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

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The Council met this morning pursuant to notice issued.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Members attended His Excellency to the Court House, and were present on the occasion of the opening of the First Session of the Second House of Assembly. On the conclusion of His Excellency's address, the Members withdrew and the Council broke up.

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

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The Council met this day.

Present: Honbles. Rodk. Finlayson, Donald Fraser, Chief Justice Cameron.

The Council proceeded to consider the subject of an Address to the Governor in reference to His Excellency's Speech on the Opening of the Session on March 1st, a copy of which was before the Council.

It was moved by Mr. Finlayson and Seconded by Mr. Fraser, that the following Address be presented to His Excellency:

*To His Excellency James Douglas, Esqre. C.B. &c. &c. &c. Governor of Vancouver's Island.*

The humble Address of the Legislative Council of the Colony of Vancouver's Island, May it please Your Excellency,

The Legislative Council begs respectfully to acknowledge the receipt of Your Excellency's Speech on the opening of the present Session of the Legislature, and to tender you the thanks of the Council therefor.

The Council avails itself of this opportunity of Expressing its satisfaction at the general progress and improving condition of the Colony; and trusts that many of the measures referred to in Your Excellency's Speech will tend to advance its various interests.

The Council begs to Assure Your Excellency that it is prepared to give its earnest attention to the Consideration of the Measures recommended by Your Excellency; and that its deliberations will be directed solely with the view of promoting the public good.

Carried unanimously.

It was then notified to the Governor that the Council were prepared to present the Address.

On His Excellency's arrival in the Council Chamber, The Honble. Rodk. Finlayson read the Address.

The Governor replied that he had great satisfaction in receiving the Address of the Council, and that he should have much pride and pleasure in conveying to Her Majesty the information that Her faithful Council in Vancouver's Island were prepared to co-operate in measures affecting the public good.

The Council then adjourned.

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### Monday, the 26th day of March, 1860

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The Council met this day at 3 o'clock P.M. pursuant to notice issued.

Present: His Excellency the Governor, The Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron, Donald Fraser.

The Governor brought under the notice of the Council, the question of the price of public land in the Colony.

The Council are unanimously of opinion that a low price—say 4/. an acre, combined with occupation and improvement, would conduce to the general settlement of the Country.

But the Council recommends that if the price is reduced, such conditions shall be imposed as will prevent large quantities of land being bought for Speculative purposes, to the prejudice of persons of limited means wishing to obtain land at a low price *to cultivate it*.

A plan of pre-empting land, the Council is of opinion, would also enhance the benefits of a low price of land, as it would enable a Farmer to take immediate possession without having to wait for Surveys; but the land must be so selected as not to leave out Rocks, Swamps &c. &c.

The quantity to be pre-empted by each pre-emptor, the Council thinks should be 160 Acres.

Although advocating a low price, the Council would object to tying up *all* the waste land of the Crown under a pre-emption system. They would wish that such a system would be established as would enable a capitalist to procure extensive quantities of land when required for laudable objects. Cases of this sort might be charged *more* than 4/. an acre, and conditions might be attached to them to prevent abuse. Power should be given to some body to regulate such cases.

The Subject of the Fees of the Courts of Law was discussed, and adjourned 'till next meeting of Council.

[Memo.] a copy of this days Minutes Enclosed in Despatch to the Duke of Newcastle March 29th 1860.

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### Saturday, the 7th day of April, 1860

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The Council met this day pursuant to notice issued.

Present: His Excellency the Governor, Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

His Excellency proceeded to lay before the Council, 1st An Address of the House of Assembly dated 2nd April 1860, asking him to order the lines of Road in the Several Districts therein mentioned to be definitely laid down. 2nd A Correspondence which has passed between Captain Stamp and His Excellency on the subject of a Contemplated Settlement on the Western Coast of Vancouver's Island.

1. The Council unanimously approve of the measure proposed by the House in reference to the laying down the lines of Road, and beg to recommend His Excellency to call upon the landowners of the respective Districts to meet and elect a Committee of Three of their number for the purpose of carrying out the objects of the Address, and of reporting upon the same to His Excellency.

2. The Council having carefully read the Correspondence with Captain Stamp, and having seriously considered the subject to which it relates, unanimously approve of His Excellency's action thereon; the Council being of opinion that the carrying out the proposed enterprise will be of the highest benefit to the Colony, and is deserving of every encouragement.

The discussion on the subject of the Fees of the Courts of Law, was resumed and deferred for the revision of certain items in the Submitted Schedules.

The question as to whether the Council had authority to exercise Executive as well as Legislative functions was discussed and deferred to the next meeting.

The Council then adjourned to Tuesday next at ½ past 10 o'clock A.M.

### Tuesday, the 10th day of April, 1860

The Council met this morning pursuant to adjournment, His Excellency the Governor being present, and the following Members: The Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Council having again considered the Rules of Court, and the Fees of Court &c. &c. as set forth in the Schedules annexed thereto, do approve of the Same.

The Council adjourned until further notice.

Memorandum. the Minutes of Council, from July 5th 1859 to April 10 1860 inclusive, copied, and transmitted to the Secretary of State, by the Mail of 20th April, 1860.

### Tuesday, the 1st day of May, 1860

The Council met this morning pursuant to notice issued.

His Excellency the Governor being present, and the following Members, the Honbles. Rodk. Finlayson, John Work, Donald Fraser, C. J. Cameron.

The Governor laid before the Council "A Bill to prevent the use of Stove-pipes, and render Compulsory the Building of Brick and Stone Chimnies within certain limits of the Town of Victoria", which had passed the House of Assembly.

The Bill was read a first time, and ordered to be read a Second time at the next Meeting of Council.

The Council then adjourned until further notice.

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### Wednesday, the 20th day of June, 1860

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The Council met this morning pursuant to notice issued.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser, Chief Justice Cameron.

This being the Anniversary of Her Majesty's Accession, the Council did not proceed to business, and adjourned to tomorrow at 11 o'clock, A.M.

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### Thursday, the 21st day of June, 1860

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The Council met this Morning pursuant to adjournment.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser.

The Honble. Chief Justice Cameron being detained by business in the Supreme Court, there was no quorum present, and The Council adjourned until Friday the 22nd instant.

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### Friday, the 22nd day of June, 1860

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The Council met this morning pursuant to adjournment.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser, Chief Justice Cameron.

Subjects under discussion.

1. "A Bill to provide for the Administration of Oaths in the House of Assembly, and the production of Evidence before Committees of the Same" was read a first time.

2. "The Bill to prevent the use of Stove Pipes and render compulsory the building of Brick and Stone Chimneys within certain limits of the Town of Victoria." It was moved and Seconded that this Bill be read a Second time, and considered with the Bill to incorporate Victoria.

3. An Address of the House of Assembly dated 18th June 1860, to His Excellency the Governor in the terms following,

No. 9.—This House respectfully requests His Excellency the Governor to permit the official proceedings of the Council (or Upper House) of this Colony to be Conducted with the Same publicity as attends the Sitzings of the Legislative Assembly of this Colony,

having been Submitted to the Council by His Excellency the Governor for Consideration.

The Council, after considering the Same, is of opinion that the Said Address, from its terms, does not apply to this Council; as, this Council (or "Upper House" as the Honorable the House of Assembly designates the Council) being

an independent Legislative Body, it has, as such, no "official proceedings" which His Excellency the Governor can "permit to be conducted with publicity."

It is ordered that the Clerk do furnish His Excellency with a Copy of this Resolution.

The Council then adjourned to Monday, the 25th instant at 2 o'clock P.M.

### Monday, the 25th day of June, 1860

The Council met this day pursuant to adjournment.

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser.

The Council Adjourned 'till tomorrow in consequence of the detention of Chief Justice Cameron to a late hour in his Court.

### Tuesday, the 26th day to Friday, the 29th day of June, 1860

Present: His Excellency the Governor, Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Council engaged in Committee on the Bill undermentioned.

The Council having resolved itself into a Committee of the whole to consider "The Bill to provide for the Administration of Oaths in the House of Assembly and the production of Evidence before Committees of the Same." It was moved, Seconded and carried unanimously "That the 'Title' of the Bill do Stand."

It was moved, Seconded and carried unanimously, that the first Eighteen words of the Preamble do stand, and that after the word "Oaths" the words "or affirmations" be added; That the two words following, vizt. "to Members" do stand; That the remaining words of the Preamble be omitted, and the following inserted, "of the House of Assembly of Her Majesty's Colony of Vancouver Island, and to Witnesses before Election Committees of the same: And whereas doubts exist as to the power of the Clerk of the Said House to administer Such Oaths and Affirmations and as to the power of the Chairmen of Election Committees of the said House to administer such Oaths or Affirmations as may be necessary for the efficient discharge of the duties of such Committees." That the word "Therefore" be inserted at the beginning of the enacting Clause.

It was moved, seconded and Carried unanimously, That the whole of Clause First of the Bill be omitted, and the following words inserted; vizt.: I. "That from and after the passage of this Act, the Honorable the Speaker, the Clerk, and the Sergeant at Arms of the said House of Assembly, shall have and may exercise the same powers in administering Oaths or Affirmations and all other powers as are by Law conferred upon, possessed and Exercised by Similar

Officers of the House of Commons of the Imperial Parliament of the United Kingdom of Great Britain and Ireland.”

It was moved, Seconded, and carried, That Clause Second of the Bill be omitted, and the following inserted, vizt. II. “That the Chairman and Members of Election Committees shall have and may Exercise, and they are hereby empowered to Exercise, the Same powers and to administer Such or similar Oaths or Affirmations as are required and allowed by Law to Chairmen and Members appointed by the said House of Commons to enquire into Controverted Elections.”

It was moved, Seconded and Carried That Clause Third of the Bill be omitted, and the following inserted, vizt. III. “That the Chairmen of Select Committees of the Said House of Assembly shall also have and may Exercise, as such Chairmen, the same and as full powers as are given to Chairmen of Select Committees of the Said House of Commons.”

It was moved, Seconded and carried, That the whole remaining portions of the Bill, including the Schedules thereto annexed, be omitted, and the following inserted, vizt. IV. “And, That the form of the Oaths and Affirmations, Warrants, Summonses, Orders and other forms necessary for the due execution of this Act shall be Similar in the like cases, and have the Same force and effect as those used in the Said House of Commons, or as nearly as Circumstances will permit.”

Read a Third time and passed, this 29th day of June A.D. 1860.

The Council Adjourned sine die.

### **Tuesday, the 3rd day of July, 1860**

The Council met this morning pursuant to notice issued.

Present: His Excellency the Governor, Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The following Bills were laid before the Council by His Excellency the Governor and read a first time.

1. “The Currency Bill.”
2. “A Bill for the protection of the Members of Fire Companies of Victoria.”
3. “A Bill to extend the provisions of the Joint Stock Companies Acts 1856, 1857 and 1858, to Vancouver Island and its Dependencies.”

The Council adjourned to Tuesday the 10th instant, at 3 o'clock p.m.

### **Tuesday, the 10th day of July, 1860**

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The "Currency Bill" was brought up for a Second reading.

On reading the order it was moved, Seconded and carried unanimously  
"That this Bill be read a Second time this day Six months."

"The Bill for the protection of the Members of Fire Companies of Victoria", was read a Second time, and ordered to be considered in Committee on Thursday next the 12th instant.

"The Bill to extend the provisions of the Joint Stock Companies' Acts 1856, 1857 and 1858 to Vancouver Island and its Dependencies" was read a Second time, and ordered to be considered in Committee, clause by clause, on Thursday next the 12th instant.

"A Bill to promote improvement in the breed of Live Stock in the Colony of Vancouver's Island" Was read a first time.

The Honble. Chief Justice asked leave to bring in a Bill to provide for the deficiency of lawful Money in the Currency of the Colony.

Granted, and ordered to be brought in accordingly.

In connexion with the Fire Companies Bill, it was agreed that the President of the Council should request the favor of the attendance of the Foremen of the two Fire Companies and of the Hook and Ladder Company, at the Council Chamber on Thursday, next, at 12 o'clock.

The Council then adjourned to Thursday next the 12 instant, at 12 o'clock.

In conformity with the resolution in the last paragraph of the Minutes, the following circular was addressed to each of the undermentioned gentlemen, vizt.

Wm. Pickett, Esquire, Foreman of the "Union Hook & Ladder Company."

James E. Wolfe, Esquire, President of the "Deluge Engine Company."

Thomas H. McCann, Esquire, President of the "Tiger Engine Company."

(Copy)

Council Chamber  
Victoria, Vancouver's Island  
10th July 1860.

Sir

I am directed by the President of the Legislative Council of Vancouver's Island to request the favor of your attendance at the Council Chamber, James' Bay, on Thursday next at 12 o'clock, to furnish such information as you may be possessed of, to the Council in Considering

"The Bill for the protection of the Members of the Fire Companies of Victoria" now before the Council.

You will please to bring with you the Bye-Laws, or the Rules and Regulations of your Company, if there are any such in Existence.

I have the honor to be  
Sir,  
Your most obedient Servant  
(Signed) Joseph Porter.

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**Thursday, the 12th day of July, 1860**

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The Council met this day pursuant to adjournment.

Present: Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

The Council resolved itself into a Committee to consider "The Bill for the protection of the Members of the Fire Companies of Victoria", and Examined two witnesses at length.

The Council then adjourned to Tuesday the 17th instant at 1 o'clock P.M.

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**Tuesday, the 17th day of July, 1860**

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The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

Evidence was taken on the Subject of "The Bill for the protection of the Members of the Fire Companies of Victoria."

"A Bill to declare certain Foreign Coins a Lawful Tender", (introduced by Chief Justice Cameron) was read a First time.

The Council adjourned to Friday, the 20th instant, at 3 o'clock P.M.

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**Friday, the 20th day of July, 1860**

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The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting were read and approved.

On the order of the day for the 3rd Reading of the "Bill for the protection of the Members of Fire Companies of Victoria", It was moved by Chief Justice Cameron that the IX Section may be amended by inserting the words "Shall continue and be in force for One Year from the passing thereof, and" after the word "Act" in the first line.

Seconded by Hon. Rodk. Finlayson, and carried unanimously.

The Bill was then read a third time and passed.

"An Act to declare certain Foreign Coins a Lawful Tender", was read a second time, and ordered to be considered in Committee.

The Council adjourned to Tuesday next the 24th instant at 3 o'clock P.M.

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

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The Council adjourned, by reason of there not being a quorum present, to Friday the 27th instant.

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

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The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

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

The consideration of "The Bill to Extend the provisions of the Joint Stock Companies Acts 1856, 1857 and 1858 to Vancouver Island and its Dependencies" was resumed in Committee, and the following amendments unanimously agreed to;

Section 2nd was struck out, and the other numbers altered accordingly.

To Section 3rd the following words were added, at line 1, after the words "by the"—*42nd Section of the Joint Stock Companies Act 1856.*"

To Section 6th the following words were added, "provided that all powers or functions assigned to any Judge or Court of Justice in England by any of the Said Acts, shall be Exercised by the said Supreme Court; And if in any of the said Acts different modes of procedures are required to be pursued in England or in any other part of the United Kingdom the procedures required in England shall, Subject to the last preceding provision, be pursued in Vancouver's Island and its Dependencies."

The following was inserted as Section 11th of the Act, namely, "11th The enactment as to the payment of Money, which by Section 83 of the Said Joint Stock Companies Act 1856 is required to be made to the Bank of England, shall at the discretion of the Said Court in lieu thereof be paid into any Incorporated or Chartered Bank carrying on business in the Colony of Vancouvers Island".

The Bill was then ordered to be engrossed.

"An Act to declare certain Foreign Coins a lawful tender," was considered in Committee; amended; brought up as amended; ordered to be engrossed, and to be read a Third time at the next meeting of Council.

The Council adjourned to Tuesday next the 31st instant at 3 o'clock P.M.

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**Tuesday, the 31st day of July, 1860**

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read and approved.

The consideration of "The Bill to Extend the provisions of the Joint Stock Companies Acts 1856, 1857 and 1858 to Vancouver Island and its Dependencies" was resumed, and the following Amendments unanimously agreed to,

Section III. amended to read as follows, "The 42nd Section of the said Act 1856 shall be amended by omitting the words 'the United Kingdom' and inserting in lieu thereof the words 'Vancouver Island and its Dependencies'."

Section XI. amended to read as follows, "All monies received as mentioned in Section 83 of the said Joint Stock Companies Act 1856 shall, in lieu of the Banks therein mentioned, be paid into any Incorporated or Chartered Bank carrying on business in the Colony of Vancouver Island."

The Bill, as amended, was read a Third time, and passed.

"The Bill to declare certain Foreign Coins a Lawful Tender" was read a Third time, and passed.

The Council then adjourned to Tuesday, the 7th August, at 3 o'clock P.M.

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**Tuesday, the 7th day of August, 1860**

The Council adjourned, by reason of there being no business before it, until Tuesday the 14th instant, at 3 o'clock P.M.

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**Tuesday, the 14th day of August, 1860**

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting were read and approved.

The following Acts, received from the House of Assembly, vizt.

1st "An Act to apply the Sum of £9364. out of the General Revenue &c. &c."

2.—"An Act for the payment of Certain Salaries."

3.—"An Act to Apply the Sum of £3207:14:1. out of the General Revenue &c. &c."

4. "A Bill for rendering the administration of Justice in minor Criminal cases more Speedy and certain."

were read a First time, and ordered to be brought up for Second reading on Thursday the 23rd instant.

The Council adjourned to Thursday the 23rd instant, at 3 o'clock P.M.

### Thursday, the 23rd day of August, 1860

There being no quorum, The Council adjourned to Tuesday the 28th instant at 3 o'clock P.M.

### Monday, the 27th day of August, 1860

The Council met this day at 3 o'clock P.M. pursuant to notice issued.

Present: His Excellency the Governor, and the following Members, Honbles. R. Finlayson, Donald Fraser, John Work, Chief Justice Cameron.

The following Bills were taken up for Second Reading.

1. "An Act for the payment of Certain Salaries."

2. "An Act to apply the sum of £3207:14:1. out of the General Revenue &c."

3. "An Act to apply the Sum of £9364. out of the General Revenue &c."

The following Bills, sent up from the House of Assembly, were read a first time.

1. "An Act to improve the Streets in the Town of Victoria".

2. "An Act to make provision for the Pilotage of the Harbours of Victoria and Esquimalt."

The Council then adjourned to tomorrow, Tuesday the 28th instant, at 1 o'clock P.M.

Previous to the Adjournment, His Excellency the Governor informed the Council of his intention to proceed to British Columbia tomorrow, where he would be absent for some weeks; further that the Admiral had been notified to the Same effect; and that the Senior Member of Council would act for the Governor in his absence.

### Tuesday, the 28th day of August, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The following Bills were read a Third time and passed,

1. "An Act for the payment of Certain Salaries."
2. "An Act to apply the Sum of £3207:14:1 out of the General Revenue &c."
3. "An Act to apply the Sum of £9364. out of the General Revenue &c."

"An Act to improve the Streets in the Town of Victoria", was read a Second time.

It was moved, Seconded and Carried That the Rules be Suspended, to permit the "Act to improve the Streets in the Town of Victoria" to be read a Third time, on account of the urgency of the measure.

"An Act to improve the Streets in the Town of Victoria" was read a Third time, and passed.

The Council adjourned until further notice.

### Thursday, the 30th day of August, 1860

The Council met this day, pursuant to the request of the Honble. Chief Justice Cameron.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Honorable the Chief Justice stated that he had received from, and was authorized by His Excellency the Governor, to hand a letter, of which the following is a copy, to the Honorable Roderick Finlayson, the Senior Member.

Government House  
August 28th 1860

Sir

As it is probable that many Bills of great importance and urgency, may be brought before the Council during my absence from Vancouver Island, I hereby empower and authorize you to give my assent to the Same, Provided always, that you be satisfied that any delay in their coming into operation would be prejudicial to the interest of the Colony; and Provided they contain nothing that is repugnant to the Laws of England, and contrary to my instruction from Her Majesty the Queen.

I have the honor to be Sir  
Your obedient Servant  
(Signed) James Douglas  
Governor.

To the Honble. Roderick Finlayson  
Senior Member of the Council.

The Council then adjourned to Friday the 31st instant at 1 o'clock P.M.

### Friday, the 31st day of August, 1860

The Council met this day at 1 o'clock P.M. pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

Mr. Finlayson, the Senior Member of Council, informed the Council that His Excellency the Governor having left the Colony for a short period, as appears by his letter in the Minutes of yesterday, he, Mr. Finlayson, has undertaken to perform the duties and functions of Governor, in virtue of Said letter, and of the 40th Section of Her Majesty's Instructions to the Governor.

The Council then adjourned till further notice.

### Wednesday, the 12th day of September, 1860

The Council met this day, pursuant to notice issued.

Present, Honbles. Roderick Finlayson, Senior Member, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The following Bills sent up from the House of Assembly, were brought before the Council;

1. "A Bill to authorize and regulate the Sale of Fermented and Spirituous Liquors," read a first time.

2. "A Bill to provide for the Repair Improvement and Regulation of Roads in Vancouver Island and its Dependencies," read a first time.

3. "An Act to levy an Annual Tax of £1. per centum on the value of all Real Estate in the Colony of Vancouver Island and its Dependencies"; read a first time, and ordered to be printed.

The Council then adjourned to Tuesday next the 18th instant.

### Tuesday, the 18th day of September, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, Senior Member, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The following Bills, vizt. 1. "The Road Act 1860" and 2. "The Bill to authorize and regulate the Sale of Fermented and Spirituous Liquors"; were read a Second time, and ordered to be considered in Committee at the next Meeting of Council.

The Council then adjourned to Wednesday the 26th instant.

### Wednesday, the 26th day of September, 1860

There being no quorum present the Council adjourned to Tuesday October 2nd 1860.

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## Tuesday, the 2nd day of October, 1860

There being no quorum present, the Council adjourned until further notice.

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## Wednesday, the 10th day of October, 1860

The Council Met this day pursuant to notice issued.

His Excellency the Governor being present, and the following Members: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors", was considered in Committee, brought up, read a third time, and passed, with a Rider to be added Explaining that the "fermented liquors" mentioned in Clause 3, of Section 1, Shall be construed to mean Wines of any description.

"The Act to impose certain Duties in respect of certain trades and occupations", was read a First time.

"An Act for erecting and maintaining a Beacon Light at the entrance of the Harbor of Victoria," was read a First time.

"A Bill to provide for the repair, improvement, and regulation of Roads in Vancouver Island and its Dependencies" was ordered to be Engrossed, and further considered in Committee.

The Council adjourned until tomorrow, Thursday October 11th at 1 o'clock P.M.

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## Thursday, the 11th day of October, 1860

The Council met this day at 1 o'clock P.M. pursuant to adjournment, His Excellency the Governor being present and the following Members, Honbles. Rodk. Finlayson, John Work, Donald Fraser.

"An Act to impose certain Duties in respect of certain Trades and occupations" was read a Second time.

"An Act for Erecting and maintaining a Beacon Light at the entrance of the Harbor of Victoria" was read a Second time.

The Council then adjourned until Friday the 12th instant at 1 o'clock P.M.

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## Friday, the 12th day of October, 1860

The Council met this day at 1 o'clock P.M. pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The "Road Act 1860" was considered in Committee.

The "Trade Licenses Act 1860" was considered in Committee, brought up, read a Third Time, and passed, with a recommendation that the House of Assembly shall be pleased to add to the Preamble thereof the following words, vizt. "Within the Colony of Vancouver Island and its Dependencies".

And to the Enacting Clause after the word "Assembly", shall add "of Vancouver Island and its Dependencies".

And after the word "following" in the fourth line of the First Clause, add the words "in the Said Colony and its Dependencies".

And after the word "advance" in the 9th line of the Same Clause, shall add the words "to and".

The Council then adjourned until Wednesday the 17th instt. at 1 o'clock P.M.

### Wednesday, the 17th day of October, 1860

The Council met this day, pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The following Acts were received from the House of Assembly,

1. "An Act prohibiting the Sale or gift of Intoxicating Liquors to the Indians"
2. "An Act to declare certain Foreign Coins a Lawful Tender," returned Amended.

"The Bill to regulate the Sale of Fermented and Spirituous Liquors," passed, with a Rider, in Council the 10th of October, was received from the House of Assembly with the following Resolution.

That this House is of opinion that the Amendment to the Act to authorize and regulate the Sale of Fermented and Spirituous Liquors, sent down by the Honorable Council, virtually alters the scale of taxation in that Act fixed by this House; and this House is also of opinion that the acceptance of Such an Amendment would be a surrender of its most important Privilege, and must therefore decline to consider the Same.

The Council then adjourned until Friday the 19th instant, at 1 o'clock, P.M.

### Friday, the 19th day of October, 1860

The Council met this day pursuant to adjournment.

Present: Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

"The Indian Liquor Act 1860" sent up from the House of Assembly, was read a First time.

"The Act to declare certain Foreign Coins a Lawful tender" was taken up and discussed.

The Council then adjourned to Thursday next, the 25th instant at 1 o'clock P.M.

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### Thursday, the 25th day of October, 1860

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The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

The following Bills were received from the House of Assembly, vizt.

1. "An Act to confirm certain persons in the fee-simple of the Real Estate which they now hold."

2. "A Bill to declare the limitation of certain causes of Action and Suit".

"The Indian Liquor Act 1860" was read a Second Time.

"The Act to confirm certain persons in the fee Simple of Real Estate" was read a First Time.

"A Bill to declare the limitation of Certain causes of Action and Suit" was read a First Time.

"The Road Act 1860" was considered in Committee.

The Council then adjourned until Tuesday the 30th instant at 2 o'clock P.M.

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### Tuesday, the 30th day of October, 1860

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The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser.<sup>11</sup>

The Minutes of last Meeting having been read.

The following Bills were received from the House of Assembly, vizt.

1. "A Bill to provide for the Yearly Registration of Voters, and other purposes relating thereto."

2. "An Act to amend the Scale of Fees charged for the entrance and clearance of Vessels; licenses to Scows, boats and other craft; and dues for landing permits; as well as other matters relating to the same in the Port of Victoria including Esquimalt."

3. "An Act to authorize the raising of a loan of £10,000 upon the security of the Dues and Monies levied by virtue of the 'Victoria and Esquimalt Harbor Dues Act 1860'."

"The Act to confirm certain persons in the fee-simple of Real Estate," was read a second time.

"A Bill to declare the limitation of certain causes of Action and Suit," was read a Second Time.

"The Indian Liquor Act 1860" was read a Third time and passed.

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<sup>11</sup> Cameron's name was originally listed among those present on this day, and 13 and 19 November but was subsequently struck out and initialled by Cameron.



“The Victoria and Esquimalt Harbour Dues Act 1860”, was read a First time.  
 “The Act to authorize the raising of a Loan of £10,000 on Harbour Dues” was read a First Time.  
 “The Bill to provide for the Yearly Registration of Voters,” was read a First Time.  
 The Council then adjourned until Friday the 2nd November, at 1 o'clock P.M.

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### **Friday, the 2nd day of November, 1860**

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The Council met this day pursuant to adjournment.  
 Present: Hons. Roderick Finlayson, John Work, Donald Fraser.  
 The Minutes of last Meeting having been read.  
 “The Bill to provide for the Yearly Registration of Voters,” was read a Second time, and appointed to be considered in Committee, at next Meeting of Council.  
 The Council then adjourned to Tuesday the 13th Instant.

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### **Tuesday, the 13th day of November, 1860**

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The Council met this day pursuant to adjournment.  
 Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.  
 The Minutes of last Meeting having been read.  
 “The Act for the improvement of the Harbor of Victoria, and the removal of the present Victoria Bridge,” with the accompanying plan &c., was received from the House of Assembly.  
 The said Act was read a First time.  
 “The Road Act 1860” was considered in Committee, clause by clause, and the Council resolved to return the same to the House of Assembly with a suggestion, that, as the Act imposes a commutation in Money for labour, it might be construed to come within the category of a Money Bill, the House shall be pleased to reconsider the same, and adopt the Amendments of the Council thereon.  
 The Council then adjourned to Monday next the 19th instant.

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**Monday, the 19th day of November, 1860**

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The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

“The Victoria and Esquimalt Harbour Dues Bill 1860” was read a Second time, and the following Amendments were proposed, Seconded and carried,

In the Enacting Clause, at line 4, after the word “the” and before the word “consent”—insert the words “advice and”.

In clause V. at line 18, strike out the word “price” and insert in lieu thereof the word “sum”.

In clause VI. at line 14, after the word “goods” insert the words “so landed”.

“The Victoria Harbor Act 1860” was read a Second time, and the following amendment was proposed, seconded and carried;

In the Enacting Clause, at line 4, after the word “Assembly” insert the words “of Vancouver Island and its Dependencies”.

“An Act for rendering the Administration of Justice in Minor Criminal Cases more speedy and certain” was read a Second time, and the following Amendments were proposed, seconded and carried.

In the enacting Clause, at line 4, before the word “consent” insert the words “advice and” and at line 5, after the word “Assembly” add the words “of Vancouver Island and its Dependencies.”

The following clause to be added to the Act, “Clause 9. This Act may be cited as ‘The Minor offences Act 1860’.”

“The Limitation of Foreign Actions Act 1860” was read a Third time, and the following Amendment was carried.

In the Enacting Clause, at line 4, after the word “the” insert the words “advice and”

And the Act as so Amended—passed.

“The Act to confirm certain persons in the fee-Simple of Real Estate” was read a Third Time, and the following Amendments were proposed, Seconded and carried.

In the Preamble, at line 18, after the word “Same” insert the words “in good faith.”

In Clause I. at line 5, strike out the words and figures “1st January 1860” and insert in lieu thereof the words “passage of this Act”, and

In Clause XI. (short title) strike out the words “fee simples” and insert in lieu thereof the word “Titles”.

And the Act as so amended—passed.

“An Act to amend the Registration of Voters Act 1859” was introduced by Mr. Fraser, and Read a First Time.

On motion of Mr. Fraser, the order for going into Committee on the "Bill to provide for the Yearly Registration of Voters" was discharged.

"An Act to make provision for the Pilotage for the Harbours of Victoria and Esquimalt", was read a Second time, and ordered to be considered in Committee.

The Council then adjourned to Wednesday the 21st instant, at 1 o'clock P.M.

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

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

1. "The Victoria and Esquimalt Harbour Dues Act 1860" was read a Third Time and passed.
2. "The Victoria Harbour Act 1860" was taken up and considered, and the following Amendments were proposed, Seconded and Carried, vizt.

After the word "certificate" and before the word "in" on the 4th line of Clause XII. to insert the words "Signed by The Governor and Sealed and countersigned by the Colonial Secretary of Vancouver Island"—

to add Form A to the Schedule to the Bill appended;—

to strike out the letter E and to insert the letter B in the 23rd line of Clause XIII.

The Bill was then read a Third Time and passed.

"The Minor Offences Act 1860" was read a Third time and passed.

"The Annual Registration of Voters Act 1860" was read a Second time.

"The Real Estate Tax Act 1860" was read a Second time, and the following Amendments proposed, seconded and carried, vizt.

In the last line of the Preamble to the Bill after the words "Her Majesty" insert "Her Heirs."

In the Enacting Clause after the word "advice" insert "and consent."

In the 12th line of Clause III after the words "Her Majesty" insert "her Heirs."

In the second line of part 5 Clause XVI strike out the words "upon oath."

In the last line of Clause XX Strike out the word "land" and insert the words "Real Estate."

"The Road Act 1860" was read a Third time and passed.

The Council then adjourned until Friday the 23rd instant at 1 o'clock P.M.

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**Friday, the 23rd day of November, 1860**

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The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser.

The Minutes of last meeting having been read.

“The Victoria Bridge Removal Act 1860” was read a Second Time, and evidence taken as to the Sufficiency of the proposed Bridges, and as to the eligibility of the proposed line of new Road. The Bill was then ordered to be considered in Committee at next meeting of Council.

“The Real Estate Tax Act 1860” was taken up, reconsidered, and the following Amendments proposed seconded and Carried in addition to the amendments made at last meeting of Council, vizt.,

To fill up the blank in line 3, of Clause XXXII by inserting the words “commit or allow”.

The Bill was thereafter, with the several Amendments thereto, read a Third time and passed.

The order to consider “The Voters Registration Act 1860” was discharged, and it was moved Seconded and carried “That the Bill be read again this day Six Months.”

“The Annual Registration of Voters Act 1860” was read a third time and passed.

The Council then adjourned until Monday the 26th instant at 1 o'clock P.M.

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**Monday, the 26th day of November, 1860**

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The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

“The Victoria Bridge Removal Act 1860” was taken up and considered in Committee, and Evidence taken upon the plans and Specifications, and the further consideration of the Bill postponed until the next meeting of Council.

The Council then adjourned to Thursday next the 29th instant, at 1 o'clock P.M.

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**Thursday, the 29th day of November, 1860**

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The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser.

The Minutes of last meeting having been read.

“The Victoria Bridge Removal Act 1860” was further considered in Committee, and additional evidence taken upon the subject of the plans and Specifications.

The Bill was ordered to be further considered; and one of the plans ordered to be amended.

His Excellency the Governor laid before the Council a paper embracing a plan to promote the Settlement of the Colony, by rendering more Easy and liberal the mode of obtaining Agricultural Land in Vancouver Island and its Dependencies, to which His Excellency begged the earnest and Serious consideration of the Council.

The Council received His Excellency's paper on the above Subject, and it was ordered to be taken into consideration at next meeting.

Mr. Cameron filed the following Protest, which was ordered to be entered on the Journals,

I dissent to the passage of the Bill entitled "A Bill to provide for the Repair, Improvement, Laying out, and Regulation of Roads, in Vancouver Island and its Dependencies"—as a Law for this Colony, for the following reasons,

*First.* Because the Laws already in existence if enforced relative to the repairs of Highways, are effectual and sufficient to meet the necessity for which this Bill has been introduced. With regard to these and all other Laws, I may observe that it was determined long ago and laid down as a Rule by the Lords of the Privy Council, "That if there be a new and uninhabited country found out by English Subjects, as the Law is the birthright of every Subject, so, wherever they go they carry their Laws with them, and therefore such new found Country is to be governed by the Laws of England".

On this Rule it is my duty to hold that the Laws of England in existence at the reading of Governor Blanshard's Commission (on his arrival here) were by that very act, established as the Laws that were thenceforth to govern this Colony, and it therefore follows that the Laws of England relating to highways are now in existence, and merely wait the action of the Executive to put them in operation.

*Second.* Because this Bill revives the system of Statute Labour for the repairs of Highways, which has been abolished in England since the year 1835 by the 5 & 6 Will. [William] IV. ch. 50. It was there found from the evidence of persons of the greatest practical experience that there was not only a great waste of labour on the Highways under this system to the great disadvantage of the Public, but also that it was impossible to adopt the improvements which had been so successfully introduced on other Roads in various parts of the Kingdom. This reason is equally cogent here against its revival, as from the greatly enhanced cost of labour the Public interest will suffer more from its waste.

*Third.* Because the mode in which this Bill directs the assessment of the Tax of labour to be made is most grievously unequal: inasmuch as the Six days labour or the composition therefor of six shillings and three pence per day is to be assessed without reference to the value of property; so that in fact the poor man who rents a small house and lives only by his daily labour, must contribute the same quantity of labour or money as his richer neighbour who is the possessor of land (it may be all in cultivation) to the extent of One Hundred Acres with a substantial Dwelling House, outhouses, Barns, and Live Stock thereon, altogether amounting to great value.

*Fourth.* Because the Town of Victoria is excepted from the operation of the Bill. If it is not equitable for the Town, it can scarcely be equitable for the Country.

*Fifth.* Because the provision for recovering unpaid compositions for the labour Tax by selling the Lands of defaulting parties who may be absent from the Colony, or who may not have sufficient foods and chattels to satisfy a distress, is totally unknown and repugnant to the laws of England. It will destroy the rights of third parties who may have an interest in the land by way of Reversion or Remainder, and effectually reduce its value as a Security for money in the estimation of the Capitalist.

*Sixth.* Because that this great change in the Law for the recovery of Taxes, affecting as it does all the Laws relating to Real Property, is foreign to the Bill and tacked on without notice in the Title or Preamble, a practice which has been denounced by High Authority as unparliamentary and tending to the destruction of the Constitution.

(Signed) Davd. Cameron  
Chief Justice.

The Council then adjourned until Monday next the 3rd December at 1 o'clock P.M.

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### Monday, the 3rd day of December, 1860

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The Council met this day pursuant to adjournment.

Present: The Honbles. Rodk. Finlayson, John Work, Donald Fraser.

The Minutes of last Meeting having been read.

The following Bills were received from the House of Assembly.

“A Bill to facilitate the transfer of Real Estate and the Registration of Titles.”

2. “A Bill to incorporate the Victoria Gas Company.”

“The Victoria Bridge Removal Act 1860” was then taken up and the following Amendments thereto, and to the Specification marked Schedule C. and to the plans accompanying the Bill, were proposed Seconded and Carried.

Amendments to the Bill.

1. To add to the Enacting Clause the words “advice and” before the word “consent”.

2. To strike out the word “Communication” and insert the words “Road and Bridges” in the 2nd and 3rd lines of Section III. To add the words “According to the Specification hereto annexed” after the word “Completed” in the 2nd line of the Same Section.

3. To add the word “thereof” after the word “piles” and before the word “or” on the 13th line of the Same Section; and to Strike out the words “so as to leave no part thereof projecting above the bed of the Harbour” from the last line of the Same Section.

4. To insert the words “bond with” after “a” and before “sufficient” on the 6th line of Section IV.

5. To Strike out the word “further” from the last line but one of the Same Section.

Amendments to Plans & Specifications,

6. That 15 inch piles be used, (instead of 12 inch, as proposed).

7. That the depth from highwater mark to the foundation shall be shewn on a drawing.

8. That the proposed Grade and relative levels of the Bridges for 50 yards at Each End of both, be shewn on the Plan marked “Trial Section for Road.”

9. That the centre Span of both Bridges shall be not less than 35 feet.

10. That Iron Bolts shall be used to fasten the caps of the Pile Heads (instead of Spikes as proposed).

11. That a substantial Draw which will work Easily, and with little labour, be placed in each Bridge, as the Council Considers Draws in the Bridges essential for the public convenience.

12. That the junction of the New Road with the present Esquimalt Road, at or near the point marked E on Plan A shall be exactly opposite the point of divergence of the alteration in the Esquimalt Road from the present one, which is in contemplation to be made to the Southward of the Esquimalt Road, with the view of avoiding the hill or hills near Mr. Russell's House.

The plans having been altered and amended in Committee, and a "view of the Draws" and a "Trial Section for the Road" having been Supplied to the Council, the Bill with the above Amendments thereto, and to the plans and Specifications which are taken to be and considered as part of the Bill itself, was read a third time and passed.

"The Victoria Gas Company's Act 1860" was Read a first time.

"The Land Registry Act 1860" was read a first time.

"An Act to confirm certain Titles to real property in Vancouver Island" was introduced by Mr. Fraser, and Read a first time.

The Council then adjourned 'till tomorrow, Tuesday the 4th instant at 1 o'clock P.M.

### **Tuesday, the 4th day of December, 1860**

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

"An Act to confirm certain Titles to real property in Vancouver Island" was read a Second time.

"The Victoria Gas Companies Act 1860" was read a Second time.

The Council then adjourned to Wednesday Decr. 5th at 1 o'clock P.M.

### **Wednesday, the 5th day of December, 1860**

The Council met this day pursuant to adjournment.

Present: Honbles. John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last meeting having been read.

The following amendments to the "Bill to incorporate the Victoria Gas Company" were moved Seconded and Carried.

1. To strike out Clauses I, II, III, of the Bill.
2. To strike out 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th and 16th and to insert in lieu thereof before each Clause, beginning with Clause 4th,—1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th and 13th.
- 3.—To insert at the beginning of clause 1st as amended, the words “The said Company” and to strike out the words “the said Company” on the Second line of the same Clause.
4. To Strike out the words “requiring the same” from the 8th line of Clause 2nd as amended.
5. To insert the word “cubic” after the word “thousand” and before the word “feet” on the 3rd line of Clause 3rd as amended.
6. To insert at the end of the same clause (and as an addition thereto) the following words “and shall supply as much Gas as may be required for lighting the Streets of Victoria within 50 feet of any Main laid by the Company at the price of £1.5s/-. per thousand cubic feet.”
7. To insert the word “Gas” after the letter “a” and before the word “Meter” in the 6th line of Clause 4th as Amended.
8. To insert the words “accurately measuring” after the word “for” and before the word “the” in the 7th line of the same Clause.
9. To insert the words “fair market” after the letter “a” and before the word “price” in the 8th line of the same clause.
10. To insert the word “Gas” after the word “and” and before the word “Meter” in the 11th line of the same Clause.
11. To insert the words “nothing herein contained” at the beginning of Clause 7th as Amended.

The Bill was read a third time with the above amendments, and passed. “An Act to confirm certain Titles to Real Property in Vancouver Island” was read a third time and passed.

The Council received a letter from H. E. the Governor, Enclosing two Petitions from the inhabitants of Victoria and Esquimalt, praying that the present Victoria Bridge may not be removed.

The Bill referred to was, however, passed on a previous day, with amendments, and returned to the House of Assembly.

The Council then adjourned until further notice.

### Friday, the 7th day of December, 1860

The Council met this day pursuant to Summons from His Excellency the Governor.

Present: Honbles. Roderick Finlayson, John Work, Donald Fraser, Chief Justice Cameron.

The Minutes of last Meeting were read.



The Council having carefully considered the Plan submitted by His Excellency the Governor, on the 29th Ultimo for Pre-empting Crown Lands in the Colony, is of opinion that some system which will encourage the settlement of the waste Lands of the Crown is very desirable to be established. The Council approves of the principle involved in the Plan submitted by His Excellency; and recommends that it be adopted with the modifications suggested thereon, as well as those verbally submitted to His Excellency by the different Members of Council.

“The Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles” was read a Second time.

The Council then adjourned Sine die.

### Wednesday, the 12th day of December, 1860

The Council met this day pursuant to summons from His Excellency the Governor.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last meeting having been read.

The following Acts and Bills were received from the House of Assembly.

1. “An Act to amend the Registration of Voters Act 1859” with amendments. The Amendments of the House of Assembly were agreed to, and the Act as Amended, passed.

2. “The Victoria Gas Company’s Act 1860” with Amendments was considered, and the amendments of the House of Assembly agreed to, and The Bill, as amended, passed.

3. “The Victoria Bridge Removal Act 1860”—with the Council Amendments, Agreed to.

“The Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles” was further Considered in Committee.

The Council then adjourned until further notice.

### Thursday, the 20th day of December, 1860

The Council met this day, pursuant to summons issued.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The following Acts were received from the House of Assembly.

1. “An Act to authorize the Governor of Vancouver Island and its Dependencies to grant certain privileges to the Constructors of a Powder Magazine” which was read a first time.

2. "An Act to confirm certain titles to real property in Vancouvers Island" the same having been agreed to in the House of Assembly.

"The Bill to facilitate the transfer of Real Estate, and to provide for the Registration of Titles" was further considered in Committee; was amended, brought up, ordered to be Engrossed and read a third time on Monday next.

The Rules of Council were Suspended, and the "Powder Magazine Act 1860" was read a Second time, and ordered to be considered in Committee on Monday next.

The Council then adjourned to Monday 24th December.

### **Monday, the 24th day of December, 1860**

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

"The Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles" was read a third time and passed.

The Council then adjourned to Wednesday the 2nd January 1861.

### **Wednesday, the 2nd day of January, 1861**

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

"An Act to afford redress to persons whose property is damaged by Animals trespassing within Enclosures" was received from the House of Assembly, and read a First time.

Moved by Mr. Finlayson and carried unanimously, "That Mr. Porter who has been acting as Clerk of the Council for some time past, shall be paid a gratuity of Fifty Pounds Sterling out of the money voted for the use of the Council."

The Council then adjourned to Friday next the 4th instant at 2 o'clock P.M.

### **Friday, the 4th day of January, 1861**

The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The Resolution returned from the House of Assembly with the "Bill to regulate the Sale of Fermented and Spirituous Liquors" received on the 17th of October last was taken into consideration.

It was moved by Mr. Cameron, That the Bill be returned to the House of Assembly with the following Resolution.

Resolved, that the Council, disclaiming as it does, any wish to infringe on any privilege that the Assembly may possess, is ignorant that the Assembly's privileges are other than those of the Council, except the privilege conferred by a Law passed during the present Session, giving the House of Assembly the power to delegate to Election and Special Committees the same power as is possessed by such Committees of the House of Commons in England. The House of Assembly and the Council alike derive their authority from the same source, vizt. The Commission, and Instructions accompanying it, from the Crown to the Governor; and under that authority have both a similar privilege of freedom of speech and debate. They are two Co-ordinate branches of a Legislature, instituted for the welfare and good government of the Colony; and such being the case, the Council conceives it has as good a right to amend any proposed Law that may be sent from the Assembly to the Council, as the Assembly has to amend any proposed Law that may be sent from the Council to the Assembly. And in the fair exercise of that right, finding that the proposed law or Bill Entitled "A Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors" sent from the Assembly for the concurrence of the Council, contained certain ambiguities which appeared to the Council as likely to mar its working, the Council therefore in passing it, attached a Rider to the Bill explaining those ambiguities. The Council do not wish to impede the passage of the Bill, but consider that it requires amendment in that respect, and therefore return the Bill to the House of Assembly that the House may have an opportunity of amending it by denominating the Fermented Liquors mentioned in Clause 3 of Section 1, by names that the world recognises, vizt. Wine, by the name of Wine; Ale, Beer or Porter, by the name of Ale, Beer or Porter;—Cider, by the name of Cider;—Perry, by the name of Perry; and Ginger Beer, by the name of Ginger Beer.<sup>12</sup>

The Resolution having been seconded and Carried.

"The Enclosure Act 1860" was read a Second time.

The Council then adjourned to Monday next the 7th instant at 2 o'clock P.M.

### Monday, the 7th day of January, 1861

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The Bill entitled, "An Act to authorise the Governor of Vanvouver Island and its Dependencies to grant certain privileges to the Constructors of a Powder Magazine" was considered in Committee, amended, and ordered to be engrossed; the Bill was then brought up, read a Third time, and passed.

The Council adjourned until further notice.

<sup>12</sup> Marginal note in original: "Resolution transmitted to the House of Assembly, 4th January 1861. J.P."

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### Thursday, the 17th day of January, 1861

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The Council met this day pursuant to notice issued.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The following Communications were received from the House of Assembly vizt.

A letter under date 15th January covering the "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors", returned from the House of Assembly, with remarks on the answer sent to them on the 4th of January by the Council, with said Bill;—which were taken into consideration; and as the House of Assembly requested a Conference on the subject of the Bill, the Council assented thereto, and appointed 2 o'clock P.M. tomorrow, the 18th instant to hold such Conference, in the Council Chamber.

A letter under date 14th January Enclosing the "Bill to facilitate the transfer of Real Estate and to provide for the Registration of Titles", as amended by the Council, agreed to by the House of Assembly.

The Council then adjourned to Friday the 18th instant at 2 o'clock P.M.

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### Friday, the 18th day of January, 1861

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The Council met this day pursuant to adjournment.

Present: Honbles. Rodk. Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

The Council, in accordance with the request contained in the following Resolution of the House, met the Members of the Assembly in Conference on the "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors."

(Resolution of the House of Assembly).

The House of Assembly having taken into Consideration the Communication of the Hon. Council of the 4th of January 1861, Resolve as follows,

I. That the amendment proposed on the 4th day of January 1861 by the Honorable Council to a "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquor", would effect an alteration in the tax proposed to be levied by the Said Bill.

II. That all Supplies and aids from the Colony of Vancouver Island and its Dependencies for the use of Her Majesty, are the sole gift of the House of Assembly of the said Colony, and it is the undoubted and sole right of the Said House to direct, limit and appoint in the Bills granting such aids and supplies, the ends, purposes, considerations, limitations and qualifications of such grants, which ought not to be changed or altered by the Honorable Council.

III. That this House cannot therefore enter into the consideration of the said amendment.

IV. That this House being as unwilling as the Hon. Council to impede the passage of the said Bill, requests a conference with the Honble. Council at such time and place as the Honorable Council may deem fit.

(After conferring with the Members sent up by the Honorable the House of Assembly, it appearing that there is a misunderstanding of the meaning of the Resolution sent by the Council to the Honorable House on the 4th instant,

the Council wish to explain that in using the word "privileges" as compared with those of the Assembly, they meant the respective privileges of each as two distinct branches of a local Legislature in their peculiar character of Council and Assembly, and not that their privileges are precisely similar.)

The Council then adjourned to Tuesday the 22nd instant at 2 o'clock P.M.

### **Tuesday, the 22nd day of January, 1861**

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of last Meeting having been read.

A Communication was received from the House of Assembly under date 21st January, covering the "Powder Magazine Act 1860", which had been amended and passed by the Council on the 7th January 1861, and was now returned by the House with certain Amendments in which the Council concur.

The Council then adjourned to Thursday the 24th instant, at 2 o'clock P.M.

### **Thursday, the 24th day of January, 1861**

The Council met this day pursuant to adjournment.

Present: Honbles. Roderick Finlayson, John Work, Chief Justice Cameron.

The Minutes of the last Meeting having been read.

A Communication was received from the House of Assembly under date 22nd January, accompanied by a Resolution of the House on the subject of the Minutes of Council of the 18th of January, as follows.

House of Assembly  
22nd January 1861

Resolved,

I. That this House regrets that the Minutes of Council of the 18th January 1861 are not sufficiently Explicit with regard to the Exclusive privileges of this House in matters of taxation to justify the House in receding from its Resolution of the 15th of January, and that therefore the Bill be ordered to lie on the Table.

II. That the Honorable Council be requested to fix a further conference with this House on account of the ambiguous language of the Minutes of the Honorable Council of the 18th of January 1861, and for this purpose to name an hour and place convenient to the Honorable Council.

The foregoing Resolution having been read, it was

Resolved, that the Minutes of Council of the 18th of January alluded to in the above Resolution of the Honorable the House of Assembly was explanatory of the Council's Resolution of the 4th of January, relative to the Rider attached to the "Bill to authorise and regulate the Sale of Fermented and Spirituous Liquors", then returned to the Honble. House; and which Bill as appears by

the Journals of Council of the 10th of October last was read a third time and passed by the Council with the Rider in question, explaining what the Council supposed the Honorable House to mean by the "fermented liquors" mentioned in Clause 3, of Section I, that the Honorable House might deal with the Bill as they thought proper: and having so passed the Bill, it is not now competent for the Council to deal further with it—unless the Honorable House amends the said Rider and returns it to the Council for their Concurrence. The Council therefore consider it unnecessary to have any further conference with the Honorable House on the Subject.

The Council then adjourned until further notice.

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### Wednesday, the 6th day of February, 1861

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The Council met this day pursuant to notice issued.

His Excellency the Governor being present, and following Members: Hons. John Work, Chief Justice Cameron.

His Excellency informed the Council that he had appointed Alfred John Langley, Esquire to be a Member of Council.

The Members of Council then attended His Excellency the Governor to the House of Assembly for the purpose of being present at the Prorogation of the House.

The Members of the House having assembled His Excellency took possession of the Speaking chair, and addressed the Legislative Bodies as follows;

*Honourable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly.*

In releasing you from the labours of the Session, I desire to express my satisfaction at the result of your deliberations.

It is indeed impossible to review the many important measures which you have passed this Session, without feeling that you have applied yourselves to the performance of your arduous duties with a degree of zeal and assiduity worthy of the highest praise. Those measures embrace almost every department of the public business:—the Free Trade System before initiated has been confirmed, and become an Essential part of our policy; you have also been careful in providing for the better administration of Criminal Justice; the formation of Roads; the improvement of the Harbour of Victoria; the Registration of Titles to Real Estate:—and other useful measures have been passed, which will no doubt tend to promote the permanent interests of the Colony.

The interesting experiment of defraying the expenses of Government by direct taxation so propitiously began, will I trust, not disappoint the anticipations of the Legislature.

Gentlemen of the House of Assembly,

I have to convey to you my warmest thanks for the Supplies which you have granted for the Service of the Year, and for the execution of those Public Works which are essential to the progress of the Colony.

I sincerely hope that the Blessing of Almighty God may rest upon our labours, and render them subservient to the substantial prosperity and well being of the Colony.

The Honble. Chief Justice Cameron then rose and Said,

Gentlemen of the House of Assembly, By Command of His Excellency the Governor, the House of Assembly is hereby prorogued until Wednesday the 3rd day of April next, then and here to meet for the dispatch of business.

His Excellency the Governor, attended by the Members of Council, then withdrew, and the Council adjourned Sine die.

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*Memo:* Minutes of Council from 1st May 1860, to 6 February 1861, both inclusive,  
Copied and Sent home by the Mail leaving Victoria on the 14th of July 1861.

Joseph Porter  
Acting Clerk of the Council.

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[Minutes of the Council between 6 February 1861 and 19 March 1862 have not been located in either the Provincial Archives of British Columbia, the Public Archives of Canada, or the Public Record Office, London. This period coincides with the Second Session of the Second House, 26 June 1861 to 3 February 1862.]

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