

**THIRD HOUSE OF ASSEMBLY  
SECOND SESSION**

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**MINUTES OF THE THIRD HOUSE OF ASSEMBLY  
OF VANCOUVER ISLAND—SECOND SESSION**

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**Monday, the 12th day of September, 1864**

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The House met this day at 1 p. m. in accordance with the Proclamation of His Excellency the Governor.<sup>1</sup>

Present: Mr. Speaker in the Chair and Messrs. Franklin, Dennes, De Cosmos, Carswell.

A Summons was delivered by Mr. Nesbitt, Clerk of the Honble. the Legislative Council as follows.

Mr. Speaker—The Governor desires this Honble. House to attend His Excellency forthwith in the Legislative Council Chamber.

Mr. Speaker, with the House, went up to attend His Excellency the Governor accordingly.

His Excellency then addressed both Houses of the Legislature as follows:

*Honble. Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly,*

I have called you together for the consideration of subjects recently brought under your notice and which have acquired additional importance since I last addressed you.

A Despatch from the Governor of British Columbia will be laid before you informing me that he has been called upon by Her Majesty's Secretary of State for the Colonies to report upon a suggestion made by the Legislative Assembly of Vancouver Island that the two English Colonies West of the Rocky Mountains should be united under one Governor and inviting early communication with me on the subject. It is desirable therefore that I should be in possession of the views of the Legislature of this Colony, to enable Her Majesty's Government to consider them in connexion with the report of the Governor of British Columbia and my own.

The important subject of Schools for the training of Children whose parents are unable to afford them a high class education will doubtless receive your careful consideration.

The relations between White Men and the Indian tribes become daily more complicated, affording indications of future difficulties which it will be well to obviate by the adoption of timely precautions and suitable laws.

The early consideration of an Incorporation Act for the City of Victoria is pressingly necessary in a moral as well as sanitary point of view. The City possesses ample resources both in property and intelligence for the purpose of Municipal Government, with which I think it is so desirable to invest it, and I feel confident that the local knowledge of the Legislature will enable them to deal with this question speedily and satisfactorily.

The Postal Communication, within and without the Colony, demands earnest attention. I propose to submit measures for the better conduct of this Department at an early period.

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<sup>1</sup> Proclamation dated 27 August 1864 and published the same day in Vancouver Island, *Extra Government Gazette*, I (No. 18).

Gentlemen of the Legislative Assembly,

It is necessary for the regular administration of the Finances of the Colony that the annual Estimates should be agreed to prior to the period from which they are to take effect. I will therefore have them submitted for your consideration as soon as circumstances will permit.

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

I beg to assure you of my earnest desire to co-operate with you in all measures calculated to promote the public good and the prosperity of the people.

The House being returned Mr. De Cosmos moved The 1st Reading (pro formâ) of "A Bill Entitled An Act respecting Barristers & Attorneys-at-law."

Mr. Carswell seconded.

Agreed to.

Mr. Speaker then read the Speech of His Excellency the Governor; also, A Communication (19)<sup>2</sup> from His Excellency enclosing a Despatch dated 31st Aug. 1864 from the Governor of British Columbia on the subject of "Union between Vancouver Island and British Columbia" (as follows):

[Enclosure]

British Columbia

New Westminster  
31st Aug. 1864

Sir.

I have the honor to inform you that I have received a despatch from the Secretary of State, directing me to report upon a suggestion made by the Legislative Assembly of Vancouver Island that the two English Colonies West of the Rocky Mountains should be united under one Governor though with some distinct administrative Departments.

The Secretary of State expresses a wish that before sending in my report I should consult freely with Your Excellency. As the proposal for Union originated with the Legislature of the Colony under your Government, I beg leave to know if I may soon expect to receive any communication from Your Excellency on the subject.

I have, &ca. &ca.

(signed) Frederick Seymour.

Mr. De Cosmos moved "that the Speech of His Excy. the Governor be referred to a Committee."

Mr. Carswell seconded.

Agreed to.

Committee appointed. Messrs. De Cosmos, Franklin, Carswell.

Ordered That the Committee report to the House tomorrow.

Mr. Speaker informed the House that Major G. F. Foster and E. H. Jackson Esqre. had resigned their seats for Esquimalt Town and Victoria District respectively.

Mr. De Cosmos moved for Writs for the election of new Members to serve respectively in their stead.

Mr. Dennes gave Notice of Motion (M. B. f. [blank]) for leave to bring in "A Bill For the more easy recovery of small debts and demands."

<sup>2</sup> Messages to House, 12 September 1864.

On question put by Mr. Speaker, the House Resolved unanimously "that the Rules, Regulations and Orders by which the proceedings of the House have hitherto been governed be adopted during this present Session."

Mr. De Cosmos gave Notice of Motion (M. B. f. [blank]) for leave to introduce "A Bill To amend the Victoria Incorporation Act, 1862."

Also, Notice of Motion (M. B. f. [blank]) "That the House go into Committee of the whole forthwith with the object of empowering the Speaker to appoint from time to time A Barrister to act as draftsman of Bills and that the Speaker be fully authorised to fix the amount of remuneration for such service."

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

## Tuesday, the 13th day of September, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Franklin, Carswell, Dennes, Powell, De Cosmos, Trimble.

The last Minutes having been read and confirmed.

Mr. De Cosmos from the Committee appointed to draft An Address in reply to H. Excy. the Governor's Speech reported as follows,

*To His Excellency Arthur Edward Kennedy Companion of the Most Honble. Order of the Bath, Governor and Commander in Chief in and over the Colony of Vancouver Island and its Dependencies, &c. &c. &c.*

May it please Your Excellency

We Her Majesty's faithful and loyal Subjects the Members of the Legislative Assembly are much gratified in having been called together to consider those subjects of importance upon which you have addressed us.

We shall seek at the earliest opportunity to place you in possession of our views as to the desirability at the present time of uniting the two English Colonies, West of the Rocky Mountains, under one Government.

The subject of public Schools, the relations between white men and the Indian tribes, the Incorporation Act for the City of Victoria, and the Postal Communication of this Colony shall receive from us our earnest attention and consideration, as also the subject of the finances of the Colony which, for the more regular administration thereof, we are glad to learn will be submitted to us prior to the period from which they are to take effect.

We thank Your Excellency for the manner in which you have expressed your earnest desire to co-operate with the Legislature in all measures calculated to promote the public good and the prosperity of the people and we sincerely trust that by the wisdom of our deliberations we may be enabled to aid you in realising that public good we all must seek for.

Ordered That the Address in reply to H. Excy. the Governor's Speech be referred to A Committee of the whole tomorrow.

On motion of Mr. De Cosmos, seconded by Mr. Carswell, "A Bill Respecting Barristers and Attorneys-at-law" was Read a 2nd time and committed.

Ordered That above Bill be printed.

Mr. De Cosmos moved A Resolution (pursuant to notice) "that the House go into Committee of the whole forthwith with the object of empowering the Speaker to appoint from time to time A Barrister to act as draftsman of Bills, and that the Speaker be fully authorised to fix the amount of remuneration for such Services."

Mr. Speaker ruled that the Resolution was out of Order in as much as it involved An Expenditure the initiation of which was vested in the Executive—he thought, however, that the text of the Resolution might be so altered as to be considered in Committee without violation of precedent.

Mr. Franklin moved an amendment "That the House go into Committee of the whole to consider the propriety of a Barrister being appointed from time to time to act as draftsman of Bills."

Mr. De Cosmos asked leave to withdraw his Resolution in favor of Mr. Franklin's Amendment.

Leave granted.

Mr. Franklins Amendment was then agreed to.

(Dissentiente Mr. Dennes)

On Motion by Mr. De Cosmos. 2nded by Mr. Carswell. "That the House do now go into Committee of the whole upon Mr. Franklins Amendment (above)."

The House divided.

Question.

*Ayes:* 3.

*Noes:* 1.

Messrs. De Cosmos  
Franklin  
Carswell

Mr. Dennes

The House then went into Committee of the whole upon Mr. Franklin's Amendment.

Mr. Speaker left the Chair.

Mr. Franklin in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the propriety of A Barrister being appointed from time to time to act as a draftsman of Bills had Resolved.

1. That this House is of opinion that it is absolutely necessary that the Speaker be empowered to appoint from time to time a Barrister to act as a draftsman of Bills.

2. That His Excellency be asked to insert a Sum of money in the Estimates to meet the Expenditure.

Ordered That report be agreed to.

Mr. Speaker then read a letter from George Cruickshank Esqre. tendering the resignation of the Seat, as Member for the City of Victoria, to which, conjointly with C. B. Young Esqre., he had been elected.

Mr. Speaker ruled—"that all matters connected with elections must be referred to the Committee on Elections."

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

### Wednesday, the 14th day of September, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. De Cosmos, Duncan, Dennes, Powell, Franklin, Carswell.

The last minutes having been read and confirmed.

Mr. Speaker, referring to the letter of Mr. Cruickshank tendering the resignation of the Seat for the City of Victoria to which, conjointly with Mr. C. B. Young, he had been elected, Ruled "That the House had nothing to do with contested elections; that all matters connected therewith must be determined by the Committee on Elections."

The House then took under consideration the Report of the Committee of the whole (yesterday) "As to the propriety of A Barrister being appointed from time to time to act as draftsman of Bills"—as follows.

Resolved 1. That this House is of opinion that it is absolutely necessary that the Speaker be empowered to appoint from time to time A Barrister to act as draftsman of Bills.

2. That His Excellency be asked to insert a Sum of money in the Estimates to meet the Expenditure.

Agreed to.

Mr. Duncan gave Notice of Motion (for this day week) "For certain Returns connected with the Bankruptcy Court."

Also, Notice of Motion (for this day week) "For certain Returns connected with the Probate Court."

Mr. Dennes, pursuant to notice, asked leave to introduce "A Bill for the more easy Recovery of small debts and demands."

Mr. Speaker ruled "that as the Bill in question was a Money Bill its initiation rested in the Executive."

The House then went into Committee of the whole upon "An Address in reply to His Excy. the Governor's Speech at the opening of the present Session of Parliament."

Mr. Speaker left the Chair.

Dr. Powell in Chair of Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the Address in reply to His Excellency the Governor's Speech had made Amendments thereto and begged to report the following Address.

*To His Excellency Arthur Edward Kennedy Companion of the Most Honble. Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Vancouver Island & its Dependencies, and Vice-Admiral of the same, &c. &c. &c.*

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Members of the Assembly of Vancouver Island, in this present Session convened, have much gratification in assuring Your Excellency that we shall take an early opportunity of placing in your possession our views respecting A Union of Vancouver Island and British Columbia under one Governor.

We would likewise assure Your Excellency that, being fully impressed with the importance of making additional provision for the encouragement, management, and support of Common Schools throughout the Colony we will devote to the subject our early & earnest Attention.

We would acquaint Your Excellency that, as soon as we are put in possession of information necessary to the full consideration of Indian Affairs, we shall be prepared to assist in taking timely precautions and enacting suitable laws to remove any existing complications and to avoid future difficulties between the Indian tribes and the other Inhabitants of the Colony.

We have great pleasure in concurring in the views of Your Excellency as to the pressing necessity for additional legislative provision being made for the order and good government of the City of Victoria; and we would also assure Your Excellency that we earnestly desire to aid in the passage of such An Act as will speedily and satisfactorily adjust the difficulties in which the Civic Government is at present involved.

We will cheerfully give our attention to the consideration of any Measures that Your Excellency may submit respecting Postal Communication either within or without the Colony.

We fully appreciate the importance of having the Estimates voted prior to the disbursement of the public Revenue; and that when the Annual Estimates for the ensuing Fiscal Year are submitted, they shall receive our careful consideration.

In conclusion, we have great pleasure in expressing our sincere desire to reciprocate Your Excellency's wish to cordially co-operate with the Legislature in all measures calculated to promote the public good and to secure the lasting prosperity of the people.

The House then adjourned till 3 p. m. tomorrow.

J. S. Helmcken  
Speaker

### Friday, the 16th day of September, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Franklin, De Cosmos, Dennes, Trimble.

The last Minutes having been read and confirmed.

The House took under consideration and agreed to the Report of the Committee of the Whole (14th Inst.) viz. "An Address in reply to His Excy. the Governor's Speech upon the opening of this present Session."

Mr. Speaker, with the House, then waited upon his Excellency to present the foregoing Address and also The Resolutions passed by the House on the 13th Inst. and confirmed on the 14th Inst. as to the propriety of "A Barrister being appointed from time to time to act as draftsman of Bills" to the which His Excy. was pleased graciously to reply.<sup>3</sup>

Mr. De Cosmos gave notice of motion—for leave to introduce "A Bill Entitled An Act to amend the Incorporation Act 1862."

The House then adjourned till 3 p. m. on Monday.

J. S. Helmcken  
Speaker.

### Thursday, the 22nd day of September, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. Carswell, Street, De Cosmos, Franklin, Dennes, and Drs. Powell, Tolmie.

The last minutes having been read and confirmed.

James Dickson Esqre. M. D. took the Oaths and his Seat for the District of Victoria County.

Mr. Speaker appointed the following Committee as a "General Committee on Elections."

Messrs. De Cosmos, Powell, Duncan, Street, Dennes.

On question put by Mr. Speaker, Ordered—that the foregoing Committee be constituted "A General Committee on Standing Orders."

Mr. Speaker informed the House that "Mr. M. W. T. Drake had been appointed Examiner of Recognisances to the House."

Mr. De Cosmos gave Notice of Motion for next meeting "that the House fix a day to go into Committee of the whole to consider the question of the Union of the Colonies of Vancouver Island and British Columbia."

Mr. De Cosmos moved for leave to bring in "A Bill Entitled An Act to amend the Incorporation Act 1862."

Seconded by Mr. Franklin and Agreed to.

Joseph Johnson Southgate Esqre. took the Oaths and his Seat for the Esquimalt Town District.

The Order of the Day was then read, viz. That the House go into Committee of the whole upon "A Bill Entitled An Act respecting Barristers and Attorneys-at-law."

<sup>3</sup> For a report of Kennedy's reply, see *Chronicle*, 17 September 1864.

On question "That Mr. Speaker do now leave the Chair" Mr. Dennes moved An Amendment "That the consideration in Committee of the above Bill be postponed until Monday next to admit the introduction of certain important Amendments."

The House then divided. Question "That Mr. Speaker do now leave the Chair."

<i>Ayes:</i> 2.	<i>Noes:</i> 7.
Messrs. De Cosmos	Messrs. Tolmie
Powell	Dickson
	Franklin
	Street
	Dennes
	Carswell
	Southgate

Mr. Dennes's Amendment was then put and carried and the consideration in Comtee. of the whole, of "A Bill Entitled An Act respecting Barristers & Attorneys-at-law" was Ordered for Monday next the 26th Inst.

The House then adjourned till Monday next.

J. S. Helmcken  
Speaker

### Monday, the 26th day of September, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Trimble, Tolmie, Powell, Dickson, and Messrs. Street, De Cosmos, Duncan, Dennes, Franklin, Carswell.

The last Minutes having been read and confirmed.

Mr. De Cosmos, pursuant to notice, moved "That the House fix a day to go into Committee of the whole to consider the question of Union of the Colonies of Vancouver Island and British Columbia."

Dr. Dickson 2nded.

Agreed to.

Ordered for Monday next, the 3rd proximo.

Mr. Duncan, pursuant to notice, moved the following Resolutions

That His Excellency the Governor be most respectfully requested to cause the following Returns to be laid upon the table of this House at as early a date as convenient.

1. A return of all applications for Probates or Letters of Administration applied for with the names of the several parties, their descriptions and full particulars as furnished to the Probate Court with reference to such Estates.

2. A return of all sums paid into the Probate Court to account of the Estates of deceased persons, specifying Testate from Intestate with the date of such payments and how the same have been appropriated.

3. A return of all sums paid for expenses or otherwise on account of Estates in the Probate Court, (either Testate or Intestate) specifying the name of each estate and the date and amount of payment made on account of such estate and by whom and to whom made.

4. A return of all sums paid out of Court on account of Intestate or Testate Estates, specifying date of payments the amounts & particulars of each item so paid and the parties to whom paid and for what purpose paid.

5. A return of all sums now in the hands of the Court or deposited in Bank or elsewhere to account or to the credit of Estates Testate or Intestate and the date of such payments into Bank or Elsewhere.

6. The above several returns to be from May 1858 to Sepr. 1864.

Mr. De Cosmos seconded.

Agreed to.

Mr. Duncan gave notice of motion for tomorrow for Certain Returns connected with the Bankruptcy Court.

Dr. Powell gave notice of motion for Wednesday next (28th inst.) "That a Committee be appointed with a view of reporting upon Education and the desirability of bringing in A Bill for the promotion of the same in this Colony."

Mr. Franklin gave Notice of Motion for Wednesday next (28th Inst.) "That His Excy. be asked to procure for the use of the Colony a Set of Weights and Measures according to the Standard of Her Majesty's Exchequer in England."

Order of the Day. The House then went into Committee of the whole upon "A Bill Entitled An Act respecting Barristers & Attorneys at law."

Mr. Speaker left the Chair.

Dr. Dickson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had the above mentioned Bill under consideration begged to report progress and ask leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till 3 p. m. tomorrow.

J. S. Helmcken  
Speaker

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## Tuesday, the 27th day of September, 1864

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Powell, Tolmie, Trimble, Dickson; and Messrs. Street, De Cosmos, Franklin, Dennes, Duncan, Southgate.

The last Minutes having been read and confirmed.

Mr. Speaker read a Communication from George Cruickshank, Esqre. declining to defend the Seat as Representative for the City of Victoria to which, co-jointly with Charles Bedford Young, Esqre., he had been elected.

Mr. De Cosmos then moved "that the Return of George Cruickshank, Esqre. be taken off the file."

Mr. Speaker informed the House that Orders to that effect should be transmitted to the Clerk of the Crown in Chancery.

Mr. Duncan pursuant to notice moved the following Resolution "That His Excellency the Governor be most respectfully requested to cause the following returns to be laid upon the table of this Honble. House at as early a date as convenient."

1. A return of the names of all parties who have been adjudicated Bankrupt under and by virtue of the provisions of the Bankruptcy Act 1862 together with the description of such parties and the several dates of such adjudication in Bankruptcy.

2. A return of all sums received by the Official Assignee in Bankruptcy on account of such Bankrupt Estates specifying each Estate separately and the dates of such payments.

3. A return of all accounts rendered by the Official Assignee in Bankruptcy to the Accountant in Bankruptcy of sums received by him on account of bankrupt Estates, specifying the name of each Estate the date and amount of moneys paid on such Estate separately and how and when applied and the date of filing such accounts with the Accountant in Bankruptcy.

4. A return of all sums paid into the Bank to the credit of the Accountant in Bankruptcy of Bankrupt Estates by the Official Accountant in Bankruptcy specifying the amount & date of such payments as also the several Estates to account of which such may have been paid.

5. A return of all sums received by the Accountant in Bankruptcy from the Official Assignee on account of Bankrupt Estates specifying the amount of each payment the date when received and the Estate to the credit of which the same may have been received.

6. A return showing the value of property taken possession of by the Official Assignee in Bankrupt Estates the disposition made of the same, the amount of goods, (specifying whether the same were perishable or otherwise) and the dates of the Order or Orders of Court authorising the sale of such effects prior to the appointment of the Trade Assignees such return to show each Bankrupt Estate with such particulars separately.

7. A return of all sums now in the hands of the Official Assignee in Bankruptcy, the accountant in Bankruptcy or which may have been placed in the Bank to the credit of the Accountant in Bankruptcy on Account of Bankrupt Estates specifying the name of each Estate, amounts and date of such payments applicable to each and to whom paid separately.

8. A return showing the gross amount of each Bankrupt Estate, all Sums paid or allowed to the Official Assignee and Accountant in Bankruptcy as Expenses or allowances in Bankrupt Estates specifying each separately.

9. A return of all dividends declared in Bankrupt Estates in detail with the dates on which the same may have been declared.

10. A return of all sums actually paid as such dividends specifying each Estate in detail and the respective dates of payment.

Mr. Street Seconded.

Agreed to.

Dr. Tolmie gave Notice of Motion for tomorrow for returns from the 1st Jany. 1863 to 30th June 1864.

1st. Of the number of persons tried in the Police Court for selling or giving liquor to the Indians.

2nd. Of the number of convictions with a statement of the number of the convicted who have paid the fine, who have been sent to prison, and who have been convicted more than once.

3rd. The Amount of Fines collected.

4th. Of the total number of days imprisonment for this Offence.

5th. Of the estimated cost of maintenance and supervision per diem of One prisoner.

6th. Of the number of persons convicted of other offences stating the offence, in tabular form, and distinguishing Prisoners received from any of Her Majesty's ships.

7th. Any returns of a similar nature from Nanaimo or other places in this Colony that may now be in possession of the Government.

Order of the Day. The House then went into Committee of the Whole upon "A Bill Entitled An Act respecting Barristers & Attorneys-at-law."

Mr. Speaker left the Chair.

Dr. Dickson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had the foregoing Bill under consideration, begged to report progress and ask leave to sit again.

Ordered that Report be received and leave granted.

The House then adjourned till 3 p. m. tomorrow.

J. S. Helmcken  
Speaker

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### Wednesday, the 28th day of September, 1864

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. Franklin, Dennes, De Cosmos; and Drs. Powell, Tolmie, Dickson.

The last minutes having been read and confirmed.

Mr. Speaker informed the House that—in the matter of the double return of George Cruickshank and Charles Bedford Young Esqrs. for the City of Victoria and the refusal of the said George Cruickshank Esqre. to defend the seat against the Petition of the said Charles Bedford Young Esqre. Counsel had advised

“that the return of the said George Cruickshank Esqre. could not be taken off the file until a period of twenty one days had elapsed, within which it would be competent for any two or more Electors of the said City of Victoria to defend the return of the said George Cruickshank Esqre. to the seat as aforesaid.”

Mr. Franklin, pursuant to notice, moved “That His Excellency be asked to procure for the use of the Colony a set of Weights and Measures according to the Standard of Her Majesty’s Exchequer in England.”

Dr. Powell seconded.

Carried.

Dissentiente Mr. De Cosmos.

Dr. Tolmie pursuant to notice moved “For Returns from the 1st Jany. 1863 to 30th June 1864.”

1. Of the number of persons tried in the Police Court for selling or giving liquor to the Indians.

2. Of the number of convictions with a statement of the number of the convicted who have paid the fine, who have been sent to prison, and who have been convicted more than once.

3. The amount of fines collected.

4. Of the total number of days imprisonment for this offence.

5. Of the estimated cost of maintenance and supervision per diem of one prisoner.

6. Of the number of persons convicted of other Offences stating the offence, in tabular form, and distinguishing Prisoners received from any of H. M.’s Ships.

7. Any returns of a Similar nature from Nanaimo or other places in this Colony that may now be in possession of the Government.

Mr. Dennes 2nded.

Carried.

Dr. Powell, pursuant to notice, moved for “A Committee to be appointed with a view of reporting upon Education and the desirability of bringing in A Bill for the promotion of the same in this Colony.”

Dr. Dickson 2nded.

Carried.

Mr. Speaker appointed Dr. Powell, Dr. Tolmie, Mr. Street as a Select Committee therein.

Order of the Day. In Committee of the Whole. “A Bill Entitled An Act respecting Barristers and Attorneys-at-law.”

Mr. Speaker left the Chair.

Dr. Dickson in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had the foregoing Bill under consideration had made amendments thereto and agreed to the same.

Ordered That Report be adopted.

Mr. De Cosmos gave notice of Motion for next meeting "That the House fix a day to go into Committee of the whole respecting the Appointment of a Chief Justice."

The House then adjourned till Monday next (3rd proximo).

J. S. Helmcken  
Speaker

### Monday, the 3rd day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. Franklin, Dennes, De Cosmos, Carswell, Duncan, Southgate, Street, and Drs. Powell, Dickson, Trimble, Tolmie.

The last minutes having been read and confirmed.

Mr. Speaker read the following Communications from His Excy. The Governor.

No. 20.

Vancouver Island  
Victoria, 29th Sepr. 1864.

Gentlemen

I have the honor to acknowledge the Receipt of a Copy of A Resolution passed by the Legislative Assembly on the 26th Inst. and to state that the required information will be supplied as early as possible. The subject of this Resolution has been under my consideration and inquiry for some time.

I have the honor to be, Gentlemen,  
Your most obedient Servant

(Sd.) A. E. Kennedy, Governor

No. 21.

Vancouver Island.  
Victoria, 29th Sepr. 1864.

To the Honble. the Speaker and Members of the Legislative Assembly  
Gentlemen.

I have the honor to acknowledge your letter of the 28th Inst. and in reply to state that the information required will be supplied as early as possible.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant

(Sd.) A. E. Kennedy  
Governor.

No. 22.

Vancouver Island  
Victoria, 29th Sepr. 1864.

To The Honble. The Speaker and Members of the Legislative Assembly  
Gentlemen.

I have the honor to acknowledge your letter of this day's date and in reply to state that the information asked for will be supplied at as early a period as possible.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant,

(Sd.) A. E. Kennedy, Governor.

No. 23.

Vancouver Island  
Victoria, 29th Septr. 1864.To The Honble. The Speaker and Members of the Legislative Assembly  
Gentlemen

I have the honor, in reply to your letter of this days date, to acquaint you that in accordance with the desire expressed in the Resolution of the Legislative Assembly, therein enclosed, I will take steps by the first opportunity to procure a set of Weights and Measures from England.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant,

(Sd.) A. E. Kennedy  
Governor.

On Motion of Mr. Dennes (the concurrence of the Executive having been obtained) Ordered That Friday next be fixed for the House to go into Committee to report upon "A Bill For the more easy recovery of small debts and demands."

On motion by Mr. De Cosmos 2nded by Dr. Trimble, Ordered "That the House go into Committee of the whole on Thursday next (6th Inst.) respecting the Appointment of a Chief Justice."

"A Bill Entitled An Act respecting Barristers and Attorneys-at-law" was read a third time and passed.

Order of the Day. The House then went into Committee of the whole (26th ulto.) "To consider the question of the Union of the Colonies of Vancouver Island and British Columbia."

Mr. Speaker left the Chair.

Dr. Dickson in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had the question of the Union of the Colonies of Vancouver Island and British Columbia under consideration begged to report progress and ask leave to sit again.

Ordered—that report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

## Tuesday, the 4th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. De Cosmos, Street, Franklin, Dennes, Southgate, Carswell, and Drs. Tolmie, Trimble, Powell, Dickson.

The last minutes having been read and confirmed.

Mr. De Cosmos rose to a question of Privilege. He had seen in one of the public journals of yesterday a Notice that the Seat of the Honble. member for Lake District had become vacant by the fact of his having taken a contract with the

Government to sell the Town Site at Leech River at a specified rate at 2½ per ct. commission. Mr. De Cosmos, in reply to Dr. Tolmie, stated that his information in the above matter had been derived from the Acting Colonial Secretary and the Asst. Surveyor General.

As he (Mr. De Cosmos) believed that the terms of Section 12 of "The Franchise Act 1859"<sup>4</sup> would also apply to the seats of the Honble. Members for Nanaimo and Sooke respectively, he would give Notice of Motion for tomorrow.

That His Excellency the Governor be respectfully requested to furnish this House with returns in the following subjects.

1. Whether James Duncan Esqre. has ever received An Appointment under the Governor to sell Town-Lots in the Government Town Site at Leech and Sooke Rivers;

2. If such An Appointment has been made at what time was it made, at what commission was James Duncan Esqre. to sell the said Lots; and did he attempt the sale;

3. Whether C. A. Bayley Esqre. has supplied the Government with any merchandise within the last three Months, if so, what amount, when delivered, and when paid for;

4. Whether James Carswell Esqre. has supplied the Government with any merchandise within the last three months, if so what amount, when delivered, and when paid for?

Order of the Day. In Committee of the Whole. The House then went into Committee of the Whole upon the question of the "Union of the Colonies of Vancouver Island and British Columbia."

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of the Union of the Colonies of Vancouver Island and British Columbia begged to report progress and asked leave to sit again.

Ordered that Report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

### Wednesday, the 5th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. De Cosmos, Carswell, Dennes, Southgate, Duncan, Street; and Drs. Powell, Trimble, Tolmie, Dickson.

The last minutes having been read and confirmed.

<sup>4</sup>Section XII reads: "Any member of the House of Assembly accepting or obtaining any appointment or contract from, of, or under the Government, shall *ipso facto* vacate his seat, and a new Writ shall immediately be issued for another election, but the member vacating shall be eligible for re-election." An Act to Amend the Law relating to the Representation of Vancouver Island and its dependencies, *Statutes of the Colony of Vancouver Island, 1859.*

Dr. Trimble gave notice of Motion for tomorrow "That a Committee be appointed to enquire whether Amor De Cosmos Esqre. as proprietor or part owner of the British Colonist Printing Establishment has received any payment or emolument from the Government for printing or advertising, since his Election to the House of Assembly as Member for the City of Victoria."

Mr. De Cosmos, in reply stated that since his election no such moneys had been paid to him—at that time the Government owed him a Sum of Money, which Sum was paid to him afterwards. He would further any enquiry by a Committee as much as possible.

Mr. Speaker ruled that the case of the Honble. Member for Sooke (Mr. Carswell) did not come within the terms of "Section 12 of the Franchise Act 1859."

Mr. De Cosmos, pursuant to notice, moved a Resolution—Seconded by Dr. Dickson—"That His Excellency the Governor be respectfully requested to furnish this House with Returns on the following subject."

Whether James Duncan Esqre. has ever received an Appointment under the Governor to sell Town Lots in the Government Town Site at Leech and Sooke Rivers; and when; and at what rate?

On question "that above Resolution do pass" The House divided.

*Ayes:* 6.

*Noes:* 4.

Messrs. De Cosmos  
Street  
Southgate  
and Drs. Powell  
Tolmie  
Dickson

Messrs. Trimble  
Franklin  
Dennes  
Carswell

Order of the Day. The House then went into Committee of the whole upon the question of the Union of the Colonies of Vancouver Island and British Columbia.

Mr. Speaker left the Chair.

Mr. Duncan in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of the Union of the Colonies of Vancouver Island and British Columbia begged to report progress and asked leave to sit again.

Ordered that report be received and leave granted.

Mr. Duncan, in explanation, stated

- 1st. That the local Government had not any lands to sell.
- 2nd. That he had not received any moneys from Government for selling land.
- 3rd. That he did not consider that he had received any Appointment.

The House then adjourned until tomorrow.

J. S. Helmcken  
Speaker

## Thursday, the 6th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. De Cosmos, Bayley, Street, Southgate, Franklin; and Drs. Tolmie, Dickson, Powell.

The last Minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency the Governor.

No. 24.

Vancouver Island  
Victoria, 6th Oct. 1864

To the Honble. The Speaker and Members of the Legislative Assembly.

Gentlemen.

In reply to the Resolution dated 5th October 1864, received this day I have the honor to enclose the original and only document in my possession or within my knowledge on this subject.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant,  
(Sd.) A. E. Kennedy  
Governor.

[Enclosure]

32/559      Recd. 3-10-64

Messrs. Duncan and George's Compl'ts to J. D. Pemberton, Esqre. and they will be happy to sell the Town Site at Leech River for 2½% Commission.

Wharf Street  
Victoria, V. I.  
30 Sep. 1864

Enclosure endorsed as follows.

Referred to Colonial Secretary to obtain the Governor's approval. I think the terms reasonable.

M 100/403 1 Oct. 1864 (sd.) J. D. Pemberton, Surveyor General.

Approved—(sd.) A. E. K. Oct. 4/64.

Forwarded to the Acting Surveyor General.

(Sd.) Henry Wakeford.  
Acting Colonial Secretary

(To be returned) 4-10-64

The consideration of foregoing Correspondence was deferred till tomorrow.

Mr. Bayley, in reply to the Notice of Motion given by the Honble. Senior Member for Victoria City on the 4th Inst. as to contracts with Government by Members of this House stated "that he had never entered into any contract with the Government, that he had never been bound to the Government, nor the Government to him in any way."

Mr. Speaker, at the instance of the House, Ruled "That the case of the Honble. Member for Nanaimo (Mr. Bayley) did not come within the terms of Section 12 of the Franchise Act 1859."

Order of the Day. The House then went into Committee of the whole upon a Resolution (3rd Inst.) respecting the "Appointment of A Chief Justice."

Mr. Speaker left the Chair.

Mr. Bayley in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above subject, had adopted the following Resolutions

Whereas a Resolution was passed on Feby. 16th 1864 by this House respecting the appointment of a Successor to the present Chief Justice of this Colony.

And Whereas "An Act entitled the Chief Justices Pension Act, 1864" was passed making provision for the retirement of the present Chief Justice.

And Whereas Her Majesty's Principal Secretary for the Colonies in a Despatch dated May 12th 1864 refuses to make the said appointment in accordance with the said Resolution in consequence of no provision having been made for the permanent Salary of such Officer.

Resolved, That in order to carry out the Resolution and Act aforesaid, this House pledges itself to vote the sum of Twelve hundred pounds sterling per annum payable out of the general Revenue as the permanent annual Salary of a Successor to the present Chief Justice.

Resolved That His Excellency the Governor be respectfully requested to forward the Resolution to Her Majesty's Principal Secretary for the Colonies asking him to make the Appointment of a Successor to the present Chief Justice in accordance with the Resolution of Feby. 15th 1864.

The above Resolutions read a 1st time and agreed to.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

### Friday, the 7th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. De Cosmos, Dennes, Carswell, Franklin, Southgate, Street; and Drs. Tolmie, Trimble, Powell, Dickson.

The last minutes having been read and confirmed.

Dr. Powell from the select Committee on Education laid upon the table the Report of that Committee.

Ordered for Tuesday next in Committee of the whole The Consideration of the above Report.

Dr. Trimble, by permission of the House, withdrew the Motion of which he had given Notice on the 5th Inst. "For a Committee to enquire whether the Honble. Senior Member for Victoria City (Mr. De Cosmos) as proprietor or part owner of the British Colonist Printing Establishment has received any pay-

ment or emolument from the Government for printing or advertising since his election to the House of Assembly as Member for the City of Victoria."

Order of the Day. The House then took under consideration the Report of the Committee of the whole (yesterday) upon a Resolution respecting the Appointment of "A Chief Justice."

Upon question "that the Resolutions reported from the Committee do pass," the House divided.

*Ayes:* 5.

Messrs. Street  
De Cosmos  
Southgate  
Powell  
Dennes

*Noes:* 2.

Messrs. Franklin  
Tolmie

The Resolutions were therefore carried.

The House then went into Committee of the whole to consider the propriety of bringing in "A Bill For the more easy Recovery of small debts and demands."

Mr. Speaker left the Chair.

Dr. Powell in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the propriety of bringing in A Bill as aforesaid had adopted the following Resolutions.

1. That a Bill be brought in authorising Justices of the Peace to hear and determine suits for debt for Fifty Dollars and under.
  2. Stipendiary Magistrates for Two hundred and Fifty dollars and under.
  3. There shall be no appeal in cases under fifty dollars.
  4. That provision be made in such Bill for machinery, including trial by jury, to enable Justices of the Peace to hear and determine such Suits.
  5. That provision also be made in such Bill for appeal to the Court above.
- Ordered that report be adopted.

Mr. Speaker, in the absence of Mr. Duncan, referred the question of Privilege affecting the Seat of the Honble. Member for Lake District, and the correspondence connected therewith, to a Committee on Privileges.

The Committee on Privileges was then balloted for and is as follows—

Mr. Carswell (1)  
Dr. Tolmie (2)  
Mr. Street (3)  
Mr. Franklin (4)  
Mr. Dennes (5)

Ordered that Committee on Privileges meet at 1 p.m. on Monday (10th Inst.)

The House then adjourned till Monday (10th Inst.) at 3 p. m.

J. S. Helmcken  
Speaker

## Monday, the 10th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. De Cosmos, Powell, Trimble, Carswell, Southgate; and Dr. Dickson.

The last minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency the Governor.

No. 25.

Vancouver Island.

Victoria. 10th October, 1864

To The Honble. The Speaker and Members of the Legislative Assembly.  
Gentlemen

I will readily forward the Resolutions confirmed by the Legislative Assembly on the 7th Octr. but I feel it my duty to point out that Her Majesty's Secretary of State for the Colonies in a Despatch already laid before the House informed my Predecessor that a permanent Act of the Legislature should be passed, securing to the Chief Justice his Salary. The Resolution now placed in my hands cannot be considered as a "permanent Act of the Legislature" and will not therefore, I apprehend, justify Her Majesty's Secretary of State in making the required appointment of a Chief Justice to succeed His Honor David Cameron.

I have the honor to be,

Gentlemen,

Your most obedient Servant

(Sd.) A. E. Kennedy  
Governor.

Mr. De Cosmos, thereupon, gave Notice of Motion for Tuesday next "That the House fix a day to go into Committee of the whole with the object of introducing A Bill to provide a permanent Salary for a Successor to the present Chief Justice, chargeable on the General Revenue."

The House then confirmed the Resolutions reported from Committee of the whole on the 7th Inst. and Ordered that "A Bill For the more easy Recovery of Small debts and demands" be brought in, based upon the principles enunciated in the said Resolutions.

Mr. Carswell from the Select Committee on Privileges, requested Mr. Speaker to determine what number of Members should constitute A Quorum of the said Committee.

Mr. Speaker ruled that all the Members of the Committee must be present.

Mr. De Cosmos moved "That a Committee on Privilege be appointed to report on the following Subjects:

1. When was Mr. De Cosmos elected a member of this House;
2. When was he sworn in as a Member of this House;
3. Whether he has made an executed or executory contract with the Government to do printing since he was elected or sworn in.

The Resolution was not seconded.

Order of the Day. The House then went into Committee of the whole upon the question of the "Union of the Colonies of Vancouver Island and British Columbia."

Mr. Speaker left the Chair.

Dr. Dickson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned subject begged to report progress and ask leave to sit again.

Ordered That Report be received and leave granted.

J. S. Helmcken

## Tuesday, the 11th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Dickson, Tolmie, Trimble, Powell; and Messrs. Street, Franklin, De Cosmos, Dennes.

The last minutes having been read and confirmed.

Mr. Speaker read the following Communication from His Excellency the Governor.

No. 26.

Vancouver Island  
Victoria. 11th Oct. 1864

To the Honble. The Speaker and Members of the Legislative Assembly  
Gentlemen

I have the honor to submit for the information of the House, the Copy of a Report from the Office of Lands and Works showing the Expenditure already incurred and necessary to complete the Harbour Dredging Machine, together with an Estimate for the Working Expenses for one Year.

The House will observe that no provision is made in the Estimate for the Salary of a Superintending Engineer, as recommended in the Report of the Harbour Commissioners, dated 28th February, 1862.

The House will also observe that the original vote has been considerably exceeded. I would therefore beg for authority to carry on the current expenditure connected with the undertaking together with an expression of the intention of the House in reference to a Salary for a Superintending Engineer experienced in such operations in order that no delay may occur in putting the Dredger in motion as soon as completed.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant,  
(Sd.) A. E. Kennedy, Govr.

Copy

Office of Lands and Works

Sir.

In reply to His Excellency's enquiry of the 8th Inst. I have the honor to furnish herewith an Estimate in detail showing that \$25,102.83 will be required to complete the Dredging Machine in all its parts, also expenditure up to September, amounting to \$67,007.46.

If the Machinery shall arrive here undamaged at an early date, which from the letter from Valparaiso of 6th June, appears to be a reasonable expectation, I am confident that the Sum first mentioned will not be exceeded.

Assuming the Machinery completed, I furnish an Estimate of the Sum required to work the same effectively for one year, stating the number of officers and men required and their respective Salaries and all other expenses necessary for that period at \$23,184.00.



Victoria Harbour Improvement Expenditure for one year  
after completion of Machinery

	\$	cts.
Steam Dredge		
Engineer	1,067.	00
1 Blacksmith or Assistant @ \$55.00	660.	00
2 Stokers „ \$50.00	1 200	00
4 Laborers „ \$45.00	2 160	00
Steam Tug		
Master	1 000.	00
Engineer	1 067	00
2 Stokers	1 200.	00
2 Men	1 080.	00
Coal—50 H. P. at 10 lb. per noml. H. P. per hour, 2½ tons per day 250 days @ \$10. per ton.	6,250	00
Landing and shed at Hospital Point (if any) including all buildings required	5,000	00
Contingencies	2,500	00
	\$23,184.	00

Ordered for Friday next (14th Inst.) the Consideration of the above Correspondence.

Mr. Carswell from the Committee on Privileges reported that the Committee appointed on the 7th Inst. to take under consideration the question of Privilege affecting the Seat of the Honble Member for Lake District and the correspondence connected therewith was of opinion that James Duncan Esqre. did not receive a Government Appointment or Contract.

Mr. De Cosmos moved “that the Report of the Committee on Privileges be taken into consideration tomorrow.”

On Question “That above Resolution do pass” the House divided.  
Question.

<p><i>Ayes: 5.</i></p> <p>Messrs. Tolmie Powell Street Dickson De Cosmos</p>	<p><i>Noes: 4.</i></p> <p>Messrs. Carswell Dennes Franklin and Dr. Trimble</p>
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The Resolution was therefore passed.

Mr. De Cosmos, pursuant to notice moved that the House fix a day to go into Committee of the whole with the object of introducing A Bill to provide a permanent Salary for a Successor to the present Chief Justice, chargeable on the General Revenue.

2nded by Mr. Franklin. Carried.

Ordered for tomorrow Consideration of above.

In reply to a question by Dr. Trimble Mr. Speaker informed the House that until the 21 days has elapsed, in the terms of the Notice issued by his Order on the 28th Ult. in the matter of the double Return for Victoria City, Mr. Young could not take his Seat & vote.

The House then went into Comtee. of the whole upon The Report of the select Committee on Education, presented to the House on the 7th Inst.

Mr. Speaker left the Chair.

Mr. Franklin in Chair of the Comtee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the foregoing Report begged to report progress and ask leave to sit again.

Ordered That Report be received and leave granted.

Mr. Franklin gave Notice of Motion for tomorrow for "leave to introduce 'A Bill Entitled An Act to amend the Land Registry Act, 1860'."

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

### Wednesday, the 12th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Tolmie, Dickson, Trimble, Powell; and Messrs. De Cosmos, Street, Franklin, Dennes, Carswell, Southgate.

The last minutes having been read and confirmed.

Mr. Franklin pursuant to notice moved for leave to bring in "A Bill Entitled An Act to amend the Land Registry Act, 1860."

Mr. De Cosmos seconded.

Agreed to.

Mr. Street gave Notice of Motion for tomorrow for leave to bring in "A Bill Relating to the qualification of Medical Practitioners in Vancouver Island and its Dependencies."

The House then took under consideration the Report of the Select Committee on Privileges( yesterday) in the matter affecting the Seat of the Honble. Member for Lake District.

Mr. De Cosmos moved An Amendment that "in the opinion of this House the seat of the Honble. Member for 'Lake District' is vacant."

On question "that the Report of the Committee be adopted" the House divided.

*Ayes:* 6.

Messrs. Franklin  
Trimble  
Dennes  
Powell  
Carswell  
Southgate

*Noes:* 5.

Messrs. De Cosmos  
Dickson  
Tolmie  
Street  
Bayley

In reply to Mr. De Cosmos, Mr. Speaker stated that he had taken the opinion of Counsel upon the question of Privilege above mentioned.

In Committee of the whole House. The House then took under consideration (in Committee) A Communication from His Excellency dated 10 Oct. 1864 the subject of "A Bill To provide for a permanent Salary for a Successor to the present Chief Justice."

Mr. Speaker left the Chair.

Mr. Bayley in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned subject begged to report "A Bill To appropriate the Sum of Twelve hundred pounds sterling per annum from the General Revenue of the Colony for the Salary of a Chief Justice."

Ordered for tomorrow. First Reading of above Bill.

The House then went into Committee of the Whole upon the question of the Union of the Colonies of British Columbia and Vancouver Island.

Mr. Bayley in Chair of Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned subject begged to report progress and asked leave to sit again.

Ordered That Report be received and leave granted.

Mr. Duncan gave Notice of Motion for this day week.<sup>5</sup>

J. S. Helmcken

### Thursday, the 13th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Messrs. Street, Dennes, De Cosmos, Carswell, Franklin; and Drs. Dickson, Tolmie, Trimble.

The last Minutes having been read and confirmed.

<sup>5</sup> Motion Book, p. 83: "I will move this day week that An address be presented to H. Excy. the Governor to know what Action has been taken with regard to Crown Lands of this Colony."

On motion by Mr. De Cosmos Seconded by Mr. Dennes "A Bill Entitled An Act to appropriate the Sum of Twelve hundred pounds Sterling per annum from the General Revenue of the Colony for the Salary of a Chief Justice."

Read a 1st time and Agreed to.

On motion by Mr. Street Seconded by Mr. De Cosmos Leave granted to bring in "A Bill Relating to the practise of Medicine and Surgery in Vancouver Island and its Dependencies."

Mr. Dennes gave Notice of Motion for Wednesday next "For leave to bring in A Bill to increase the jurisdiction of the Inferior Court of Civil Justice to the Sum of £200."

Mr. Franklin moved that "There be a call of this House for Friday the 21st day of October, to take into further consideration the question of the Union of the two Colonies."

The Order of the day having been read viz. That House go into Committee of the whole upon the question of the Union of the Colonies of British Columbia and Vancouver Island.

On question "That Mr. Speaker do leave the Chair" The House divided.

*Ayes:* 4.

Messrs. De Cosmos  
Dickson  
Street  
Tolmie

*Noes:* 4.

Messrs. Trimble  
Franklin  
Carswell  
Dennes

Mr. Speaker gave his casting vote in favor of the Ayes.

The House then went into Committee of the whole House upon the question of the Union of the Colonies of British Columbia and Vancouver Island.

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above-mentioned Subject had therein adopted a Series of Resolutions, as follows—

Resolved—That this House is of opinion,

1. That there should be a Federal Union of Vancouver Island and British Columbia;

2. That the Federal Government should be vested in a Governor and Federal Legislative Council;

3. That the Legislative Council be composed of an equal number of persons from each Colony;

4. That there shall be One Governor for both Colonies;

5. That the Governor and Federal Legislative Council should have jurisdiction over all public questions in which both Colonies have a common interest;

6. That the local Legislative Institutions in each Colony remain as they are;

7. That each local Legislature should have the right to determine the mode of taxation within its jurisdiction for Federal as well as local purposes;

8. That the Crown Revenues be the property of the Federal Government;

9. That all laws, usages, and liabilities of each Colony except where altered by Act of Federal Union remain as they are till changed by the Federal or local Legislatures respectively;

Resolved. That His Excellency the Governor be respectfully requested to enter into negociation with His Excellency the Governor of British Columbia with the object of establishing a Federal Union of Vancouver Island and British Columbia, based on the provisions of the previous Resolution.

That His Excellency the Governor be respectfully urged to submit any question of difference, not affecting our free-trade policy, between himself and His Excy. the Governor of British Columbia, respecting the proposed Federal Union, to Her Majesty's Principal Secretary of State for the Colonies for final decision binding on both Colonies.

That a Committee of three be appointed to explain the views of this House as embraced in the foregoing Resolutions to His Excellency the Governor.

That the foregoing Resolutions be transmitted to His Excellency the Governor.

Ordered that above Resolutions be adopted.

Ordered for tomorrow "that the above Resolutions be brought up for consideration in the House."

J. S. Helmcken  
Speaker

### Friday, the 14th day of October, 1864

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Powell, Tolmie, Dickson, Trimble; and Messrs. De Cosmos, Dennes, Carswell, Southgate, Franklin, Street, Duncan.

The last Minutes having been read and confirmed.

Dr. Powell gave Notice of Motion for Monday next, for leave to introduce "A Bill Intituled 'A Provisional Act for the Election of Mayor and Councillors 1864.'"

Mr. Franklin rose to a question of Privilege—he charged that the Honble. Member for Saanich (Mr. Street) accepted last Tuesday an appointment under Government as Official Assignee made by the Chief Justice and confirmed by His Excellency the Governor.

Mr. Street denied that he had been appointed Official Assignee, and stated that had he been preferred to any such Appointment he would have placed his resignation as a Member of this House in the hands of Mr. Speaker.

Read a 2nd time and committed "A Bill Entitled An Act to appropriate the sum of Twelve Hundred Pounds Sterling per annum from the General Revenue of the Colony for the Salary of a Chief Justice."

The House then took under consideration the Report of the Committee of the whole House yesterday, viz. Certain Resolutions, in connexion with His Excellency the Governor's Communication 12th September 1864, upon the Union of the Colonies of British Columbia and Vancouver Island.

On question "that the Resolution do pass" Mr. Franklin moved An Amendment "That the Resolutions be printed and that the further consideration of the same be postponed till Wednesday next (19th)."

Mr. Speaker, in reply to a question by Mr. Franklin as to a Motion made by him yesterday in the matter of a Call of the House, stated that it was unusual to question decisions given by the Chair on the day subsequent to that on which they were given.

Mr. Duncan rose to a question of Privilege as to the interpretation of the 11th & 12th Victoria Cap. 98<sup>6</sup> in the matter of the double Return for Victoria City.

Mr. Speaker ruled that a decision had already been given in the matter and concurred in by the House.

Dr. Trimble rose to a question of privilege, to ask whether Mr. Speaker had received the Resignation of the Honble. Member for Nanaimo.

Mr. Speaker informed the House that he had not received such Resignation.

Mr. Duncan then moved An Amendment "That the Resolutions be first sent to the Upper House or Legislative Council to secure unanimous Action of the two Houses before being submitted to the Governor."

The Amendment of Mr. Duncan was then put as against the Amendment of Mr. Franklin.

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<sup>6</sup> An Act to amend the Law for the Trial of Election Petitions, 1848.

Section 21: "And be it enacted, That if in the Case of an Election Petition complaining of a double Return the Member whose Return is complained of in such Petition have given Notice as aforesaid that it is not his Intention to defend his Return, and if no Party within the Period herein-before allowed for that Purpose, have been admitted to defend such Return, then, if there be no Election Petition complaining of the other Member returned on such double Return, it shall be lawful for the last-mentioned Member or other the Persons who subscribed the Petition complaining of such double Return to withdraw such Petition by Letter addressed to the Speaker; and thereupon the Order for referring such Petition to the General Committee of Elections shall be discharged, and the House shall give the necessary Directions for amending the said double Return, by taking off the File the Indenture by which the Person so declining to defend his Return was returned, or otherwise, as the Case may require."

Section 22: "And be it enacted, That in the first Session of every Parliament, on the Day after the last Day allowed by the House of Commons for receiving Election Petitions, and in every subsequent Session, as soon as convenient after the Commencement of the Session, the Speaker shall by Warrant under his Hand appoint Six Members of the House who are willing to serve, and against whose Return no Petition is then depending, and none of whom is a Petitioner complaining of any Election or Return, to be Members of a Committee to be called "The General Committee of Elections;" and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the House in the course of the Three next Days on which the House meets for the Despatch of Business, shall take effect as an Appointment of such General Committee."

For Mr. Duncan's Amendment

*Ayes:* 1.

Mr. Duncan

*Noes:* 5.

Messrs. Franklin  
Trimble  
Dennes  
Carswell  
Dickson

Mr. Duncan's Amendment was therefore lost.

Mr. Franklin's Amendment was then put as against the Original Resolutions.

For Mr. Franklin's Amendment

Against Mr. Franklin's Amendment

*Ayes:* 5.

Messrs. Franklin  
Trimble  
Dennes  
Carswell  
Duncan

*Noes:* 6.

Messrs. Tolmie  
Dickson  
De Cosmos  
Powell  
Southgate  
Street

The Amendment was therefore lost.

The Report of the Committee of the Whole House (of yesterday) viz. Certain Resolutions, in connexion with His Excy. the Governor's Communication, 12 Sepr. 1864, upon the Union of the Colonies of British Columbia and Vancouver Island was then put and Carried.

Ordered for Monday next.

The Consideration in Committee of the whole House, of a Communication from His Excy. the Governor dated 11th Octr. 1864 in the matter of the "Victoria Harbour Dredging Machine."

Also, in Committee of the Whole House, "A Bill Entitled An Act to appropriate the Sum of Twelve Hundred Pounds Sterling per Annum from the General Revenue of the Colony for the Salary of a Chief Justice."

Also, In Committee of the whole House, The Report of the Select Committee on Education laid upon the table of the House on the 7th Inst.

The House then adjourned till Monday (17th Inst.) at 3 p. m.

J. S. Helmcken  
Speaker

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## Monday, the 17th day of October, 1864

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Tolmie, Powell, Dickson; and Messrs. Carswell, De Cosmos, Southgate, Dennes, Duncan.

The last Minutes having been read and confirmed.

Mr. Speaker informed the House that he had appointed Messrs. Southgate, De Cosmos & Powell as a Select Committee to explain the views of this House upon the question of the Union of the Colonies of British Columbia and Vancouver Island, (in conformity with Para. 4 of certain Resolutions passed by the House on the 13th) to His Excellency the Governor.<sup>7</sup>

Dr. Dickson gave Notice of Motion "for leave to bring in 'A Bill entitled An Act relating to the Office of Coroner'."

Dr. Powell, pursuant to Notice (14th Inst.) moved for Leave to bring in "A Bill Entitled A Provisional Act for the election of Mayor and Councillors, 1864."

Seconded by Dr. Dickson.

Agreed to.

Dr. Powell, gave notice of motion for tomorrow "That an humble address be presented to His Excy. the Governor enquiring whether Resolutions recently adopted in this House respecting the Appointment of a Chief Justice have been sent to England; and if so, when?"

Mr. Franklin laid upon the table of the House "A Bill Entitled An Act to amend the Land Registry Act, 1860."

In Committee of the Whole House.

"A Bill To appropriate the Sum of Twelve hundred pounds sterling per Annum from the General Revenue of the Colony for the Salary of a Chief Justice."

Also, A Communication from His Excy. the Governor (No. 26) in the matter of the "Victoria Harbour Dredging Machine."

Also, The Report of the Select Committee on Education laid upon the table of the House on the 7th Inst.

Mr. Speaker left the Chair.

Dr. Dickson in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Subjects begged to report.

In regard to the first, viz. "The Chief Justices Permanent Salary Act, 1864." The Bill, complete as amended.

In regard to the Second, viz. A Communication from His Excy. the Governor in the matter of "The Victoria Harbour Dredging Machine." Progress, and asked leave to sit again.

In regard to the third, viz. The Report of the Select Committee on Education laid on table of the House on the 7th Inst. Progress, and asked leave to sit again.

Ordered that Report be received and leave granted in the above instances respectively.

Mr. Franklin gave Notice of Motion for Tuesday next "For Returns as to Application or Appointment of Charles Street Esqre. as Official Assignee."

<sup>7</sup> Kennedy responded by inviting the House to meet with him on 19 October. Messages to House, No. 27, 18 October 1864.

Mr. Franklin gave Notice of Motion for Wednesday next "That Resolutions passed by this House relative to the Union of the Colonies be sent up to the Legislative Council."

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken  
Speaker

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## Tuesday, the 18th day of October, 1864

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Dickson, Tolmie, Powell, Trimble; and Messrs. Franklin, Duncan, Dennes, Carswell, De Cosmos.

The last Minutes having been read and confirmed.

Mr. Franklin asked leave to postpone his Resolution for "Returns as to the appointment of Charles Street Esqre. as Official Assignee" till tomorrow.

Agreed to.

Dr. Powell moved for leave to postpone his Resolution "That an humble address be presented to His Excy. the Governor enquiring whether the Resolutions recently adopted in this House respecting the appointment of a Chief Justice have been sent to England; if so, when?"

Agreed to.

Mr. De Cosmos gave Notice of Motion for 24th Inst. "That the House fix a day to go into Committee of the whole with the object of considering the advisability of constructing a Waggon Road connecting the City of Victoria with Nanaimo and Comax."

Mr. De Cosmos gave Notice of Motion for 25th Inst. "That the House name a day to go into Committee of the whole with the object of considering the advisability of taking measures to promote the construction of Flour Mills in the Agricultural districts and otherwise to assist in fostering Agriculture."

Mr. De Cosmos gave Notice of Motion for 25th Inst. "That the House fix a day to go into Committee of the whole with the object of devising means for the development of the Fisheries of Vancouver Island and of the waters contiguous thereto."

Read a 3rd time and passed "A Bill To appropriate the Sum of Twelve Hundred Pounds Sterling per Annum from the General Revenue of the Colony for the Salary of A Chief Justice."

The House ordered that "A Bill Entitled An Act to amend the Land Registry Act, 1860" be printed.

In Committee of the whole House "A Report of the Select Committee on Education laid on table 7th Inst."

Mr. Speaker left the Chair.

Dr. Dickson in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the Report of the Select Committee on Education begged to report progress and asked leave to sit again.

Ordered that Report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

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### Thursday, the 20th day of October, 1864

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair; Drs. Dickson, Tolmie, Trimble, Powell; and Messrs. Bayley, Southgate, Franklin, De Cosmos, Duncan.

The last Minutes having been read and confirmed.

Mr. Speaker informed the House that he had received from Charles Street Esqre. the resignation of his Seat as Member for Saanich District.

Mr. De Cosmos moved for a New Writ for a Member to represent "Saanich District," vice Street resigned.

Dr. Dickson Seconded.

Agreed to.

Mr. Franklin asked leave to withdraw the Resolution of which he had given Notice on the 17th Inst. "As to appointment of Charles Street Esqre. as official Assignee."

Mr. Speaker nominated Dr. Dickson to serve on the General Committee on Elections, vice Street resigned.

The House ordered that "A Bill Entitled An Act respecting the office of Coroner" be printed.

Mr. Franklin moved for leave to introduce "A Bill Entitled An Act respecting the Medical Board and Practitioners in Medicine and Surgery."

Ordered for tomorrow. 1st Reading of above Bill.

Mr. Franklin gave Notice of Motion For leave to introduce "A Bill Making the Act of the 19th and 20th Victoria Cap. 97<sup>8</sup> applicable to Vancouver Island and consolidating and amending the law of foreign liabilities on foreign Actions and Judgments."

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<sup>8</sup> An Act to Amend the Laws of England and Ireland Affecting Trade and Commerce.

Mr. Franklin, pursuant to Notice, moved that (17 Oct.) "The Resolutions or a Copy of the Resolutions passed by this House relative to the Union of the Colonies be sent up to the Legislative Council."

Dr. Trimble seconded.

Mr. Speaker ruled the Resolution out of order. 1st as already having been decided against. 2nd that the Resolutions had been forwarded to His Excy. the Governor and were not any longer in the House.

Dr. Powell moved that the House fix tomorrow to take under consideration the Resolution "That an humble Address be presented to His Excy. the Governor enquiring whether the Resolutions recently adopted in this House respecting the Appointment of a Chief Justice have been sent to England; if so, when?"

Ordered for tomorrow.

Mr. Duncan pursuant to Notice (12th Inst.) moved "That An Address be presented to H. Excy. the Governor to know what Action has been taken with regard to the Crown Lands of this Colony."

Mr. Dennes 2nded.

Mr. De Cosmos moved An Amendment. "That a respectful address be presented to His Excy. the Governor praying that this House may be informed what Steps have been taken or are proposed to be taken by the Executive with respect to the Settlement between the Hudson's Bay Company and Crown respecting the Crown Lands of this Colony."

Dr. Trimble seconded.

On question "that the Original Resolution do pass" The House divided.  
Question.

*Ayes:* 4.

Messrs. Duncan  
Franklin  
Tolmie  
Dennes

*Noes:* 6.

Messrs. De Cosmos  
Dickson  
Trimble  
Southgate  
Bayley  
Powell

Mr. Duncan's Resolution was therefore lost.

Mr. De Cosmos's Amendment was then put & carried.

Mr. Dennes, pursuant to notice, moved for leave to introduce "A Bill To increase the Jurisdiction of the Inferior Court of Civil Justice to the Sum of Two hundred Pounds."

Mr. Duncan seconded.

Ordered that leave be granted.

Ordered for tomorrow. "The Report of the Committee on Education."

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

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**Friday, the 21st day of October, 1864**

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The House met this day at 3 p. m. pursuant to adjournment.

Mr. Speaker in the Chair and Messrs. Powell, Duncan, Dennes, De Cosmos, Tolmie.  
The last minutes having been read and confirmed.

Mr. De Cosmos, from the Committee on Elections reported that the Petition of Charles Bedford Young Esqre. against the return of George Cruickshank Esqre. (in the matter of the double return for Victoria City) conforms with the Standing Orders of the House.

On motion by Mr. De Cosmos. Seconded by Mr. Dennes. The House ordered that Charles Bedford Young Esqre. be admitted to take his Seat as Member elect for Victoria City, and that the Clerk of the Crown in Chancery be instructed to remove the name of George Cruickshank Esqre. from the file.

Dr. Powell presented A Petition from the Mayor and Councillors of the City of Victoria praying the House to pass A School Bill on strictly non-sectarian principles.

Ordered to lie on the table.

On motion by Mr. Franklin. Seconded by Mr. Dennes. "A Bill Entitled An Act respecting the Medical Board and Practitioners in Medicine and Surgery" was Ordered to be printed.

On motion by Dr. Powell. Seconded by Mr. De Cosmos. The House took under consideration A Resolution "That an humble Address be presented to His Excellency the Governor enquiring whether the Resolutions recently adopted in this House respecting the appointment of a Chief Justice have been sent to England; if so, when?"

The House, having agreed that the words "if so, when" be stricken out of the Resolution, divided on question "that The Resolution be adopted."

Ayes: 3.

Noes: 3.

Messrs. De Cosmos

Messrs. Trimble

Powell

Dennes

Tolmie

Duncan

Mr. Speaker gave his casting Vote with the Ayes, in favor of the Resolutions.

Dr. Powell pursuant to notice moved for leave to introduce "A Bill Entitled A Provisional Act for the election of a Mayor and Councillors 1864."

Mr. De Cosmos seconded.

Agreed to—dissentiente Mr. Dennes.

Read a 1st time.

The Order of the day having been read, viz. The Consideration of the Report of the Committee on Education in Committee of the whole House, Mr. Dennes, and Mr. Duncan retired—and a Quorum not being left, the House adjourned till Monday the 24th Inst. at 3 p. m.

J. S. Helmcken

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