th February 1865 calling attention to a bill drawn upon them for £1000 at a time when a less balance was in their hands and stating that a remittance would be necessary

to meet an amount of £2000 payable in July and January for interest and sinking fund on account of the Vancouver Island Road and Harbour Loan.

A Despatch was also read from the Secretary of State for the Colonies No. 8 dated 23rd February 1865 with reference to the bill above referred to.

The Council were of opinion that a sum of £3000 should be remitted to the Crown Agents.

46. His Excellency the Governor with the concurrence of the Council accepted a Tender from John Morris to construct a road from Craigflower to Esquimalt for \$550 per lineal mile.

The Council also approved of a short road to connect the house occupied by Rear Admiral Denman, Commander in Chief, with this road being included in the work.

47. The Council approved of the public buildings at Victoria being insured with the London and Liverpool Fire insurance Company.
48. A letter was read from the Lighthouse Board dated April 6th 1865 suggesting that a quantity of stores of the estimated value of £500 should as a measure of economy be procured from England.

The Council were of opinion that one half of the quantities proposed should be sent for.

49. A letter was read from the Acting Attorney General dated 3rd April 1865 stating that the Crown is in ignorance of the sales of country lands effected by the Hudson's Bay Company.

The Council were of opinion that the consideration of the question should be postponed for the present.

50. A Despatch was read from the Secretary of State for the Colonies, Separate, dated 18th February 1865 in reference to a Vice Admiralty Court in the Colony and enclosing a Commission as Judge of the Vice Admiralty Court for the Chief Justice under the name of Daniel Cameron instead of David Cameron.

51. A letter was read from Mr. J. Robertson Stewart dated 5th May 1865 inquiring whether the Government would favour the establishment of a foreign Company to work coal &c. on lands pre-empted by him at Koskeemo Sound, and would give a perfect title to the lands.

The Council were of opinion that Mr. Stewart should be informed that with reference to an alien Company there being no precedent the Governor does not feel justified in giving any guarantee on the subject without reference to the Secretary of State for the Colonies.

*Adjourned.*

A. E. Kennedy

---



---

### Saturday, the 13th day of May, 1865

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

52. A letter was read from the Colonial Treasurer dated 11th May 1865 stating that the credit with the Bank of British North America had been overdrawn by the amount of \$2375.77.

The Council were of opinion that application should be made to the Bank for a further credit of \$20,000 pending a reference to the Legislative Assembly.

53. A Committee having been appointed by the Legislative Assembly to inquire into the management &c. of the dredging machine employed in the improvement of Victoria Harbour the Council were of opinion that the Acting Surveyor General should state in any evidence he might give to the Committee that the Dredger is altogether beyond the means of the Colony and calculated to bring the Colony into financial difficulties and that it would be desirable to postpone the improvement of Victoria Harbour.

*Adjourned.*

A. E. Kennedy

---



---

### Monday, the 22nd day of May, 1865

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last two Meetings were read and confirmed.*

54. A letter was read from the Assessor dated 18th May 1865 stating that the Boards of Revision of Real Estate Tax for the City of Victoria and for the District of Victoria were of opinion that it was necessary to employ a joint Secretary at a cost of \$100 per month and to hire a room at a cost of \$15 per month.

The Council were of opinion that the Governor has no authority to go beyond the amount voted for this branch of the service.

55. A letter was read from the Postmaster dated 18th May 1865 enclosing a letter from the Postmaster General of British Columbia stating that after the 18th instant letters posted at Victoria for the interior of British Columbia must be prepaid in full in Victoria.

The Council were of opinion that the Postmaster should be instructed to carry out the system for the present charging 20 cents per half ounce on letters for the interior of British Columbia and to apply to the Treasurer for the proper form of keeping the accounts.

56. A letter was read from Rear Admiral the Honourable J. Denman dated 19th May 1865 with reference to the British Ship "Maria" which being seizable

under the Imperial "Chinese Passengers Act 1855" had clandestinely left Esquimalt without either papers or clearance and gone to Washington Territory.

The Council were of opinion that application should be made to the Governor of Washington Territory for her detention.

57. The Council concurred in the Assent given by his Excellency the Governor to "A Bill respecting Common Schools."
58. A letter was read from the Acting Attorney General dated 15th May 1865 with reference to the following Bills passed by the Legislative Assembly and now before the Legislative Council:
- A Bill to exempt the homestead and other property from forced seizure and sale in certain cases.
- A Bill respecting weights and measures.
- A Bill respecting the Registration of Births, Deaths and Marriages in Vancouver Island.
- A Bill to amend the manner of taking the Verdict of a Jury in certain cases. as to which it was decided that it should be left to Members in Legislative Council to act according to their individual opinions and,
59. A Bill for securing liens to Mechanics and others as to which it was decided that Members should resist it in principle and in detail.
60. With reference to A Bill relating to Gold Mining it was agreed that Members in Legislative Council should agree to the Amendments of the Legislative Assembly except that relating to fees which should further be amended by striking out the Clause except that part appropriating the penalties.

*Adjourned.*

A. E. Kennedy

---

---

### Monday, the 29th day of May, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

61. With reference to the last Minute of the last Meeting, it being understood that the Legislative Assembly would refuse to assent to the further amendment of "A Bill relating to Gold Mining" as then agreed upon, it was agreed that the Legislative Council should seek a conference with the Assembly at which the Members of the Council should insist that neither the Council nor the Assembly have any authority to divert the mining fees from the Crown Revenue to the General Revenue and in the event of the Assembly refusing to accede to that proposition and allow the alteration of the clause proposed by the Legislative Council, that the Bill should be allowed to lapse.

62. A letter was read from the Acting Attorney General dated 27th May 1865 relative to the following Bills passed by the Legislative Assembly and now before the Legislative Council:

A Bill respecting the Descent of real Property, as to which it was agreed that it should be resisted by Members in Legislative Council.

A Bill to amend the Law as to imprisonment for debt, as to which it was agreed to amend the Bill in accordance with a similar law passed by the Legislature of British Columbia.

63. The Council were of opinion that the title deeds of the new Government House should be registered and the Deeds deposited in the Land Office.

64. A letter was read from Mr. Robert Weir to the Surveyor General dated 27th May 1865 offering to pay \$100 on his land at Metchosin and the balance on or before the 15th August next.

The Council were of opinion that the proposal might be acceded to.

65. The following Despatches from the Secretary of State for the Colonies were read:

No. 19, dated 21st March 1865 stating that the steps taken to protect the rights of the public in reference to encroachments at the Park at Victoria, were justified.

No. 14, dated 6th March 1865 confirming appointment of Mr. P. Hankin to be Superintendent of Police.

No. 15, dated 6th March 1865 calling attention to faulty preparation of Act to authorize the Harewood Railway Company to make a Railway &c.

No. 16 dated 7th March 1865 confirming the suspension of Mr. Richard Gollodge from the acting appointment of Gold Commissioner.

No. 18 dated 16th March 1865 enclosing Order in Council approving certain Acts of the Legislature.

66. A Resolution of the Legislative Assembly dated 23rd May 1865 was read requesting the Governor to take steps to prevent the cutting up and fencing of the Church Reserve.

A proposed Message in reply declining to institute proceedings was read in the tenor of which the Council concurred.

67. A Resolution of the Legislative Assembly dated 22nd May 1865 was read requesting the revocation of the suspension of the Land Proclamation and the opening to settlement of the Indian Reserves.

His Excellency the Governor suggested that this question should be considered and reported upon by a Board consisting of the Acting Colonial Secretary, the Acting Attorney General and the Acting Surveyor General in which course the Council concurred.

68. A resolution of the Legislative Assembly dated 22nd May 1865 was read proposing that one half of one per cent should be levied on Real Estate in the City of Victoria to meet the liabilities of the City.

The Council were of opinion that the Acting Attorney General should draft a Bill to give effect to that Resolution.

69. A Resolution of the Legislative Assembly dated 17th May 1865 was read recommending the appointment of two Magistrates at Cowichan and two at Comox, unpaid and from among the settlers.

*His Excellency the Governor* proposed to state in reply that he was unable to find in those districts persons competent to hold such an office and that the result of appointing incompetent persons certainly would be difficulties with the Indians, in which proposed reply the Council concurred.

70. A Resolution from the Legislative Assembly dated 16th May 1865 suggesting the imposition of an income tax of one per cent upon all incomes above £150 per annum, was read and agreed to be referred to the Acting Attorney General to draft a Bill to carry out the suggestion.

71. A letter was read from the Fire Department of Victoria dated 25th April 1865 applying for a vote of \$3000 or \$4000 for the purchase of a new fire engine.

The Council were of opinion that the reply should be to the effect that there are no funds at the disposal of the Government for the purpose and that His Excellency does not feel justified in applying to the Legislative Assembly to provide such a considerable sum for an object which is purely local.

72. A Bill to amend an Act passed in 1862 intituled "An Act to amend the laws affecting Trades Licences" passed by the Legislative Assembly and now before the Legislative Council was considered, and it was agreed that it should be passed through the Legislative Council without delay.

73. A letter was read from Mr. G. M. Sproat dated 18th May 1865 relating to the lands of Messrs. Anderson and Co. at Alberni, and agreed to be referred to the Acting Surveyor General.

*Adjourned.*

A. E. Kennedy

---

### Monday, the 5th day of June, 1865

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

74. In reference to the exploration of the Island the Council were of opinion that a party should be organized and sent out.

75. A Resolution of the Legislative Assembly was read dated 2nd June 1865 requesting that a reasonable extension of time should be allowed to bonâ fide settlers for the payment of arrears of purchase money for lands.

76. A Resolution of the Legislative Assembly dated 2nd June 1865 was read reiterating a desire that Magistrates should be appointed from among the settlers in the Comox and Cowichan Districts.

The Council on a reconsideration of the matter were unable to suggest any persons either competent or of a status proper to fill the office.

77. A Resolution of the Legislative Assembly dated 31st May 1865 was read in reference to the amendment of the Pilot Act.

The Council were of opinion that the Acting Attorney General should be requested to draft a Bill for the purpose.

78. In reference to a Bill now before the Legislative Council to amend an Act passed in 1862 intituled "An Act to repeal and amend the laws affecting Trade Licences", it was agreed that in Legislative Council the monthly collection of auction duties should be supported, and that a clause should be added to the Bill to compel persons holding retail liquor licences to make returns and pay tax in respect of their dealings other than the retail sale of liquors.

79. A letter was read from the Acting Attorney General dated 3rd June 1865 with reference to a Bill to make better provision for the custody of the estates of deceased persons, which had passed the Legislative Assembly and was before the Legislative Council, as to which it was decided that Members should be left to the exercise of their individual opinions in the Legislative Council.

80. A letter was read from the Acting Attorney General dated 31st May 1865 stating the law with reference to the postal service in this Colony.

The Council recommended that the subject should be referred to the Secretary of State for the Colonies.

81. A letter was read from James Kelly, Michael Fitzpatrick, and John White dated 17th May 1865 applying to be allowed to occupy 100 acres of land each on the De Mamuel [De Mamiel] Creek near Sooke Harbour. A correspondence was also read dated September and October 1864 relative to the grant of permission to occupy this and other pieces of land along the trail to the North Forks to Messrs. Nagle, Foucault and others.

The Council were of opinion that Messrs. Nagle and Company should be informed that this land having been unoccupied from October 1864 till the end of May 1865 has been granted to J. Kelly, M. Fitzpatrick and J. White on condition of occupation and improvement and that if the remainder of the lands granted to Messrs. Nagle and Company continue unoccupied and not bonâ fide improved they will be dealt with in the same manner.

82. The following Bills passed by the Legislative Assembly and now before the Legislative Council were considered.

A Bill to amend the Victoria Harbour Dues Act 1862 and a Bill to impose landing permit dues on the importation of certain stock and carcasses.

It was agreed that the various dues imposed by these Bills should be supported by Members in Legislative Council.

*Adjourned.*

A. E. Kennedy

---

**Friday, the 9th day of June, 1865**

---

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

83. The Report of a Board dated 30th March 1865 pointing out defects in the tug built for the improvement works of Victoria Harbour was read.

The Council were of opinion that the matter should be referred to the Master Carpenter of H. M. S. "Sutlej" for an estimate of the cost of making good the defects with a view to the reduction of the balance claimed by Mr. Ewing the Contractor, and that pending the decision of the matter a payment of \$1500 dollars on account should be made to Mr. Ewing.

84. The question of the Government discontinuing the works for the improvement of Victoria Harbour and letting out a portion of the works to contract, proposed by the Legislative Assembly was considered.

The Council were of opinion that the tug and dredging vessels should be disposed of and the whole affair put an end to.

85. A letter was read from the Chief Justice dated 18th May 1865 recommending Mr. D. Lindsay and Mr. R. H. Adamson for the appointment of Official Assignees in the room of Mr. W. Culverwell, absconded.

The Council were of opinion that the gentlemen recommended should be appointed temporarily and subject to the opinion of the successor of the Chief Justice.

86. A letter was read from Mr. John Buttle dated 7th June 1865 suggesting details of a proposed exploring expedition.

The Council agreed to the expediency of sending out such an expedition.

87. A letter was read from Mr. C. A. Bayley dated 9th June 1865 applying on behalf of W. Thompson and others for time to ascertain the value of a coal seam discovered by them at Maple Point.

The Council were of opinion that the application might be recorded for three months to enable the parties to define accurately the limits of the land they may wish to take up if they should decide upon so doing.

88. A letter was read from Messrs. Hutchinson and Co. dated 9th June 1865 in reference to their meat contracts with the Navy and the local Government pointing out the hardship they will be under by the imposition of an import duty on stock.

The Council were of opinion that the matter was beyond the control of the Governor.

89. A letter was read from the Acting Attorney General dated 3rd June 1865 enclosing a draft Bill imposing a tax of one per cent on salaries or wages.

It was agreed that the Bill should be forwarded to the Legislative Assembly.

90. A letter was read from the Acting Attorney General dated 8th June 1865 enclosing a draft Bill to amend the Victoria Pilot Act 1864.

It was agreed that the Bill should be forwarded to the Legislative Assembly.

91. A Resolution of the Legislative Assembly was read dated 7th June 1865 proposing that the fees for Marriage Licences should be paid into the General Revenue.

The Council were of opinion that a reply should be sent to the Assembly stating that fees from this source are Crown Revenue, and that the subject is at present under the consideration of the Secretary of State.

92. A letter was read from the Acting Attorney General dated 3rd June 1865 with reference to a Bill to amend the law relating to the representation of Vancouver Island.

It was agreed that the Bill should be if possible rejected by the Legislative Council.

93. *His Excellency the Governor* with the concurrence of the Council assented to "A Bill for obtaining a Declaration of Title" passed by the Legislature.

*Adjourned.*

A. E. Kennedy

### Monday, the 19th day of June, 1865

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

94. A Bill to impose a Tax of one half of one per centum upon all real Estate within the City of Victoria and for other purposes relating thereto was considered.

It was agreed that the Bill should be passed through the Legislative Council without delay.

95. A Bill to apply the sum of \$14940 out of the general revenue of the Colony of Vancouver Island and its Dependencies for the service of the year 1865 was considered. It was agreed that the Bill should be passed through the Legislative Council without delay.

96. A Resolution of the Legislative Assembly dated 7th June 1865 requesting that the Coroner may be ordered to make a Return of Inquests &c. was read.

The following letters were also read:

From the Attorney General dated 8th July 1864 relative to the office of Coroner in the Colony.

From Dr. Dickson dated 5th September 1864 submitting for approval the appointment of Dr. Ash as Deputy Coroner.

From the Acting Attorney General dated 10th September 1864 relative to the office of Coroner.

A Draft Message in reply to the Resolution of the Assembly was also read in which the Council concurred.

*Adjourned.*

A. E. Kennedy

### **Tuesday, the 27th day of June, 1865**

Present: His Excellency the Governor, The Acting Colonial Secretary, The Acting Attorney General, The Colonial Treasurer, The Acting Surveyor General.

*The Minutes of the last Meeting were read and confirmed.*

97. A summons to the Acting Attorney General was read dated 26th June 1865 requesting his attendance on a Committee of the Legislative Assembly in reference to the office of Coroner.

A like summons to the Colonial Treasurer was also read.

The Council were of opinion that the gentlemen summoned should reply to the effect that they cannot attend without first obtaining the consent of His Excellency the Governor and of the Legislative Council of which they are Members.

*Adjourned.*

A. E. Kennedy

### **Tuesday, the 18th day of July, 1865**

Present: His Excellency The Governor, The Colonial Secretary William A. G. Young, The Attorney General, Thomas L. Wood Acting, The Treasurer Alexander Watson, The Surveyor General Benjamin W. Pearse Acting.

Minutes of last meeting read & confirmed.

1. The oath prescribed for Members of the Executive Council administered by His Excellency The Governor to Mr. William Alexander George Young Colonial Secretary.
2. The following Despatches were read.
  - No. 22 of 17 April 1865 with Enclosures upon subject of information as to land Sales by Hudson's Bay Co.
  - No. 24 of 26 April 1865 with Enclosures from Mr. Dallas and Mr. Murdock upon subject of encroachments upon Public Park, and Indenture of Agreement between Her Majesty's Government and the Hudson's Bay Co.



With respect to the first it was agreed that action thereupon should be deferred until a reply is received from the Secretary of State to further information upon the subject furnished by His Excellency, but that the attention of the Agents of Hudsons Bay Co. should be called to letter of [blank] and that information as to sales of lots since 1859 should be furnished.

With respect to the second it was settled that action should be deferred for the reason before stated.

3. His Excellency explained the present proceedings of exploring party upon West Coast; and proposed that the party should be employed for about another month in exploring the waters falling into Nootka sound, which was agreed to. Surveyor General to send one months provisions & a small portion of money.
4. His Excellency brought before the Council the present financial condition of the Colony, and explained how he considered expenditure for the year might be curtailed: and suggested that a Board should be appointed consisting of the Colonial Secretary, The Treasurer, The Auditor, and The Assessor to investigate and report upon the Colonial finances. Council concurred with His Excellency. A letter bearing upon this subject from the Treasurer dated 17 July read in Council.
5. His Excellency read to the Council a Message which he had sent to the Legislative Assembly on the 29th June, asking for the views of the Assembly in respect to Harbor Improvements, and as to disposal of Engineers already engaged for a term and of the Tug Boat which is represented to be unfit for the purpose for which she was intended. To this Message no answer was received up to the time the House was prorogued viz. 7th July. His Excellency therefore asked for the opinion of the Council in the matter. The subject generally discussed, as also the incomplete state of the Vessel as left by the Contractor, as evinced by a letter dated 12 July 1865, which was read, from the Master in charge complaining of the Bilges being choked with chips & dirt, and by a letter dated 5th July 1865, from the Carpenter of H. M. Ship Sutlej representing that he considers the Vessel unseaworthy unless works to the extent of some seven hundred dollars be undertaken. Agreed that Contractor should be notified to make good deficiencies, and the question as to disposal of Vessel deferred until she be so completed.
6. His Excellency brought before The Council the matter of the constitution of the Mining Board at Leech River, & his proposition that they should be allowed to frame Rules and regulations for the guidance of the mining community subject to the approval of The Governor. Letter of Gold Commissioner at Sooke dated 1 July 1865, and an application from Mining Board, not dated, read. Council concurred in proposition of His Excellency.
7. Application dated 10 July 1865 from Mr. Colquhoun late Superintendent of Dredger, soliciting a months pay in consideration of his summary discharge from employment read. His Excellency proposed that as Mr. Colquhoun was discharged on the 15th of the Month at 2 days notice, that he should be paid his Salary up to the end of the Month, which was concurred in.

8. A letter dated 12th July 1865 read, from the Acting Town Clerk to the Colonial Secretary asking for an opinion of the Attorney General upon the validity of the Incorporation Act of 1862: together with a Minute thereon from the Attorney General declining to state any opinion sought in such multifarious terms. Council concurred in this view, and it was agreed that a reply should be given to the effect that upon any definite point the Attorney General would be glad to afford his opinion for the benefit of the Municipal Council.
  9. Letter dated 24 June 1865 from Mr. E. G. Alston Registrar General read, asking for 12 months leave of absence on account of recent family bereavement. Council concurred in propriety of leave being granted; and it was further settled that the gentleman selected to perform the functions of Mr. Alston's office during his absence should give Bonds himself in £500, and two Sureties in £250 each.
  10. His Excellency brought before the Council various vouchers purporting to be charges for various services performed in connection with inquests, and certified to by "James Dickson Coroner". The matter was discussed and the irregularity of the manner in which they were presented commented upon; and it was settled that a letter should be addressed by the Colonial Secretary to Dr. Dickson calling his attention to the irregularity, & requesting that he will conform to the established rules of the Colony in respect of accounts: and also calling his attention to the depositions in cases of inquests not having been rendered of late.
  11. Letter dated 5 July 1865 read from Mr. Bryant asking for Salary from January to May for services as Port Master at Nanaimo. Application acceded to.
  12. Letter dated 22 June 1865 read from Alfred Waddington, Superintendent of the Board of Education relative to the School Reserves in the Colony. Decided that this subject should be brought forward at a future day, further information being sought upon it, and further information acquired in the mean time.
- The Council then adjourned.

A. E. Kennedy

---

### Monday, the 7th day of August, 1865

---

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of last Meeting read & confirmed.

1. Read a Report dated 4th August 1865 from Board appointed by His Excellency to investigate the financial condition of the Colony. Report adopted and opinion as to providing funds required to meet expenditure concurred in.
2. His Excellency brought to the notice of Council the question of the Issue of Postage Stamps which had been prepared for the Colony. Council considered it very desirable that such Stamps should be issued & used as much as practi-

cable, and that facilities should be afforded for the purchase thereof at other places than at the post office.

3. Read a report dated 27 July 1865 from Mr. Hankin Supt. of Police, of his proceedings in communicating with the Exploring party now at Nootka Sound.  
Read a report dated 26 July 1865 from John Buttle, Commanding Exploring Expedition.  
Expediency of continuing further explorations considered, and Council came to opinion that the party should be supplied with provisions to carry them on to 1st October proximo.
4. Report from Treasurer dated 27 July 1865, enclosing List of Defaulters under Real Estate Tax Act, Council came to opinion that the List should be placed in hands of Assessor for collection prior to being handed over to Sheriff.
5. A letter from Mr. R. Ker, dated 20 June 1865, asking for remuneration for auditing Accounts of Crown Revenue. Council decided that claim could not be entertained.
6. His Excellency proposed to Council propriety of Insuring the Government Buildings and Letters were read from Messrs. Henderson & Burnaby, Messrs. Siffken, & Mr. J. R. Stewart proposing rates at which they would effect the Insurance. Council agreed that Insurance should be effected at most reasonable rate, which that of Messrs. Siffken appeared to be.
7. Letter read from Mr. Wootton, Harbour Master, dated 4th July 1865, asking for instructions in respect to levying dues upon Cattle imported from San Juan. Discussion thereupon, and peculiar present position of the Island of San Juan considered. Decided that dues should be collected, it not being apprehended that any question of sovereignty would thereby be affected.
8. Letter of 22 June 1865 from Mr. Waddington, Supt. of Education again read and considered. Decided that Mr. Waddington should be informed that the Govt. at the present time had no power to convey lands, and as for other school property, it was apprehended that such property was already vested in the Board under the Act.
9. Letter dated 19th July 1865 read from Mr. G. E. Dennes, asking permission to introduce a money Bill, for more speedy recovery of small debts. Irregularity and inconvenience of this form of application in such matters freely commented upon. Decided that Mr. Dennes should be informed that the Government propose introducing measures to this effect.
10. His Excellency brought before Council the propriety of Bills to provide for the following measures, being prepared by the Attorney General:
  - Native Evidence.
  - Weights & Measures.
  - Postal Service.
  - Gold Mining.
  - Registration of Births Deaths & Marriages.
  - Intestate Estate.
  - Abolition of Imprisonment for Debt.

Jurisdiction to Stipendiary Magistrates, small debts.

Homestead exemption from liability.

Coroners to legalize appointment & define duties of.

The Council concurred with His Excellency, & decided that the Attorney General should be notified accordingly.

11. Letters dated 24 July and 1 August 1865 read from Dr. Dickson, Coroner, relative to irregularity in presenting accounts & non transmission of Depositions. Ignorance pleaded in the one case, & a compliance with the Law in the other. Resolved that the Coroner be asked to produce the Authority under which he applies the English Law to this Colony.
12. Letter from Mr. Pemberton, Stipendiary Magistrate read dated 1 August 1865, upon the subject of the disallowance of a newspaper to his office. Resolved that outstanding account be paid, but the expense to be discontinued for the future.

The Council then adjourned.

A. E. Kennedy

### Saturday, the 12th day of August, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting read & confirmed.

1. His Excellency brought before Council the fact that on Thursday the 10th Instant he had met Mr. Wootton, the Harbour Master and Post Master in a public thoroughfare viz. Fort Street, in a state of most disgraceful drunkenness, and that in consequence he had placed the charge of the Departments presided over by Mr. Wootton in charge of the next Senior Officer of the Post Office. Letters read from Colonial Secretary to Mr. Wootton dated 11 August and Mr. Wootton's reply of 12th August & His Excellency proposed that Mr. Wootton should be suspended from the emoluments of his office.  
Resolved That Mr. Wootton should be notified to appear before the Executive Council on Monday the 14th Instant at 11 O'clock to defend himself from the charge of drunkenness brought against him, should he so desire it.
2. His Excellency then stated to Council with reference to collection of Arrears of half per cent Tax that the Assessor was too much engaged to be employed in Collection of Tax, and His Excellency therefore proposed that a special Collector should be employed and paid by a Bonus of 5 per Cent on sums collected. The Council concurred therein.
3. His Excellency placed before Council a letter from the Acting Surveyor General dated 10th August forwarding copy of letter addressed to Mr. Ewing the Contractor for the "Sir James Douglas" together with his reply thereto, dated

respectively 8th and 9th August 1865, by which it appeared that Mr. Ewing would not complete the work required on "Sir James Douglas".

Resolved That the Govt. should at once call for Tenders & complete the work, and that the cost thereof should be deducted from the balance due Mr. Ewing, and that the Surveyor General should notify Mr. Ewing to this effect.

4. His Excellency brought before Council the report of Mr. Buttle dated 7th August, communicating the discovery of gold on Bear River, and His Excellency proposed that in view of a huge number of persons being about to proceed thither that an Officer should be sent to accompany them with Magisterial powers, and powers to collect Mining Licences in which the Council concurred, and that each Officer should be paid a Salary not less than at the rate of Fifteen hundred dollars a year.
5. His Excellency brought before Council the case of Edmund Dillon a prisoner in Victoria Jail, & read a letter dated 10th August 1865, from the Supt. of police, with a Medical Certificate, representing that he was a "Monomaniac", & that if he were liberated change of air and scene would probably restore him to health. Council came to the opinion that he should be permitted to leave the Colony.
6. His Excellency placed before Council an Estimate of School Expenditure for the year ending 31 Dec. 1865, submitted to him by the Board of Education, under which the whole sum voted would be required. The Colonial Secretary stated that he had been present at an Interview the Board had with His Excellency and from the statements then made he believed the expenditure to be very necessary and was of opinion it should be sanctioned. Council concurred in this opinion.

The Council then adjourned until Monday the 14th Instant at 11 A. M.

A. E. Kennedy

### Monday, the 14th day of August, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. Mr. Wootton, Harbour Master & Post Master called in, and informed by His Excellency that he had been sent for with reference to the charge of drunkenness brought against him. His Excellency read The Colonial Secretary's letter dated 11th August and Mr. Wootton's reply of the 12th August, and informed Mr. Wootton that he was at liberty to ask any question of His Excellency. Mr. Wootton stated that he had no question to ask. His Excellency then put the following questions to Mr. Wootton.

At what hour did you leave the Post Office?

At about half past 3.

At what hour did you take the prescription alluded to in your letter?

At about 4 O'Clock.

Do you know its nature?

A narcotic to relieve pain, & apparently made of camphor & ether.

Was it the first prescription of this character Dr. Trimble had given you?

I think not.

Mr. Wootton then stated that he had no recollection of seeing His Excellency, and had no knowledge that the person who was taking him home wished to take him in an opposite direction.

*By the Colonial Secretary*

Had you nothing but a glass of Sherry during the whole day?

I do not remember taking more than one glass, which glass was an ordinary bar glass.

Mr. Wootton stated that he wished to call Dr. Trimble to speak as to the nature of the prescription he had given him.

Dr. Trimble called and appeared when His Excellency stated the nature of the charge against Mr. Wootton & asked

What was the nature of the prescription you gave Mr. Wootton?

It was composed of Morphine, Hyoscyamus and Camphor water.

Would that mixture if taken at 4 O'Clock render him in a state of insensibility at  $\frac{1}{4}$  past 4, and unable to walk?

I believe it would perfectly stupify him. If it does not stupify it will act as a stimulant.

Would the medicine produce effects resembling drunkenness?

In narcotic medicines, generally, if the dose is not sufficiently strong to produce sleep, it will act on the brain as a stimulant.

Do you think those effects would be produced in a quarter of an hour?

I think so. A grain is a very large dose equal to 4 grains of solid opium.

Would you think it a natural effect of the dose to render Mr. Wootton perfectly unconscious from a quarter past 4 until  $\frac{1}{2}$  past 8?

I believe it would.

Would the Medicine you describe Mr. Wootton to have taken render him violent & inclined to resist any person leading him in the street?

It depends upon the way it acts upon the brain. If as a stimulant it would make the person violent and finally he would become composed in sleep.

Would the medicine deprive him of the powers of locomotion within 15 minutes?

I think it might.

What was the disease for which you prescribed?

Neuralgia.

*By the Attorney General*

Had you given Mr. Wootton any caution in respect of the prescription?

No. I thought he was going home to his Bed.

What is his general health?

Tolerably good but he is troubled with neuralgic pains.

What would be the effect of more stimulus on the opium?

Brandy would probably arouse him from the stupor: but Sherry I do not think would have much effect one way or the other.

Is there any particular condition of the Stomach affecting the taking of such Medicine?

If the Stomach is empty it acts much more quickly.

Dr. Trimble then withdrew.

Mr. Maclaren called and appeared.

*By His Excellency.*

Are you employed in Messrs. Langley's store?

Yes. I dispense Medicines.

Did you see Mr. Wootton take any Medicine at your Premises on Thursday last the 10th Inst.

Yes. I made up for him this prescription.

Prescription handed in.

R. No. 13253  
10 VIII. 65.

[?] Sulp.	gr $\bar{i}$
Ipt. Ether Cu.	$\bar{z}$
Tr. Hyosc	zi
Aqua Camph.	zi

M. ft haust

Wootten JT.

At what hour did Mr. Wootton take that Medicine?

Between 4 & 5, but I cannot be positive.

Did he leave the premises immediately afterwards?

Yes, within five minutes or thereabouts.

Do you know the nature of that prescription and the effects it would be likely to produce?

It is uncertain in its effects. Some men could take that dose with impunity—others it would affect very considerably. From the  $\frac{1}{8}$  of a grain to a quarter is an ordinary dose for morphine.

From your knowledge of the medicine given, would you think it an ordinary effect, for Mr. Wootton to be incapable of walking from your House to his Home?

I think so, inasmuch as I would not give such a dose upon my own responsibility.

In short, if I had found Mr. Wootton lying in the Street after taking this Medicine you would not have been surprised at it?

I might be surprised at it: at the same time I would not think it impossible.

Within what space of time would the Medicine take effect?

Within a quarter of an hour, probably ten minutes.

Would you expect a person under the influence of this Medicine to offer violent resistance to anyone taking him home?

I cannot say. It depends upon the manner in which the Medicine would affect the temperament of the party.

Do you know whether Mr. Wootton is in the habit of taking opium?

No. It is the first he has ever taken in our Store.

*By Attorney General*

What would be the effect of Hyoscyamus and Ether?

The Hyoscyamus is a sedative; the Ether slightly stimulating.

*By Colonial Secretary*

Does Ether produce similar effects to Chloroform?

It does if taken in sufficient quantity; but there is not sufficient quantity by itself in the prescription.

*By the Treasurer*

Did Mr. Wootton appear to be sober when he entered your shop & before taking the dose?

To all appearance he was.

The Witness then withdrew.

Mr. Thomas, proprietor of Bee Hive Hotel called in, & His Excellency explained to Mr. Thomas that Mr. Wootton had called upon him in reference to a charge of drunkenness & asked

Did Mr. Wootton take a glass of Sherry at your House?

He did. I saw Mr. Wootton looking pale and ill. I asked him what was the matter, and told him to come in and sit down. I offered him a glass of brandy which he refused but he took a glass of sherry. He was offered another but would not take but the one.

At what O'Clock was this?

From a quarter to ½ past 4.

Can you tell me which was the shortest way home for Mr. Wootton?

I presume either by Fort or Kane St.

Going by Broad Street & Yates Street is a greater distance?

Yes.

Are there any public Houses between the Bee Hive and Mr. Wootton's residence going by this latter route?

Yes. Three, the International the Bulls Head and Bonds.

All that you can say then is that Mr. Wootton came to your House complaining of illness and took but one glass of Sherry?

Yes. I offered him more but he refused.

Was Mr. Wootton able to walk when at your House?

He was able to walk but he seemed nervous and stupid.

Was he in a state of insensibility at that time?

No. He was quite capable of distinguishing persons.

The Witness then withdrew.

Mr. Yardley, Assistant in Post Office then called in & questioned.

*By His Excellency*

Did you leave the post office with Mr. Wootton on Thursday last?

No.

Where did you see Mr. Wootton about 4 O'Clock or thereabouts?

At the corner of View & Douglas Streets.

At what Hour?



Near half past 4.

What state was he in?

I did not know what to make of him. He seemed very ill. He was sitting down, & was not able to walk without assistance.

Did you then convey him home?

I assisted him home as well as I could.

Were you in Company with him at the Bee Hive?

No. I did not leave the office till  $\frac{1}{2}$  past 4 or thereabouts.

Do you remember meeting me on that day?

I do, at the junction of Fort St. with Quadra Street.

The direction you were coming from, is that the nearest way for Mr. Wootton to reach his home?

It is not. Fort Street is the nearest way.

Were you conveying Mr. Wootton home when you met me?

I was.

Why did you turn down Fort Street?

I found he was getting too bad to stand up, & I wanted to rest him for a few minutes.

In point of fact you turned in the opposite direction from Mr. Wootton's house?

I turned round the Corner a few yards to keep him up.

Are you employed in the Post Office?

I am.

Are you connected with Mr. Wootton?

He is my brother in law.

*By Colonial Secretary*

What did you think of Mr. Wootton's state when you saw him?

I could not understand his condition. I did not consider him drunk. He went willingly with me.

Was not your object in turning down Fort Street to avoid meeting His Excellency?

Certainly not.

What was your object then in turning a few yards down Fort Street?

To obtain support. I think we had passed the Corner.

*By His Excellency*

Did you turn down the Street exactly at the point where you met me?

I did.

Having turned down the Street when you passed, both you and Mr. Wootton turned your backs to me?

I believe so, for our backs were towards the middle of the Street.

When you turned down Fort St. was that your nearest way home?

No.

Was it in the direction of Mr. Wootton's House?

No.

*By Mr. Wootton*

Is not the door in Fort Street, of the Corner shop at the junction of Fort & Quadra Street?

I believe the door is in Fort Street on the South side.

When you were trying to get me round what was your object?

It was so as to rest you.

*By Colonial Secretary*

Did you cross from the south side to the Northside of the Street at any time after or before you saw His Excellency?

Certainly not. We never left the sidewalk on the Northside.

The Witness then withdrew.

Mr. Sparrow called in & His Excellency informed him that he had been sent for by the Council in reference to a charge of drunkenness against Mr. Wootton, and asked

Do you know anything of this matter?

Nothing.

At what hour on Thursday the 10th Instant did Mr. Wootton leave the office?

After 3. I cannot place it nearer than that.

Was Mr. Wootton quite sober then?

He was.

Did you see him at any later period the same day?

I did not.

*By Colonial Secretary*

Did Mr. Wootton appear in his usual health on that day?

He did not. He complained of being unwell and mentioned that he wished to see the Dr.

*By His Excellency*

Did he state that he had seen the Doctor on that day?

No. I cannot remember that he said he had seen him, but he said he wished to see him, and went out during the day for that purpose as he stated. He also made the remark that he had not eaten anything that day, and he went out about 2 o'Clock for Luncheon.

What description of illness did he complain of?

He said his stomach was out of order.

The Witness then withdrew.

His Excellency then informed Mr. Wootton he was at liberty to add any further statement that he might desire.

Mr. Wootton observed that he wished to say in respect to using View Street that no doubt he adopted that Street to escape observation feeling unwell.

*By His Excellency.*

How do you reconcile that with yr. statement that you have no recollection of anything that took place from the time you took the Sherry until  $\frac{1}{2}$  past 8?

I have no recollection after I took the Sherry until I woke on my own Sofa at  $\frac{1}{2}$  past 8. I say "no doubt" feeling unwell I took View Street, but I have no recollection of so doing.

Mr. Wootton then withdrew, not desiring to state anything further, and no Member of the Council desiring to question him further.

The Council deliberated upon the whole case, and the following resolution was proposed by the Colonial Secretary and put by The Governor.

That Mr. Wootton was incapable of taking care of himself in a public thoroughfare at about half past 4 o'clock on Thursday the 10th August requiring the assistance of a person to carry him home; but that in the opinion of this Council, on the Evidence as disclosed, there is reason to believe that Mr. Wootton was labouring under the effects of a narcotic prescribed for him by a Medical man to relieve pain, and which he improperly took at a Druggists shop instead of at his own Residence.

*Ayes:*

The Colonial Secretary,  
The Acting Attorney General,  
The Treasurer.

*Noes:*

The Governor,  
The Acting Surveyor General.

and so it passed in the affirmative, His Excellency recording his dissent in the following minute.

I regret being obliged to dissent from this opinion having no doubt from my personal observation that Mr. Wootton was drunk in the ordinary acceptance of the term. His manner—appearance—power of resistance to the person carrying him home, His endeavor to avoid meeting me on the occasion of alleged drunkenness, turning in the opposite direction to that leading to his home—all confirm me in this belief.

The statement of Dr. Trimble if based upon sound medical grounds is calculated to throw doubt on the cause of Mr. Wootton's incapacity to walk alone or stand upright.

His Excellency then proposed that Mr. Wootton should be suspended from Office pending the reference of the matter to the Secretary of State.

*Ayes:*

*Noes:*

The Colonial Secretary,  
The Acting Attorney General,  
The Treasurer,  
The Acting Surveyor General.

and so it passed in the negative.

2. His Excellency brought before Council the bad condition of the West Saanich Road, and proposed that as the financial condition of the Colony would not admit of the expenditure of the ten thousand Dollars in the Estimates, that two thousand Dollars should be expended to make the road passable, and that the Surveyor General should communicate with the property owners interested to obtain their aid so as to make the money go as far as possible: in all of which the Council fully concurred.
3. The financial condition of the Fire Department and Hospital at Victoria was then brought to the notice of the Council, and a Memorandum dated 9th August from the Colonial Secretary on the subject read. Proposed that each

institution should be paid at once one thousand dollars from the moneys voted in aid, and remainder of aid when funds were available in which the Council agreed.

The Council then adjourned.

A. E. Kennedy

### Monday, the 21st day of August, 1865

Present: His Excellency The Governor, The Colonial Secty., The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. Collection of one half of one per Cent Tax. Letter dated 21st Instant read from Mr. W. J. Macdonald, reporting want of success in collecting Tax: some parties positively refusing, others pleading inability. Resolved unanimously that List should be at once placed in hands of Sheriff with instructions to proceed to levy the same by distress or otherwise according to the terms of the Act.
2. Arrears of Liquor Licences. Letters (with Lists) from Treasurer, dated respectively 25 May & 3 Augt. 1865 placed before Council. Resolved that Supt. of Police summon Defaulters & report the result.
3. Selling Whiskey to Indians. His Excellency brought the subject before Council, and the fact of 16 persons being now confined in Jail at the public expense, and adverted to the state of the Law in the case. Council resolved that measures should be taken for the Law to be amended, to the extent of Corporal punishment being awarded for second offences, and to the interpretation of the third clause of the present Act of 1860.
4. Calendar of Prisoners Tried at Assizes of July 1865, placed before Council, and letter dated 17th August from Chief Justice read. Case of Edward Allen, discussed, and recommendation of Chief Justice that he should be discharged, not being in his opinion legally convicted, concurred in.
5. West Saanich Road. Letter dated 18th August 1865 read from Acting Surveyor General reporting result of his examination of work required to be done to make the road passable. Resolved that work should be undertaken by Surveyor General as proposed by him in his letter.
6. Printing Government Gazette. Letter dated 18th Augt. 1865 read from W. L. Mitchell, representing the loss he is sustaining in printing Government Gazette. Resolved that printer should be paid actual cost of his work for remainder of the term.
7. Road from Gold Stream to Shawnigan. His Excellency proposed that a reward of One Hundred Dollars should be offered for the discovery of a better route than those now existing between Gold Stream and Cowichan, to be taken by way of Saywards hill at Shawnigan—in which the Council concurred.

The Council then adjourned.

A. E. Kennedy

## Tuesday, the 12th day of September, 1865

Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read and confirmed.

1. Despatches from Secty. of State. His Excellency laid before the Council and caused to be read the following Despatches.

No. 26 of 23 May 1865

28 1 June „

30 9 June „

Confidential 9 June „

Circular 19 May „

„ 23 May „

„ 3 June „

„ 10 June „

2. Sale of Whiskey to Indians on West Coast. His Excellency brought to notice of Council a recent case, and read Letters from Supt. of Police dated 29 August, and 8th September. Discussion thereupon. Action deferred.
3. Case of William Quarles, a Prisoner in Victoria Gaol. Memorial from many persons praying for his pardon and release from Gaol. Resolved that it be referred to Chief Justice for remarks.
4. Stock & Carcass Act 1865. Landing a Horse without a permit. Case of Messrs. Reinhart & Burnaby. Letter from Harbor Master read dated 23 August 1865 respecting this case, together with remarks thereon by Attorney General. Matter discussed, and resolved that the Harbor Master should be instructed not to take further steps in present case, but in future cases to prevent the landing of animals until the duty is paid.
5. Gatherings of Indian prostitutes in certain parts of the City of Victoria. Letter dated 25 August 1865 upon this subject from Supt. of Police read to the Council. Resolved that Supt. of Police should be instructed to use all means at his disposal to abate this nuisance and to summon the owners of disorderly or disreputable Houses.
6. Victoria Fire Department. Report of Chief Engineer dated 31 August 1865 for year ending July last read to the Council. Discussion thereupon ensued, and it was resolved that assistance should be given to the extent of the money voted by the Legislature for the current year viz. \$3000.
7. Case of Dr. Dickson Coroner. Letter dated 22 August 1865 read from Dr. Dickson, in which he refers to the law of England as that under which he acts, and declines to part with Documents pertaining to his Office. Resolved that Dr. Dickson be informed that he derives his power from the Governor of the Colony, & that he is subject to that power.

The Council then adjourned.

A. E. Kennedy

---

**Thursday, the 21st day of September, 1865**

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of previous Meeting read & confirmed.

1. His Excellency stated to the Council that he had summonsed the Council to consider the propriety of further proroguing the Legislature for a Month or some even longer period. Discussion upon the matter. Resolved that Legislature be further prorogued until Thursday the 2nd November proximo.
2. His Excellency placed before Council, and caused to be read a letter from the Acting Attorney General dated 19th September, with enclosed correspondence, and forwarding Account of the Sales of Land by the Hudsons Bay Co.
3. His Excellency again brought before Council the matter of Whiskey Selling to Indians. Discussion thereupon and Council resolved that instructions should issue to Attorney General to procure a Bill amending and enlarging existing Law upon this subject.
4. Arrest and Imprisonment for Debt. His Excellency presented to Council and caused to be read Draft of a Bill prepared by Attorney General. Resolved that general principle of Bill is agreed upon, & that it should be introduced into the Legislature upon the first opportunity by the Attorney General.

The Council then adjourned.

A. E. Kennedy

---



---

**Wednesday, the 11th day of October, 1865**

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of previous Meeting read & confirmed.

1. His Excellency laid before Council a letter dated 11th October 1865, from Mr. David Cameron tendering the Resignation of the office of Chief Justice of Vancouver's Island. Resignation accepted.
2. Mr. Joseph Needham was then introduced to the Council, and presented by His Excellency with the Letters Patent appointing him to the Office of Chief Justice of the Colony of Vancouver Island and its Dependencies, after which the Oath of Allegiance and Oath of Office were administered to him by His Excellency and taken in the presence of the Council.
3. Marriage Licence Fees. Despatch from Secty. of State dated 22nd July 1865 No. 34, read to Council, by which these Fees are to be carried to account of Crown Revenue.
4. His Excellency laid before Council and caused to be read Circular Despatch from Secretary of State dated 26th July 1865 together with two Imperial Acts

inclosed therein entitled "An Act to remove Doubts as to the Validity of Colonial Laws," and "An Act to remove Doubts respecting the validity of certain Marriages contracted in Her Majesty's Possessions abroad."

5. Mr. Ewings claim for balance due upon his Contract for building Tug Steamer Sir James Douglas. Letters from Surveyor General to Mr. Ewing dated 11 Sept. 1865, and from Mr. Ewing to Mr. Pearse dated 12 Sep. 1865, and from Mr. Ewing to Col. Secretary dated 10 October 1865. Matter fully and carefully discussed and Memorandum dated 2nd Oct. 1865 of Colonial Secretary read. Resolved that a settlement be offered to Mr. Ewing upon the basis of Colonial Secretary's Memorandum, which exhibits a balance in Mr. Ewings favor of \$1526.50.
6. Board of Education, Letter dated 29 September 1865 from Superintendent of Education representing want of funds in proceeding with construction of School House at Nanaimo, and asking for a further appropriation of \$1500 to enable the work to be carried out. Resolved that in view of the importance of the undertaking that the application be complied with.
7. Prospecting at Soke. Letter dated 19 September 1865 read from Acting Gold Commissioner representing the work in which a Miner named Williamson has been employed since May last, and asking for some pecuniary assistance for him. Resolved that a sum of Two Hundred Dollars be paid to Williamson to enable him to continue his prospecting.
8. Allowance for Lodging & Fuel to Police Sergeant at Nanaimo. Question brought before Council, & resolved that fifteen dollars a month should be granted as compensation for Lodging & Fuel.

The Council then adjourned.

A. E. Kennedy

### Monday, the 23rd day of October, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read & confirmed.

1. Further prorogation of Legislature. In consequence of no answer to Despatches respecting Lands, Union &c. having been received. His Excellency proposed that the Legislature should be still further prorogued to the 16 November proximo in which the Council agreed.
2. Moneys voted by Legislature in aid of Royal Victoria Hospital. Letter read from Treasurer of the Institution asking for the payment of \$2500 on account of this vote, the creditors of the Hospital being in great need of money. Council agreed that the money must of necessity be paid.

The Council then adjourned.

A. E. Kennedy