

Wednesday, the 1st day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, De Cosmos, Dickson, McClure, Pidwell, Powell, Stamp, Trimble, Young.

The last minutes having been read and confirmed.

Mr. Pidwell gave Notice of Motion.⁶⁴

Mr. Speaker informed the House that on Mondays, Wednesdays and Fridays it was essential, in order to wind up arrears of business, that the "orders of the day" precede "Notices of motion."

Dr. Dickson, pursuant to notice, moved a Resolution "That to guard for the future against an undue exercise of the power of suspending the "Standing Orders" of this House, and to prevent hasty legislation, this House desires to put upon record its deliberate judgment against such suspension unless one clear days notice shall have been given and the votes of at least two thirds of the number of Members who shall then happen to be present approve the same; and, "that the Resolution of this House passed on the 26th January, 1866, authorising such suspension upon a majority vote, be, and is, hereby rescinded."

Seconded by Mr. Young.

Mr. McClure moved An Amendment—"Resolved—that before the Rules of this House can be suspended, it shall be necessary that at least one days notice of motion of such suspension shall be given, and that Honble. Members be notified of such motion by the Clerk of the House; and, that the Resolution of the 26th January, 1866, be, and is, hereby rescinded."

Seconded by Mr. Trimble.

Mr. Pidwell moved An Amendment—"Resolved—that the Standing Order of the 26th January, 1866, be rescinded and the following be substituted—'that no Suspension of the Standing Orders shall take place unless by the consent of two thirds of the Members of the House then present'."

Seconded by Mr. De Cosmos.

The latter amendment was then put as against the former.

For Mr. Pidwell's Amendment

Ayes: 6.

Messrs. Ash
Carswell
Dickson
Pidwell
Stamp
Young

Noes: 4.

Messrs. De Cosmos
McClure
Powell
Trimble

Mr. Pidwell's Amendment was therefore carried as against the Amendment of Mr. McClure.

⁶⁴ Motion Book, 1865-66, p. 50: "I intend at the next meeting of the House to ask leave to bring in a Bill to provide for a change in the constitution of the Executive Council of the Colony—by giving this House a Voice in said Council."

Mr. Pidwell's Amendment was then put as against the original Resolution.

For the Amendment

Ayes: 5.

Messrs. De Cosmos
McClure
Pidwell
Powell
Trimble

Noes: 5.

Messrs. Ash
Carswell
Dickson
Stamp
Young

Mr. Speaker gave his casting vote in favor of the Amendment which was therefore carried.

On motion of Dr. Dickson, seconded by Mr. Young "That the Resolutions in reply to His Excellency the Governors Communication—'No. 33—dated 6th July 1866' be transmitted forthwith" The House divided.

Ayes: 5.

Messrs. Ash
Carswell
Dickson
McClure
Young

Noes: 5.

Messrs. De Cosmos
Pidwell
Powell
Stamp
Trimble

Mr. Speaker gave his casting vote with the "Noes" and against the Resolution.

Mr. Speaker, in reply to Mr. McClure, stated "that the rejection of the Resolution today did not render it incompetent for the House to bring the same question up again during the present Session, he held that the term 'forthwith' in the Resolution suggested a case analagous to a motion that a 'Bill be now read 2o., which if resolved in the negative postponed, without rejecting, the proposition."

In reply to Dr. Powell—Mr. Speaker ruled "that, as it is competent for the House to rescind Resolutions that have gone out of the House, it must be 'in order' for them to reconsider and rescind portions of Resolutions."

In Committee (recommitted 31st Ulto.) A Resolution reported from Comtee Supply (27th Ulto.) in reply to H. Excys. *Communication* "No. 36—dated 23rd July, 1866" "relative to the works for the improvement of Victoria Harbor."

The Chairman "Ways and Means" in Chair.

The Chairman reported that the Resolution arrived at by the Committee, and Ordered to be reported was as follows "That the Dredger and Steam Tug were purchased at the desire and in accordance with the well understood wishes of the people and that this House is of opinion that it is unadvisable to order them to be sold, because the House hopes that at some future time they may be successfully and usefully employed in deepening Victoria Harbor. It is however considered advisable to suggest that the Punts be taken out of the water."

Also in Comtee. Certain proposed Amendments to "An Act to amend the Road Act, 1860."

Chairman reported progress and asked leave to sit again.

Ordered "that reports be agreed to respectively, and leave be granted."

The House then adjourned till Friday.

J. S. Helmcken
Speaker

Friday, the 3rd day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, De Cosmos, Dickson, McClure, Powell, Pidwell, Trimble, Young.

The last minutes having been read and confirmed.

Mr. Young gave Notice of Motion.⁶⁵

Mr. McClure gave Notice of Motion.⁶⁶

Dr. Ash gave Notice of Motion.⁶⁷

Dr. Trimble gave Notice of Motion.⁶⁸

Mr. McClure gave Notice of Motion.⁶⁹

Mr. McClure moved, seconded by Mr. Young, "that the orders of the Day be discharged and the Standing Orders of the House suspended, in order to admit of a motion being put 'that the Resolutions in reply to His Excellency's Communication No. 33—1866' be transmitted to His Excellency forthwith."

Question put "that the Standing Orders be suspended."

Ayes: 5.

Noes: 3.

Messrs. Ash

Messrs. Pidwell

Carswell

Powell

Dickson

Trimble

McClure

Young

Mr. Speaker informed the House that the majority of two thirds of the Members present required by the Standing Order made on the 1st Aug. to authorise suspension of the Standing Orders had not been voted in favor of that suspension.

The motion to "suspend" was therefore lost.

A Comtn. "No. 38—dated 3rd Aug. 1866" was read from His Excellency the Governor stating that He had received instructions from Her Majesty's Prin-

⁶⁵ Motion Book, 1865-66, p. 51: "I give notice that I will move at next meeting of the House that the resolutions in answer to His Excellency's communication of 6th July last be transmitted by the Steamer to leave on Monday the 6th inst. as resolved on in the said resolutions."

⁶⁶ Motion Book, 1865-66, p. 51: "I give notice that at the next meeting of the House I will move that the Resolutions in reply to the Governor's message be transmitted to His Excellency forthwith and the Speaker be ordered to transmit a copy of the same by the first mail."

⁶⁷ Motion Book, 1865-66, p. 51: "That in consideration of the divided state of opinion in this House and the prospect of speedy union it is expedient that no further action be taken in the matter of the reply to the letter of H. E. the Governor—dated 6th July/66."

⁶⁸ Motion Book, 1865-66, p. 51: "I give notice that on the next meeting of the House I will ask the house to rescind that part of the Resolutions respecting the want of Confidence in His Ex. Governor Kennedy."

⁶⁹ Motion Book, 1865-66, p. 52: "I move that His Excellency be respectfully requested to transmit to this House copies of His Excellency's communication to The Secretary of State for the Colonies in reference to the Address of this House in the matter of James Dickson Esq. Coroner, and of the despatch of the Secretary of State for the Colonies in reply to the same."

cipal Secretary of State for the Colonies to inform the House that he has duly laid before the Queen the Address which prays that the order purporting to revoke the Commission of Dr. Dickson as Coroner may be disallowed; stating also that for reasons therein given, that the Secretary of State had not recommended Her Majesty to accede to the Address of the Legislative Assembly.

Also a Communication "No. 39 dated—3rd Aug. 1866" transmitting Copy of "Papers relative to the proposed Union of British Columbia and Vancouver Island" which have been presented to both Houses of the Imperial Parliament by command of Her Majesty.

On motion of Mr. Pidwell, 2nded by Dr. Powell, "That leave be granted to introduce 'A Bill to provide for a change in the Constitution of the Executive Council of the Colony'" The House divided.

Ayes: 4.

Messrs. De Cosmos
Pidwell
Powell
Trimble

Noes: 5.

Messrs. Ash
Carswell
Dickson
McClure
Young

The motion was therefore lost.

Bills in Committee.

"The Victoria and Esquimalt Harbor Dues Act, 1866" and Certain Amendments by the Honble. Legislative Council to a "Bill entitled An Act to amend the Law of Arrest and Imprisonment for Debt."

Dr. Trimble in Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Bill & Amendments had ordered him to report, in regard to the first "The Bill complete without amendment." In regard to the 2nd "that the Committee had agreed to the Honble. L. C. Amendments without alteration."

Ordered "that reports be agreed to respectively."

The House then adjourned till Monday at 1 p. m.

J. S. Helmcken
Speaker

Monday, the 6th day of August, 1866

The House met this day at 1 p.m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Dickson, McClure, Powell, Stamp, Pidwell, Young.

The last minutes having been read and confirmed.

Bills read 3o.

Imprisonment for Debt Bill.

Victoria and Esquimalt Harbor Dues Amendment Act, 1866.

On motion of Mr. McClure, seconded by Mr. Young, "That the order of the day be discharged, to admit of the passing of a Resolution that the reply of this House to His Excellency's Communication 'No. 33, 1866' confirmed by the House on the 25th Ultio. be transmitted forthwith to His Excellency" The House divided.

Ayes: 3.

Noes: 3.

Messrs. Dickson

Messrs. Stamp

McClure

Trimble

Young

Pidwell

Mr. Speaker gave his casting vote with the Noes—the resolution was therefore lost.

The House then adjourned till [blank].

J. S. Helmcken

Speaker

Tuesday, the 7th day of August, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Pidwell, Powell, Stamp, Young.

The last minutes having been read and confirmed.

On motion of Mr. McClure, seconded by Mr. De Cosmos, Ordered "that a humble Address be presented to His Excellency the Governor praying that he will cause to be laid on the table of this House, copies of correspondence between His Excellency and the Secretary of State for the Colonies in re the removal from office of Jas. Dickson Esqre. as Coroner" (Dissentiente Mr. Pidwell).

Leave was granted to Dr. Ash to withdraw the Resolution of which he gave Notice on the 3rd Inst. in re "the reply to His Excellency's Communication 'No. 33—6th July 1866.' "

On question proposed by Mr. McClure, seconded by Mr. Young "That the Resolutions in reply to His Excellency the Governor's Communication 'No. 33—6th July, 1866' reported from Committee of the whole House on the 23rd Ultio., and confirmed by the House on the 25th Ultio., be transmitted forthwith to His Excellency, and that the Speaker be ordered to transmit a copy of the same by the first Mail to England."

Dr. Powell moved An Amendment "That Section 28 of the Resolutions be rescinded."

On question put "that Section 28 of the Resolutions be rescinded" The House divided.

Ayes: 4.

Messrs. Cochrane
 Pidwell
 Powell
 Stamp

Noes: 5.

Messrs. Ash
 Carswell
 De Cosmos
 McClure
 Young

The Amendment was therefore lost.

On the original motion being put, the House divided.

Ayes: 8.

Messrs. Ash
 Carswell
 De Cosmos
 Dickson
 McClure
 Powell
 Stamp
 Young

Noes: 2.

Messrs. Cochrane
 Pidwell

The original motion was therefore carried.

Mr. Young gave Notice of Motion.⁷⁰

Mr. Speaker appointed the following *Committee* to examine the "Appropriation Act, 1866" Messrs. Trimble, De Cosmos, Young.

House adjourned till tomorrow.

J. S. Helmcken
 Speaker.

Wednesday, the 8th day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, De Cosmos, Dickson, McClure, Pidwell, Trimble, Young.

The last minutes having been read and confirmed.

Bills in Committee.

An Act to amend the Road Act, 1860.

The Homestead and Exemption from Execution Act, 1866.

Dr. Trimble in the Chair.

⁷⁰ Motion Book, 1865-66, p. 52: "I give notice that I shall move for a committee to enquire into the case of Patrick Brannan who after having been settled upwards of five years by authority at Cowitchan complains that he is ordered off his land that it may be given to some other person."

The Chairman reported that the Committee had ordered him to report in regard to the first—the Bill favorably to the House. In regard to the second—the Bill complete as amended.

Ordered that reports be received and agreed to respectively.

Read 1o. "An Act to amend the Road Act, 1860."

The Chairman of "Ways and Means" from the Select Committee appointed by the House on the 7th Inst. to report upon the "Appropriation Act, 1866" brought up the report of that Comtee.

Ordered—to be taken into consideration at next meeting.

Mr. Pidwell gave notice of Motion.⁷¹

The House adjourned till tomorrow at 3 p. m.

J. S. Helmcken
Speaker

Thursday, the 9th day of August, 1866

A Quorum not being present, the House did not sit.

Present: Mr. Speaker and Messrs. Pidwell, Young.

J. S. Helmcken
Speaker

Friday, the 10th day of August, 1866

A Quorum not being present, the House did not sit.

Present: Mr. Speaker and Messrs. Pidwell, Trimble, Young.

J. S. Helmcken
Speaker

Monday, the 13th day of August, 1866

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

Present: Mr. Speaker in the Chair and Messrs. De Cosmos, Dickson, McClure, Powell, Pidwell, Trimble, Young.

The last minutes having been read and confirmed.

⁷¹ Neither the Motion Book nor the *Colonist and Chronicle* report any notice of motion for this day.

Bill read 3o.

The Homestead Act, 1866.

Bills read 2o. and committed.

An Act to amend the Road Act, 1860.

"The Coroner's Jury Act, 1866" (Dissentiente Dr. Dickson).

On question put "that the Militia and Volunteer Act, 1866 be read 2o." The House divided.

Ayes: 1.

Mr. Pidwell

Noes: 4.

Messrs. Dickson

McClure

Trimble

Young

The 2nd Reading of the Bill was therefore lost.

Ordered "that the House go into *Committee* tomorrow to consider the subject of 'A Ministerial Council.' "

On motion of Mr. Young, 2nded by Dr. Dickson, it was Ordered "that Messrs. Young, Powell, Dickson, be a Select Committee to enquire into the case of Patrick Brannan a Settler who complains 'that after having been settled upwards of five years, by authority, at Cowichan, he has been ordered off his land that it may be given to another person.' "

Bills in Comtee.

An Act to amend the Road Act, 1860.

The Coroners Jury Act, 1866.

And "An Act respecting the Registration of Births, Deaths and Marriages in Vancouver Island"—(Money Bill).

Chairman "Ways and Means" in Chair.

The Chairman reported that the Committee had ordered him to report—in regard to the first—the Bill complete as amended. In regard to the second—the Bill complete as amended. In regard to the third that the Committee had ordered him to report the Bill favorably to the House.

Ordered that reports be agreed to respectively.

Bill read 1o. "An Act Respecting the Registration of Births, Deaths, and Marriages in Vancouver Island."

On question put "that the Report of the Comtee. of Supply brought up from the Select Committee on the 8th Inst. be now agreed to" The House divided.

Ayes: 2.

Messrs. Pidwell

Trimble

Noes: 3.

Messrs. Dickson

McClure

Young

The motion was therefore lost.

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

J. S. Helmcken

Speaker.

Tuesday, the 14th day of August, 1866

A Quorum not being present the House did not sit.

Present: Mr. Speaker and Messrs. Young, Dickson, Pidwell.

J. S. Helmcken
Speaker.

Wednesday, the 15th day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Pidwell, Stamp, Trimble.

The last minutes having been read and confirmed.

Bill read 3o.

An Act to amend the Road Act, 1860.

“The Coroners Jury Act, 1866” (Dissent. Mr. Carswell).

The Report of the Committee on the “Appropriation Act, 1866” was brought up and read—and was confirmed.

“An Act To apply the sum of Two Hundred and forty eight thousand nine hundred and Sixty three Dollars and thirty two cents out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the Year one thousand eight hundred and sixty six” was read 3o. and passed (Dissent-tiente Mr. Carswell).

SCHEDULE
NO. 1 ESTABLISHMENTS DETAILED

	Fixed	Provisional and Temporary	Contingencies	Total
<i>His Excellency the Governor</i>				\$ ¢
Messenger	500.			
Total	500.			500.
<i>Legislative Council</i>				
Clerk	500.			
Fuel, light, and petty expenses			150.	
Total	500.		150.	650.

NO. 1 ESTABLISHMENTS DETAILED—*Continued*

	Fixed	Provisional and Temporary	Contingencies	Total
<i>Legislative Assembly</i>				
Clerk	1700.			\$ ¢
Resolution "That in addition to his present duties the Clerk of the House of Assembly shall audit the public accounts of the Colony."				
Messenger	450.			
Fuel, light, and petty expenses			400.	
Total	2150.		400.	2550.
<i>Colonial Secretary</i>				
Chief Clerk	1000.			
Petty expenses			100	
Total	1000.		100.	1100.
<i>Treasurer</i>				
Treasurer	1700.			
Clerk	1200.			
Restn. "That the duties of Assessor shall, for the future, be performed by the Treasury Department, notwithstanding anything contained in 'the Real Estate Tax Amendment Act, 1862' to the contrary: and that a Bill be introduced to repeal 'the Real Estate Tax Amendment Act, 1862' subject to the collection of Taxes due thereby at present."				
Assessor—see Restns. "Assessor"—Exclusive of Establishments				
Total	2900.			2900.
<i>Surveyor General</i>				
Restn. "That the Committee are of opinion that it is inexpedient to fill up the office of Surveyor General at present."				
Assistant or Acting Surveyor General & Superintdt. of Roads	850.			
Restn. "That the duties of Surveyor General shall be performed by the Asst. or Actg. Surveyor General who shall be Superintdt. of Roads and the Salary of said office shall be \$850. per ann. which sum shall be paid solely on account of services rendered on works done at the expense of the General Revenue."				
Master of Tug Steamer	1200.			
Engineer of do. do.	1091.25			
Two Stokers @ \$60. per month each	1440.			
Three Crew @ \$45. " " "	1620.			
Petty Expenses			250.	

NO. 1 ESTABLISHMENTS DETAILED—Continued

	Fixed	Provisional and Temporary	Contingencies	Total
<i>Surveyor General—Continued</i>				
Restn. "That the Steam Tug 'Sir James Douglas' be employed in carrying Mails, Passengers and Freight, on the coast of this Island and its Dependencies under the direction of the Executive, during 1866, and shall not engage in foreign traffic, & that the said Steam Tug be insured forthwith."				\$ ¢
Total	6201.25		250.	6451.25
<i>Harbor Master and Postmaster</i>				
Harbor Master and Postmaster, Victoria	1700.			
Restn. "That the offices of Harbor Master and Postmaster be amalgamated and the Salary therefor be \$1700. The House is of opinion that it is desirable that the Postmaster and Harbor Master be Secretary of the Light House Board."				
Petty Expenses			200.	
Clerk to Postmaster	1455.			
Postmaster Nanaimo	300.			
Total	3455.		200.	3655.
<i>Light-houses</i>				
Restn. "That the Postmaster and Harbor Master, Victoria, be Secretary of the Light House Board."				
Lightkeeper Race Rocks	750.			
3 Assistants \$510.88, \$400, \$208.04	1118.92			
Lightkeeper Fisgard	750.			
Asst. do. do.	100.			
Medical Officers	60.			
Petty Expenses			200.	
Total	2778.92		200.	2978.92
<i>Judicial</i>				
Chief Justice	5820.			
Registrar of Supreme Court, Clerk of Writs, and Registrar General of Titles of Real Estate	1700.			
Restn. "That the Registrar of the Supreme Court be also Clerk of Writs and that the duties of such office be discharged by the Registrar General of Titles of Real Estate and that the Salary be \$1700. per annum."				
Clerk	1200.			
Restn. "That the Clerk be Deputy Registrar General in all matters connected with his Department at a Salary of \$1200. per annum."				

NO. 1 ESTABLISHMENTS DETAILED—*Continued*

	Fixed	Provisional and Temporary	Contingencies	Total
<i>Judicial—Continued</i>				
Messenger	600.			\$ 6
Attorney General		1455.		
Restn. "That no fees be allowed to the Acting Attorney General and that the Salary of the Acting Attorney General be provisional and temporary."				
Sheriff	1000.			
Stipendiary Magistrate, Superintendent of Police and Governor of Gaol	1750.			
Restn. "That the Stipendiary Magistrate of Victoria be Superintendent of Police and Governor of Gaol, and that it is advisable for economy's sake that the Stipendiary Magistrate and his Clerk keep the Accounts of the Gaol and Police Department."				
Clerk	1000.			
Restn. (See Stipendiary Magistrate, Victoria) Stipendiary Magistrate, Nanaimo				
Restn. "That the office of Stipendiary Magistrate at Nanaimo be abolished."				
Petty Expenses			300.	
Total	13070.	1455.	300.	14825
<i>Police</i>				
Superintendent				
Restn. "That the Stipendiary Magistrate be Superintendent of Police subject to the Resolution of the House as regards the Stipendiary Magistrate, Victoria."				
Inspector	1200.			
1 Sergt. at \$75. per month	900.			
5 Constables at \$2. per diem each	3650.			
Total	5750.			5750.
<i>Gaols</i>				
Gaoler	1000.			
Superintendent of Convicts	800.			
Medical Officer and Attendance	500.			
3 Warders @ \$1.75 per diem each	1916.25			
3 Warders @ \$1.50 " " "	1642.50			
Cook @ \$1.50 per diem	547.50			
Petty Expenses			200.	
Total	6406.25		200.	6606.25
<i>Education</i>				
Superintendent	1500.			
Teacher of Victoria School	1200.			

NO. 1 ESTABLISHMENTS DETAILED—Continued

	Fixed	Provisional and Temporary	Contingencies	Total
<i>Education—Continued</i>				
Assist. Teacher do. do.	1000.			\$ ¢
Restn. "That the Salary of the Assistant Teacher of Victoria School be \$1,000."				
Female Teacher Victoria School	1000.			
Restn. "That the Salary of the Female Teacher of Victoria School be \$1,000."				
Teacher of Victoria District School	1200.			
" " Craigflower School	1000.			
" " Nanaimo School	1000.			
Female Teacher Nanaimo School	600.			
Teacher Esquimalt School	500.			
Teacher Cedar Hill School	750.			
Restn. "That the Salary of the Teacher at Cedar Hill be \$750."				
Teacher Lake	500.			
" Saanich	500.			
" Cowichan	500.			
" Salt Spring Island and Chemainus	500.			
Restn. "That \$500. be voted for a School Teacher at Salt Spring Island and Chemainus."				
Total	11750.			11750.
<i>Volunteer Companies</i>				
Drill, Instruction, &c.	1000.			
Petty Expenses, Targets, &c.			250.	
	1000.		250.	1250.
1. Recapitulation of the foregoing Establishments				
<i>Civil Establishments</i>				
The Governor	500.			500.
Legislative Council	500.		150.	650.
Legislative Assembly	2150.		400.	2550.
Colonial Secretary	1000.		100.	1100.
Treasurer	2900.			2900.
Surveyor General	6201.25		250.	6451.25
Harbor Master and Postmaster	3455.		200.	3655.
Lighthouses	2778.92		200.	2978.92
Judicial Establishment	13070.	1455.	300.	14825.
Police do.	5750.			5750.
Gaol do.	6406.25		200.	6606.25
Education	11750.			11750.
Volunteer Companies	1000.		250.	1250.
Total Establishments	57,461.42	1455.	2050.	60,966.42

EXCLUSIVE OF ESTABLISHMENTS

		Total \$
2. <i>Pensions</i>		
To David Cameron retired Chief Justice	\$ 2425.	\$
	Total	2425.
3. <i>Legislative Assembly</i>		
Printing	\$ 500.	
	Total	500.
4. <i>Colonial Secretary</i>		
Stationery for Public Offices	\$ 500.	
Fuel and light for do. do.	300.	
Printing Acts of Legislature	1000.	
	Total	1800.
5. <i>Assessor</i>		
Assessor	\$ 1500.	
Restn. "That the present Assessor of Real Estate be paid \$1500 for past services of this Year."		
	Total	1500.
6. <i>Surveyor General</i>		
Fuel and Stores for Steam Tug	\$ 3600.	
Stores for keeping Machinery of Dredger in Order	100.	
	Total	3700.
7. <i>Harbor Master</i>		
For repairing and placing buoys in Victoria and Nanaimo Harbors, painting &c.	\$ 400.	
	Total	400.
8. <i>Postmaster</i>		
Postmaster Harbor Master and Collector of Harbor Dues Nanaimo	\$ 500.	
Occasional Assistance to expedite delivery of letters	250.	
	Total	750.
9. <i>Administration of Justice</i>		
Expenses of Witnesses	\$ 150.	
Criminal punishments	100.	
Interpreters and others expenses	50.	
Expenses of Inquests (including Coroners fees)	250.	
	Total	550.
10. <i>Education</i>		
For repairs and additions to buildings	\$ 500.	
Books, Petty expenses &c.	800.	
Rent of Schoolhouses	1080.	
	Total	2380.
11. <i>Hospitals</i>		
Contribution to Victoria Hospital	\$ 8000.	
Restn. "That the contribution to Victoria Hospital be increased to \$8,000.—that the Committee are of opinion that the \$3000. due to the Royal Hospital should be paid forthwith."		
	Total	8000.

EXCLUSIVE OF ESTABLISHMENTS—Continued

		Total \$
12. <i>Police</i>		
Clothing for Constables	\$ 800.	
Fuel, Water and Light	100.	
For occasional necessary employment of Constables in outlying Districts	500.	
	Total	1,400.
13. <i>Gaols</i>		
Provisions for Prisoners	\$ 2700.	
Clothing for Prisoners	900.	
Fuel, Water and Light	600.	
Bedding and Utensils	250.	
Tools and Implements	150.	
Arms and Ammunition	25.	
Repairing lock up at Nanaimo	100.	
Restn. "That the sum of \$100. be voted for repairing the lock up at Nanaimo."		
	Total	4725.
14. <i>Rent</i>		
Ground Rent—Government House	\$ 81.90	
Rent of Harbor Masters Office, Victoria	330.	
" " Post Office Victoria	330.	
Restn. "That steps be taken immediately to remove the Harbor Master & Postmasters office to a safer building in a more central and commodious situation."		
Rent of Gaol Nanaimo	100.	
	Total	841.90
15. <i>Transport</i>		
Travelling expenses, Officers of Police & others on duty	\$ 500.	
Conveyance of Prisoners from outlying Districts to Victoria Gaol	150.	
	Total	650.
16. <i>Conveyance of Mails</i>		
Between Vancouver Island and San Francisco	\$30,000.	
" Victoria and Saanich	300.	
" " " British Columbia	1000.	
	Total	31,300.
17. <i>Works and Buildings</i>		
General repairs to buildings	\$ 150.	
	Total	150.
18. <i>Roads, Streets, and Bridges</i>		
Repairs of existing Roads	\$ 1000.	
James Bay Bridge, New Piling and Repairs unexpended in 1865	250.	
For making a Road from Cooks to Metchosin	300.	
	Total	1550.
19. <i>Lighthouses</i>		
Provisions and fuel	\$ 1600.	
Stores	1000.	
Construction of a Boat for Race Rocks	250.	
Restn. "That \$250. be appropriated for the construction of a Boat for the use of the Lightkeeper Race Rocks."		
	Total	2850.

EXCLUSIVE OF ESTABLISHMENTS—*Continued*

		Total \$ c
20. <i>Miscellaneous Services</i>		
Revising Lists of Voters	\$ 100.	
Sheriff—expense of making Lists of Voters	125.	
Contribution to Victoria Fire Department	3000.	
Restn. "That \$1000 due to the Fire Department be paid forthwith."		
Insurance of Government Buildings and Property	1000.	
Contribution to Agricultural Society	500.	
Premium for the erection of a flour Mill	1000.	
Restn. "That a premium of \$1000. be granted for the erection of the first flour Mill capable of making 25 bbls. of superfine flour by day."		
Total		5725.
21. <i>Interest and Sinking Fund</i>		
Interest on "Road and Harbor Loan, 1862" £40,000. @ 6 per ct.	\$ 11640.	
Interest on temporary Loans	2000.	
Sinking Fund on Loan	7760.	
Total		21,400.
22. <i>Drawbacks and Refunds</i>		
Drawbacks	\$ 1500.	
Refunds	500.	
Total		2,000.
23. <i>Indians</i>		
Expenses connected with Indians	\$ 500.	
Total		500.
24. Due to Bank of British North America on 31st day of December, 1865	\$63,000.	
First Instalment and Interest upon "Temporary Loan Act, 1866" (\$90,000)	25,400.	
Total		88,400.
25. <i>Completion of Leech River Ditch</i>	\$ 4,500.	
Total		4,500.

RECAPITULATION
EXCLUSIVE OF ESTABLISHMENTS

2. Pensions		\$ 2425.
3. Legislative Assembly		500.
4. Colonial Secretary		1800.
5. Assessor		1500.
6. Surveyor General		3700.
7. Harbor Master		400.
8. Postmaster		750.
9. Administration of Justice		550.
10. Education		2380.
11. Hospitals		8000.
12. Police		1400.
13. Gaols		4725.
14. Rent		841.90
15. Transport		650.
16. Conveyance of Mails		31,300.
17. Works and Buildings		150.
18. Roads Streets and Bridges		1550.
19. Lighthouses		2850.
20. Miscellaneous Services		5725.
21. Interest and Sinking Fund		21400.
22. Drawbacks and Refunds		2000.
23. Indians		500.
24. Due to Bank of B. N. A. on 31 Decr. 1865	\$63,000	
First Instalment and Interest upon "Temporary Loan Act, 1866" (\$90,000)	25,400	88400.
25. Leech River Ditch		4500.
	Total	183,496.90
		[187,996.90]

On the order of the Day being read for the 2nd Reading of "An Act Respecting the Registration of Births, Deaths and Marriages in Vancouver Island" Mr. Pidwell called the attention of the Speaker to the fact that a Quorum of Members was not present—whereupon the House was counted, and, a Quorum not being present, was adjourned till Friday at 1 p. m.

J. S. Helmcken
Speaker

Friday, the 17th day of August, 1866

A Quorum not being present, the House did not sit.

Present: Mr. Speaker and Messrs. Dickson, Pidwell, Young.

J. S. Helmcken
Speaker.

Monday, the 20th day of August, 1866

A Quorum not being present the House did not sit.

Present: Mr. Speaker and Messrs. Dickson, Pidwell, Young.

J. S. Helmcken
Speaker

Tuesday, the 21st day of August, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Cochrane, Dickson, McClure, De Cosmos, Pidwell, Young.

The last minutes having been read and confirmed.

In reply to Mr. Pidwell, who asked leave to withdraw "A Bill to provide for a change in the Constitution of the Executive Council"—Mr. Speaker stated that the Notice of Motion for leave to introduce the Bill had lapsed by limitation of time and that he believed that the Spirit of the House was, not to enter into the question again at this late period of Session.

Mr. Young gave Notice of Motion for tomorrow.⁷²

Dr. Dickson gave Notice of Motion „ „ „⁷³

The House then adjourned till tomorrow at 1 p.m.

J. S. Helmcken
Speaker

Wednesday, the 22nd day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in Chair and Messrs. Ash, Carswell, De Cosmos, Dickson, Cochrane, McClure, Pidwell, Young, Powell.

The last minutes having been read and confirmed.

⁷² Motion Book, 1865-66, p. 52: "Whereas a series of resolutions was passed by this House on the 27th day of January 1865 praying the Imperial government that this colony might be united with British Columbia on such conditions as the said government might think fit & whereas it has been made manifest to this House that the conditions, under which it is proposed by the Imperial government to unite the two said colonies, would be most humiliating & ruinous to Vancouver island, I give notice I shall move, that the said resolutions be rescinded to prevent their being used to the prejudice of this colony."

⁷³ Motion Book, 1865-66, p. 53: "That this House cannot recognize any loan that shall hereafter be made by the government unless the loan shall have been incurred to meet expenditure required by the Estimates for the current year."

Mr. Young pursuant to notice moved a Resolution "That whereas a series of Resolutions was passed by this House on the 27th day of January 1865 praying the Imperial Government that this Colony might be united with British Columbia on such conditions as the said Government might think fit, and whereas it has been made manifest to this House that the conditions under which it is proposed by the Imperial Government to unite the two said Colonies would be most humiliating and ruinous to Vancouver Island, the said Resolutions be rescinded,' in order to prevent their being used to the prejudice of this Colony."

Dr. Dickson seconded.

Mr. Speaker informed the Honble. Member that it was necessary that the particular words to be rescinded should be specified in the motion (see f. 122 and 123 [p. 248 above]).

On motion of Mr. Pidwell, 2nded by Mr. Cochrane, it was Ordered "that the debate on the above question be postponed until after the arrival of the next Steamer."

Bill read 2o. and committed.

Births, Marriages, and Deaths Bill.

Dr. Dickson moved a Resolution "That in order in the future to prevent the Government of this Colony from borrowing money without Legislative Authorisation this House declares its deliberate Resolution not to recognise any such loans in the future without they have been previously sanctioned by Law."

Leave was granted to withdraw above Resolution, in favor of the following—on motion of Mr. De Cosmos—viz.: "That this House cannot recognise any loan that shall be hereafter made by the Government, unless the loan shall have been incurred to meet expenditure required by the Estimates for the current year."

Question being about to be put, it was intimated that the motion had not been seconded, upon which the House adjourned with the understanding that the subject might be brought up again at a future period.

The House then adjourned till Friday at 1 p. m.

J. S. Helmcken
Speaker.

Friday, the 24th day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Dickson, Young, Carswell, Pidwell.
The last minutes having been read and confirmed.

Dr. Dickson gave Notice of Motion (1).⁷⁴

” ” ” ” ” ” (2).⁷⁵

The House then adjourned till Monday.

J. S. Helmcken
Speaker.

Monday, the 27th day of August, 1866

A Quorum not being present the House was counted out.

Present: Mr. Speaker and Messrs. McClure, Dickson, Young.

J. S. Helmcken
Speaker

Tuesday, the 28th day of August, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, De Cosmos, Dickson, McClure, Powell, Pidwell, Stamp, Trimble, Young.

The last minutes having been read and confirmed.

Mr. De Cosmos presented a Petition signed by 75 Settlers in Cowichan Valley praying for the enactment of a Fence law.

Ordered to lie on table.

Mr. Young, from Select Committee appointed by the House to examine and report upon the case of Patrick Brannan, a Settler in Cowichan Valley who complains “that after having been settled for 5 years by Authority in Cowichan, he has been given notice to quit in order that his land may be given to another” handed in the report of that Committee, recommending that a title be given to Brannan.

Ord. to lie on table.

⁷⁴ Motion Book, 1865–66, p. 53: “It having been made manifest to this House by an Official despatch dated 27 June 1866, that the sum of Twenty-six thousand dollars of the peoples money has been applied by His Excellency Governor Kennedy to purposes never contemplated in the appropriation Act of 1865, this House would respectfully inform His Excellency, that in the future any such unauthorized application of the public funds will not be approved of by this House.”

⁷⁵ Motion Book, 1865–66, p. 53: “That in order in the future to offer an effectual bar against the Governor of the Colony, or the person administering the Government for the time being, borrowing money on behalf of the public, in a manner unauthorized by law, this House deems it expedient to inform His Excellency Governor Kennedy, that any sums or sums of money so obtained will not receive the legal sanction of this House.”

Mr. Cochrane gave Notice of Motion.⁷⁶

Mr. Speaker, in reply to Dr. Dickson who asked leave to move certain Resolutions of which he gave Notice on Friday last as one Resolution, stated that he could not entertain the proposition as they involved different subjects.

On motion of Dr. Dickson, 2nded by Mr. Young, it was Resolved "That in order, in the future, to offer an effectual bar against the Governor of the Colony or the person administering the Government for the time being borrowing money on behalf of the public, in a manner unauthorised by law, this House deems it expedient to inform His Excellency Governor Kennedy that any Sum or Sums of Money so obtained will not receive the sanction of this House."

Dissentiente Mr. Pidwell.

The House then resumed the Debate of the 22 Inst. upon the question of rescinding the "Unconditional Union" Resolutions of 25th Jany. 1865.

On question proposed "That whereas a Series of Resolutions was passed by this House on the 27th day of Jany. 1865 praying the Imperial Government that this Colony might be united with British Columbia on such conditions as the said Government might think fit and whereas it has been made manifest to this House that the conditions under which it is proposed by the Imperial Government to unite the two said Colonies would be most injurious and ruinous to Vancouver Island; the said Resolutions be rescinded in order to prevent their being used to the prejudice of this Colony."

Mr. McClure moved An Amendment, 2nded Dr. Powell "That this House, anxious to see the Colonies of Vancouver Island and British Columbia united under one Government and relying on those liberal and enlightened principles which now happily govern the relations of H. M.'s Government with the Colonies of Great Britain passed on 25th Jany. 1865, a series of Restns. expressing a Willingness to submit to any Constitution which Her Majesty might be pleased to grant, having from recent circumstances however learned that H. M.'s Govt., contrary to the present Colonial policy of Great Britain, contemplated in the Scheme for uniting these Colonies a withdrawal of Representative Government from Vancouver Island this House is reluctantly compelled to rescind those portions of such Resolutions above mentioned as might lead H. M.'s Govt. to believe that this House, although still desirous of a Union with British Columbia is willing to relinquish Representative Govt. for any advantage that might accrue from such Union, and this House expresses its adhesion to the series of Resolutions on the state of the Colony passed by this House on 21st June, 1866, and transmitted to Her Majesty."

That His Excellency Governor Kennedy be respectfully requested to transmit the foregoing to Her Majesty's Principal Secretary of State for the Colonies without delay.

The original motion was then put as against the *Amendment*.

⁷⁶ Motion Book, 1865-66, p. 55: "I give notice that I will at the first meeting of the house move for a suspension of the standing orders for the purpose of rescinding the resolution preventing the Governor from selling the dredging machine should a fair price be offered."

For the original motion.

Ayes: 1.
Mr. Young

Noes: 9.

Messrs. Carswell
Trimble
De Cosmos
McClure
Stamp
Powell
Dickson
Cochrane
Dickson [Pidwell]

The original motion was therefore lost.

Mr. McClure's Amendment was then put and carried.

Ayes: 8 [9].
Messrs. Carswell
Dickson
McClure
Stamp
McClure [Pidwell]⁷⁷
Trimble
Cochrane
Powell
Young

Noes: 1.
Mr. De Cosmos

On motion of Mr. Young, 2nded by Dr. Dickson—it was Resolved “That the Expenditure of any Money by the Executive, except that Expenditure has been previously sanctioned by the Legislature, will not meet with the Approval of this House.”

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Wednesday, the 29th day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, De Cosmos, Dickson, McClure, Trimble, Young.

The last minutes having been read and confirmed.

⁷⁷ There is a discrepancy in this division. The clerk listed McClure twice under the Ayes but recorded the vote as eight to one; the *Colonist and Chronicle*, 30 August 1866, reports the vote as nine to one, with Pidwell voting in the affirmative, but does not report the division on the original motion.

A Communication was read from the Honble. L. Council transmitting the following Bills with Amendments by the Honble. Legislative Council.

A Bill Entitled An Act for the protection of Inventions.

A Bill Entitled An Act to apply the Sum of \$248,963.³²/₁₀₀ out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the services of the Year, 1866.

A Bill Entitled An Act to amend the Incorporation Act /62.

On question proposed that the Amendments by the Honble. Legislative Council to "A Bill Entitled An Act to amend the Victoria Incorporation Act, 1862" be read 1o. On motion of Mr. De Cosmos, 2nded by Mr. McClure, it was unanimously Ordered "That the Bill be forthwith returned to the Honble. Legislative Council, their Amendments not having been agreed to."

On question proposed "that the Amendments by the Honble. L. Council to the 'Appropriation Act, 1866' be read 1o. Mr. De Cosmos moved An Amendment "that the Bill be forthwith returned to the Honble. L. Council, their Amendments not having been agreed to."

Also a Resolution "that this House does not concur with the Amendments of the Honble. L. Council to the 'Appropriation Act, 1866' and denies the right of the Honble. L. Council to amend the same."

The Amendments by the Honble. L. Council to the "Patent Act, 1866" were Read 1o.

Mr. Cochrane, pursuant to notice, moved "that the Standing Orders be suspended for the purpose of rescinding the Resolution preventing the Governor from selling the Dredging Machine should a fair price be offered."

Seconded by Mr. Pidwell.

On question put "that the Standing Orders be suspended" The House divided.

Ayes: 3.

Noes: 2.

Messrs. Cochrane
De Cosmos
Pidwell

Messrs. Trimble
Young

Mr. Speaker thereupon announced "that as the $\frac{2}{3}$ majority required had not been recorded in favor of Suspending the Standing Orders, the motion to suspend had been lost."

On motion of Mr. Young, 2nded by Dr. Dickson, it was Ordered "That the proceedings and report of the Select Committee in re Patrick Brannon be transmitted to His Excellency."

House in Comtee. to report upon "Supplemental Supply Act /65" \$26,581.

Dr. Dickson in Chair.

Report progress and asked leave to sit again.

Ordered "that leave be granted."

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Thursday, the 30th day of August, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Carswell, Dickson, De Cosmos, McClure, Powell, Young.

The last minutes having been read and confirmed.

A Communication was received from the Honble. L. Council transmitting the following Amendments by the Honble. L. C. to "The Victoria and Esquimalt Harbor Dues Act, 1866" as follows:

Clause 1. Amended to read "The Victoria and Esquimalt Harbor Dues Act, 1862, and the Harbor Dues Amendment Act, 1865, are hereby repealed."

Clause 2. Line 1. "Strike out the word "passage" and insert "passing."

Line 3. Strike out the words "to the Harbor Master of Victoria."

Line 6. After word "heretofore" insert "existing"—and strike out the words "made in respect of."

Line 7. Strike out the words "aforesaid the Scale of Fees upon Vessels entering or departing from the Harbor of Victoria or Esquimalt."

Clause 3. Add to the Clause the following words "and also all the other dues or charges of whatsoever nature they may be, which in the exercise of his discretion he shall deem it expedient to remit."

Clause 4. Amend by striking out the words "and either of the aforesaid harbors"—on the third and fourth lines also the words—"of Victoria Harbor"—on the eighth line also, the word "either" on the tenth line and in place of that word insert the words "any port of Entry of the said Colony."

Clause 5. Amend by striking out the word "ships" in the 4th line and inserting the word "Vessels" after words, "vice versa"—on 6th line insert other than the Harbors or Ports of Entry in this Colony.

Clause 7. Amend by striking out "Victoria and Esquimalt" in the 3rd and 4th lines and inserting "any Harbor or Port of Entry" and striking out "of Victoria" in the 6th line and "said" on the 8th line.

Clause 8. In the 4th line of declaration strike out word "agree" and insert "bind himself." Add after the word "Colony" in 9th line the words "except with the permission of the Harbor Master." Add the following Proviso. "Provided always that nothing herein contained shall prevent any necessary breaking of bulk for the purpose of re-packing damaged or perishable articles provided the same be effected with the permission and under the provision of the Harbor Master."

Clause 9. Strike out the word "desirous" in the 3rd line and substitute "required."

Clause 10. Insert the words "by summary process as hereinafter mentioned" after the word "recover" in the first line.

Clause 11. Insert the words "or neglecting or refusing to pay the licence or fees as aforesaid" after the word "aforesaid" in the 2nd line. Strike out the words "with or without hard labor" in the 6th and 7th lines.

Clause 12. Strike out the words "for the purposes of this Act."

Clause 13. Strike out the words "Victoria and Esquimalt."

Schedule A. Strike out the words "Victoria and Esquimalt" and substitute "Vancouver Island and its Dependencies."

Preamble. Insert the words "The Victoria and Esquimalt Harbor Dues Act, 1862" after the word "the" in the second line. Strike out the words "Victoria and Esquimalt" on 2nd line and the word "Amendment" in 3rd line—and "Victoria and Esquimalt" in 5th and 6th lines & insert the words "Vancouver Island and its Dependencies."

Title. Strike out the words "Port of Victoria &c" to end and add "Ports of Vancouver Island and its Dependencies."

The foregoing Amendments were then taken up seriatim and agreed to—and Read 1o. Except the Amendment to Clause 3 which was not agreed to.

On motion of Mr. De Cosmos, 2nded by Mr. McClure *Ordered* "that the Standing Orders be suspended and the Amendments of the Honble. L. Council be read 2o, and transmitted to the Honble. L. Council."

The Amendments by the Honble. L. Council to "Patent Act, 1866" were read 2o and committed.

Mr. Young from the Committee on Expenditure handed in the report of that Committee as follows

Your Committee has to report that its Chairman went to the Treasury to ascertain from the Treasurer if a Committee of the House would be allowed to examine the Accounts of Expenditure of 1865, he replied that he had no authority to permit it and referred the Chairman to the Colonial Secretary who said he would see the Governor and report to the Chairman. The Chairman made several attempts to obtain an answer without success. Your Committee has also to remind the House that the Speaker wrote to the Governor on the subject, but without any result that Your Committee is aware of.

(Sd.) Char. B. Young
Chairman.

The House then went into Committee upon the "Patent Act, 1866."

Also to report upon "The Supplemental Supply Act, 1866 (\$26,581.64).
Dr. Dickson in Chair.

The Chairman reported in regard to the first "that he had not any report to make." In regard to the 2nd A Resolution "That the Committee having had under consideration a Bill entitled An Act to grant a Supplemental Supply of \$26,581.64 for the service of the year 1865 sent down to this House by the Executive cannot grant such a Supplemental Supply in as much as the amount asked for has been expended in excess of the Supplies voted by the House and the Executive has refused to allow the House to examine the accounts of the public Expenditure for the Year 1865, and this House further declares that when a certain amount of Expenditure for a particular service has been determined upon by the Legislature it is the bounden duty of the Department which has that service under its charge and control to take care that the Expenditure does not exceed the amount placed at its disposal for that purpose."

Certain Resolutions were received from the Honble. Legislative Council in reply to the Message of this House declining to recognise the right of the Honble. Legislative Council to amend the Appropriation Act, 1866—as follows:

That this Council has unanimously agreed to the grant to the Crown of the Sum of \$248,963.32 for the public service of the Colony for the Year 1866, but this Council has been compelled to reject the Schedule accompanying the Bill in which such grant was made by the Legislative Assembly in as much as that Schedule contained numerous tacks or Clauses wholly foreign to the principle and purport of the Bill to which it was attached and of which it purported to form a part and in particular reproduces one measure which this Council had already this Session rejected.⁷⁸

That while this Council does not desire to interpose between the Crown and the Legislative Assembly in matters of Supply and is prepared by its vote to confirm and support any constitutional application of public moneys towards the various and necessary objects of the public service; yet at the same time it feels bound to record its deliberate opinion that any attempt on the part of the Legislative Assembly to coerce the action of the Legislative Council by annexing to "Supply Bills" matters foreign to their expressed object and purport is both irregular and unconstitutional, and calculated seriously to embarrass public affairs and to impede the progress and prosperity of the Colony.

Resolved—That the Supply Bill be sent back to the Legislative Assembly with a copy of the foregoing Resolution.

(Sd.) E. J. Nesbitt
Clerk of the Council

The following Bills were received from the Honble. L. Council.

A Bill to amend the Bills of Sale Act, 1861.

A Bill to amend the Law of Trespass, 1866.

Ord. to be read 1o. respectively.

The House then adjourned till tomorrow at 1 p. m.

J. S. Helmcken
Speaker.

Friday, the 31st day of August, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in Chair and Messrs. Ash, Carswell, Cochrane, McClure, Pidwell, Trimble, Young, De Cosmos.

The last minutes having been read and confirmed.

The following Resolutions reported from Committee of the whole House yesterday upon "The Supplemental Supply Act, 1865," (\$26,581.64) were Read 2o. and Ordered to be transmitted to His Excellency the Governor.

That the Committee having had under consideration the Supplemental Supply Act, 1865 (26,581.64), had ordered him to report a resolution that the Committee cannot grant such a supplemental supply, inasmuch as the amount asked for has been expended in excess of the supplies voted by the

⁷⁸ The rejected Bill referred to is The Real Estate Tax Act. See minutes of the Legislative Council of Vancouver Island, 1 September 1866.

House, and the Executive has refused to allow this House to examine the accounts of the public expenditure for the year 1865. And this House further declares, that when a certain amount of expenditure for a particular service has been determined upon by the Legislature, it is the bounden duty of the department which has that service under its charge and control, to take care that the expenditure does not exceed the amount placed at its disposal for that purpose.

The resolution was adopted *nem. con.*

Bills read 2o. and committed.

A Bill To amend the Bills of Sale Act, 1861.

A Bill to amend the Law of Trespass (Dissentiente Dr. Ash).

The House then went into *Committee* upon the above Bills.

Dr. Trimble in the Chair.

The Chairman reported in regard to the first, the Bill complete as amended. In regard to the second "that a question had arisen in Comtee. which was Ordered to be referred to Mr. Speaker in Chair, as to whether or not Clause 1 of the Law of Trespass Bill did not render it in effect a Money Bill.

Mr. Speaker ruled that the wording of the Clause did not bring the Bill strictly within the term of being a Money Bill.

On motion of Mr. De Cosmos, 2nded by Mr. Cochrane, It was ordered unanimously "that the Standing Orders be suspended to expedite the 3rd Reading of 'A Bill to amend the Bills of Sale Act, 1861.'"

Read 3o. and passed "A Bill To amend the Bills of Sale Act, 1861."

The House then took under consideration certain Resolutions received from the Honble. Legislative Council yesterday (f. 523-4 [p. 554 above]) in reply to the Message of this House declining to recognise the right of the Honble. Legislative Council to amend the "Appropriation Act, 1866" and in reply thereto, on motion of Mr. De Cosmos, seconded by Mr. McClure the following Resolutions were introduced.

Resolved, That the House in reply to the Resolutions of the hon. Legislative Council, dated August 30, 1866, is of the following opinion:

1. That the Legislative Council does not possess any constitutional right to originate, amend or alter a bill granting a supply to the Crown, or to alter, amend, or strike out the schedule of any such bill or any part thereof, or even to suggest to this House a desire to amend, alter, or strike out any part of a Bill granting a supply to the Crown, or even to correct any portion of such Bill, unless the same is clearly a clerical error contrary to the resolutions of this House in Supply, or even to return such a bill to this House except when assented to by the Council.

2. That this House recognizes no right or privilege whatever, in the Hon. Legislative Council, respecting a bill in which this House grants a supply to the Crown, except the constitutional right to reject or assent to such bill.

3. That this House possesses the sole and exclusive right to grant supplies to the Crown, and in every Bill of Supply to limit the time for which such grant shall be made, to name the amount of money to be expended for each

and every service chargeable on the general revenue, and to attach such conditions to every such grant as in the judgment of this House is right, proper, and for the public good.

4. That the hon. Legislative Council, in striking out the Schedule to the Bill of Supply for 1866, with the intention of leaving the total grant for 1866, viz.: the sum of \$248,963.32, to be expended at the discretion of the Executive independently of the wishes of this House; and in twice returning such Bill so amended to this House (without the Schedule) has exceeded its lawful authority, has violated the undoubted privileges of this House, has endangered the liberties of the people and of this House, and has interposed an unlawful authority between this House and the Crown, thereby retarding the best interests of the country by preventing this House from granting a Supply to the Crown for the current year.

5. That this House denies that the Schedule to the Bill of Supply contains any "tacks," "clauses" or provisions "foreign to the principle and purport" of the said Bill, or anything that this House had not a lawful and undoubted right to attach thereto.

6. That if any one measure is reproduced in the schedule which the Legislative Council has rejected this session, this House is not aware of it; but even if such one measure so rejected has been reproduced, and if such one measure is a condition attaching to the duties of any public officer paid out of the general revenue, this House maintains that it had and has an undoubted right to attach such a condition thereto. That even if such condition or "one measure" were attached unconstitutionally to the Supply Bill (which this House denies) the only authority that the hon. Legislative Council could constitutionally exercise, would be the right to assent to or reject the Bill as a whole; but it possesses no authority to attempt to amend a Bill of Supply for any such cause.

7. That this House deliberately, and unequivocally declares that it has not made "any attempt" whatever "to coerce the action of the Legislative Council" by inserting anything whatever in the Supply Bill or in the Schedule thereto. That whatever provisions there may be in the body of the Bill of Supply or in the Schedule thereto, have been made in the exercise of the undoubted right of this House to grant a Supply to the Crown, subject to such limitations as in the judgment of this House are best calculated to guard against an undue expenditure of the general revenue, and at the same time to "promote the progress and prosperity of the Colony."

Resolved, That the above Resolutions be transmitted to the Legislative Council.

The above Resolutions were then taken up seriatim.

Clause 1 on question put—was carried *Dissentiente* Mr. Pidwell.

"	2	"	"	"	"	"	unanimously.
"	3	"	"	"	"	"	Diss. Messrs. Ash, Pidwell.
"	4	"	"	"	"	"	Disste. Mr. Pidwell.
"	5	"	"	"	"	"	Diss. Messrs. Ash, Pidwell.
"	6	"	"	"	"	"	Diss. Mr. Pidwell.
"	7	"	"	"	"	"	Diss. " "

On question put "that the *Resolution* added to Clause 7 do pass" it was *Ordered* unanimously that the words "and the Supply Bill" be erased.

On question proposed and put "That the House resolve itself into Comtee. upon the "Law of Trespass Act, 1866" The House divided.

<i>Ayes:</i> 4.	<i>Noes:</i> 4.
Messrs. Carswell	Messrs. Ash
Dickson	Cochrane
De Cosmos	Trimble
Pidwell	Young

Mr. Speaker gave his casting Vote with the Noes. The Motion was therefore lost.

On motion of Dr. Dickson, seconded by Mr. De Cosmos, it was unanimously resolved "That this House desires to express its high appreciation of the ability and zeal with which R. W. Torrens, Esqre. has discharged the various duties which have devolved upon him in his capacity of Clerk of the House during the past three years."

The House then adjourned till 1 p. m. tomorrow.⁷⁹

J. S. Helmcken
Speaker

⁷⁹By successive proclamations on 1 and 2 September 1866, Governor Kennedy first prorogued and then dissolved the House in keeping with the terms of the Franchise Act, 1859, which limited the duration of the House to three years from the date of its first meeting. On 19 November 1866 Governor Frederick Seymour of British Columbia proclaimed An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia, which effectively terminated the existence of Vancouver Island as a separate colony and extended the form of government of British Columbia over the island.