
Tuesday, the 1st day of October, 1867

Present: His Excellency The Governor, The Acting Colonial Secretary, The Attorney General, The Collector of Customs.

The Minutes of last Meeting were read and confirmed.

The following By laws for the Regulation of Pilots in the Colony of British Columbia in pursuance of the pilotage Ordinance 1867 were considered and passed.

1. Candidates for Pilots' Licenses must apply by letter addressed to the Chairman of the Pilot Board. Due notice of the time and place of examination will appear in the *Government Gazette* as often as the Board may deem necessary. Candidates will be required to prove their local knowledge of the Coasts and Harbours of the places for which they may be desirous of obtaining a license; to possess a correct knowledge of the method of finding a ship's position on the Chart; to have a general knowledge of the tides; and to furnish to the Board satisfactory evidence of their former services and good conduct.

2. No Pilot shall add to, or in any way alter, his license, or make or alter any endorsement thereon, nor shall he be privy to any such license or endorsement being altered.

3. Every Pilot who shall observe any alteration in any of the Sands or Channels, or that any of the Buoys or Beacons in any of the Harbours of the Colony are driven away, or broken down, or out of place, shall forthwith deliver or send a correct statement thereof in writing to the Harbour Master.

4. No Pilot shall exact from any Master of a Vessel more than he is entitled to by any of the Rules, Regulations, Orders or By-Laws passed by the Pilot Board; neither shall any Pilot offer his services for less than the specified rates, under pain of being guilty of a misdemeanor.

5. Every Licensed Pilot shall continually carry with him, in addition to his license, a printed copy of all the By-Laws, Rules, and Orders, relating to Pilots and Pilotage in force for the time being; also of the "Harbour Regulations Ordinance, 1867," and shall produce the same to the Master of any Vessel on boarding such Vessel and being requested so to do by such Master.

6. Every Licensed Pilot shall, when in charge of any Vessel, exercise the utmost diligence and attention in the prosecution of his duty.

7. No Licensed Pilot shall be absent from the Port or Ports for which he may be licensed, without leave of absence previously obtained in writing from the Pilot Board.

8. All cases of dispute between Pilots or between Masters of Vessels and Pilots, shall be referred to the Pilot Board, whose decision shall be final.

9. Every Licensed Pilot who shall offend against any or either of the By-Laws, Rules, Orders, or Regulations relating to Pilots and Pilotage in force for the time being, shall for every such offence (whether the same shall subject him to any pecuniary penalty or not, and in addition to such penalty, if any) upon conviction by the Pilot Board, be liable to have his license annulled and forfeited, or suspended, at the discretion of the Board.

The following Rules and Orders for the Regulation of Pilots and Pilotage were then considered and passed in accordance with the provisions of the Pilotage Ordinance 1867.

1. Vessels employed in the Colonial Coasting Trade, and having taken out a Coasting License, shall be exempt from Pilotage.

2. All Foreign-going Vessels over six feet draught shall pay Pilotage Fees in accordance with the Schedule annexed hereto.

SCHEDULE OF RATES OF PILOTAGE
CHARGEABLE FOR VESSELS ENTERING THE UNDERMENTIONED
PORTS, VIZ:

<i>a.</i>	FROM SEA OR ROYAL BAY,	
To ROYAL BAY (optional)	\$3 per foot.
„ ESQUIMALT HARBOUR	\$3 per foot.
„ VICTORIA	„	{ \$3 per foot, under 10 feet draught. } \$4 „ „ for 10 feet and over.
„ NANAIMO	„	
„ BURRARD INLET	„	{ \$3 per foot for Vessels of less than 10 feet draught. } \$4 „ „ 10 feet and upwards.
„ NEW WESTMINSTER	„	
		{ Sailing Vessels under 10 feet draught, \$6 per foot. „ „ 10 feet and upwards, \$7 per foot. „ „ in tow of Steamer, under 10 feet, \$5 per foot. „ „ [in tow of Steamer.] 10 feet and upwards, \$6 per foot. Steamers under 10 feet \$4 per foot. „ 10 feet and upwards \$5 per foot.

b. The Pilot Grounds for the several Ports of the Colony of British Columbia, shall, for the purposes of enforcing these Rules and Orders, be taken to be as hereby defined, viz:

VICTORIA, } 1½ miles outside Macaulay Point, or South end of Trial
ESQUIMALT, { Island bearing E.N.E. (magnetic).

NANAIMO 1 mile Seaward of Entrance Island.

BURRARD INLET { A line from Passage Island to Point Grey, bearing of the
latter being S.E. (magnetic).

FRASER RIVER Outside Light Ship.

c. Any Vessel having discharged portion of her Cargo at Esquimalt, and paid full Pilotage into that Harbour, shall on proceeding thence to any other Port in the Colony for the purpose of discharging the remainder of her Cargo only pay additional Pilotage at the rate of \$1.50 per foot, if proceeding under or with the assistance of Steam.

d. In the event of a Pilot taking the charge of a Vessel proceeding from the Pilot Ground of Victoria or Esquimalt Harbours, or of Royal Bay to that of Nanaimo Harbour, Burrard Inlet, or the Sand-heads of Fraser River, or *vice versa*, he shall receive additional pay at the rate of \$3 per foot for Vessels under Sail, and of \$10 per day for Steamers or Sailing Vessels in tow of a Steamer, while at Sea. Any fraction of a day to be counted as a whole day.

e. The Pilotage for Steam Vessels of other Vessels in tow of a Steamer shall be one-fourth less than the above rates, except for Fraser River and for Vessels proceeding from Esquimalt to other Ports in the Colony, as provided for in Paragraph c.

f. Should the services of a Pilot be called for and accepted outside the limits of the Pilot Ground of Victoria or Esquimalt, and within the radius of the Fisgard Light-House, or within two miles of Race Rocks Light-House, bearing North, he shall receive extra Pilotage at the rate of \$1.50 per foot.

g. Any fraction of a foot, not exceeding six inches, shall be paid for as half a foot; and any fraction of a foot exceeding six inches shall be paid for as a foot.

3. Every Master of any Ship who shall employ as a Pilot any unlicensed person, or any licensed person acting out of the limits for which he is qualified or beyond the extent of his qualification, after any Pilot licensed shall have offered to take charge of such Ship, shall forfeit for every such offence double the amount of the sum which would have been legally demandable for the pilotage.

4. Any person may legally, and without being subject to any penalty, assume or continue in charge of any Ship as a Pilot so long as a Pilot duly licensed shall not have offered to take the charge, or where and so long as such Ship shall be in distress, or under circumstances which shall have rendered it necessary for the Master to avail himself of the best assistance.

5. Any licensed Pilot, within the limits of his license and the extent of his qualification, may supersede in the charge of any Ship any person not licensed or acting beyond the extent of his qualification; and every person continuing in the charge of any Ship without being a licensed Pilot, or without being licensed to act within the limits in which such Ship shall be, or beyond the extent of his qualification, after any Pilot licensed and qualified shall have offered to take charge of such Ship, shall forfeit any sum not exceeding Two Hundred and Fifty Dollars, nor less than One Hundred Dollars.

6. If any person suspended or adjudged to have forfeited his license shall, during the time of suspension or after such adjudication, take upon himself to conduct any Ship as a Pilot, such person shall be liable to all such penalties in like manner as are provided against any person who shall pilot any Ship without having been licensed, (*vide* Paragraph 5).

7. All sums due for the pilotage of any Ship trading to and from any Port in the Colony of British Columbia, shall be recovered in a summary manner before any Stipendiary Magistrate, or two Justices of the Peace, from the Owners, or Master, or from the Consignees or Agents who shall have paid or made themselves liable to pay any other charge for said Ship, in the Port of her arrival, as to pilotage inwards, and in the Port from whence she shall clear out as to pilotage outwards, which sums may be levied in the like manner, according to the amount, as any penalty of the like amount may be levied under "The Pilotage Ordinance, 1867."

8. Any Vessel, not otherwise exempted by these Rules and Orders, or the Schedule hereto, shall pay half rates of full Pilotage inwards to the first duly qualified Pilot who shall hail any such Vessel outside the Pilot ground, or exhibit the Pilot flag at a distance not greater than one mile from such Vessel, in the event of his service not being accepted.

9. Any Vessel, not otherwise exempted by these Rules and Orders, shall pay half rates of full pilotage outwards to the first duly qualified Pilot who shall offer his services to the Master or Commander on board for the time being, in the event of his services not being accepted.

10. No Vessel shall be rendered amenable to half pilotage rates for the Straits navigation by declining the services of a qualified Pilot.

11. All Vessels requiring the services of a Pilot shall hoist the usual signal at the fore; and when outward bound not less than two hours prior to departure.

12. The Pilot Flag shall be the same as established by law in all countries under British jurisdiction, viz.: horizontal white and red, (size at discretion of Pilot Board).

13. Any Vessel driven either by stress of weather or other cause to anchor or seek shelter in any of the Bays or Roadsteads of the Colony shall not be liable to Pilotage.

14. In all cases where a Vessel shall be in tow of a Steam Vessel the Pilot on board the Vessel towed shall have the command and direction of both Vessels so long as the Steamer shall be fast to the other Vessel, notwithstanding a Pilot may be on board the Steamer.

15. It shall be competent for a qualified Pilot in the employ of the Owner of any Vessel to pilot such or any other Vessel belonging to the same Owners; but such qualified Pilot shall not leave any Vessel in which he may be employed, and which may be exempted from pilotage to pilot other Vessels not belonging to the same Owners, to the injury of Pilots who shall be qualified for such services.

16. In all cases where a Government Pilot shall have been established it shall be lawful for the Governor to make and from time to time vary the duties of such Pilots, and the rates at which such Pilots shall be engaged, and of their remuneration, as the Governor shall deem expedient.

The following Rules and Regulations for the government of Pilots and Masters of Inland Steamers plying on Fraser River and other waters of British Columbia

were then considered and passed in pursuance of the provisions of the Pilotage Ordinance 1867.

1. When Steamers are meeting each other the signals for passing shall be one sound made by the steam whistle to keep to the right, and two sounds made by the steam whistle to keep to the left; and these signals shall be observed by all Steamers whether by night or day, or whether in a narrow or wide river; and no such Vessel shall be justified in coming into collision with another, if it shall be proved by evidence that such collision could have been avoided.

2. In all cases of Steamers meeting on the Inland Waters of the Colony, the Pilot of the ascending Boat shall have the right to choose and decide which side to pass, and the descending Boat shall, in accordance with the Rules here laid down, immediately obey the signal given by the ascending Boat.

3. When two Steamers are about to meet each other, it shall be the duty of the Pilot of the ascending Boat to sound his steam whistle once, if he shall wish to keep his Boat to the right; and it shall be the duty of the Pilot of the descending Boat to answer the same promptly by one sound of his steam whistle, and both Boats shall be steered according to such signal; or if the Pilot of the ascending Boat shall wish to pass to the left, he shall sound his steam whistle twice, and it shall be the duty of the descending Boat to answer promptly by two sounds of his steam whistle, and both Boats shall be steered according to such signal; should the Boats in meeting be likely to pass near each other, and should the signals not be made and answered by the time they shall have arrived at a distance of five hundred yards from each other, the engines of both Boats shall be stopped; or should the signal be given and not properly understood from any cause whatever, both Boats shall be backed until their headway shall be fully checked, and the engines shall not be again started ahead until proper signals are made, answered, and thoroughly understood.

4. In all cases where signals are not understood, three sounds of the steam whistle, given in quick succeeding notes, shall be the signal to repeat.

5. When two Boats, the one ascending and the other descending, are about to enter a narrow channel at the same time, the ascending Boat shall be stopped below such channel until the descending Boat shall have passed through; but should two Boats unavoidably meet in such channel, then it shall be the duty of the Pilot of the ascending Boat to make the proper signal, and to lie as close as possible to that side of the channel which he may have selected, until the descending Boat shall have passed clear beyond risk of collision.

6. When a Steamer is ascending, and running close on a bar or shore, the Pilot shall in no case attempt to cross the river when a descending Boat shall be so near that it would be possible for a collision to ensue therefrom.

7. When any Steamer, either ascending or descending, is nearing a short bend or point in the River, when, from any cause, a Steamer approaching

from an opposite direction cannot be seen from a distance of six hundred yards, the Pilot of such Steamer when he shall have arrived within six hundred yards of such bend or point, shall give a signal by one long sound of his steam whistle as a notice to any Steamer that may be approaching; and should there be any Steamer within hearing of such signal, it shall be the duty of the Pilot thereof to answer such signal by one long sound of his steam whistle, when both Boats shall be navigated with proper precautions, as required by Rule Third.

8. In all cases not previously provided for in these Rules, Steamers passing each other, whether steaming in the same or in the opposite directions, shall not approach each other, or pass nearer to each other than one hundred yards.

9. It is specially provided that Steamers shall not pass each other at the undermentioned places on Fraser River at any stage of water, viz.: the Junction of Harrison and Fraser River, the Orchard, the Bend at Maria Ville, (commonly known as Right Angle Bend), Fort Hope Bend, the Sisters, the lower end of Strawberry Island, Emory's Bar, and Saw Mill Riffle, nor at Murderer's Bar at low stage of water.

10. The descending Boat shall have the right of fairway or mid-channel at all times, and it shall be the duty of the Pilot of the ascending Boat to steer his Boat accordingly.

11. Every Boat plying on the Inland Waters of the Colony shall carry one convenient and suitable Boat, and, at the least, four Life Buoys, to be hung up in places readily available in case of their being required.

12. Any person who has filled or shall fill the position of Pilot on any Inland Steamer for not less than six months, or who shall furnish certificates of competency and good conduct to the Pilot Board (specifying his qualifications) from any Master or Owner of such Steamer, shall be entitled to receive a license; any wilful misstatement in any such certificate, shall be deemed and punishable as an infraction of "The Pilotage Ordinance, 1867."

13. Applications for Licenses must be sent in to the Chairman of the Pilot Board.

14. Any person or persons in charge, whether as Master or Owner, of any Inland Steamer wilfully infringing or countenancing any infringement of any of these Rules and Regulations shall, upon conviction, be liable to make good any damage which may occur, either to a Steamer or her Freight, through such infringement, in addition to any Fine that may be imposed upon him under "The Pilotage Ordinance, 1867."

15. Any Pilot in charge of any Inland Steamer, wilfully infringing any of these Rules and Regulations shall, upon conviction, be liable, at the discretionary power of the Magistrate convicting, to be suspended for Twelve Months for the first offence, and for the second offence altogether from ever holding any such position on any Steamer on the Inland Waters of the Colony, in addition to any Fine that may be imposed upon him under "The Pilotage Ordinance, 1867."

16. Three Printed Copies of these Rules and Regulations shall be framed and hung up continuously in conspicuous places, on board every Steamer plying on the Lower Fraser, (viz.: in the Saloon, over the Boiler Deck, and in the Pilot House), at the expense of the Owner of such Steamer.

The Council then adjourned.

Signed William A. G. Young
21st Novr. 1867

Thursday, the 21st day of November, 1867

Present: His Excellency The Governor, The Acting Colonial Secretary, The Attorney General, The Chief Commissioner Lands & Works, The Collector of Customs.

Minutes of last Meeting read & confirmed.

The Governor brought before the Council the case of two Indians, Scotthla, and Carabine alias Kalaheen, sentenced to death for the wilful murder of Francois Caban.

Mr. Justice Begbie was summoned and appeared before the Council. In reply to a question put by The Governor he stated that he was firmly convinced the two men committed the murder.

Mr. Begbie then withdrew.

The Council after deliberate consideration were of opinion that there was no reason why Sentence of Death should not be carried into effect against both prisoners.

The Governor then announced his intention of acting on the advice of the Council, and allowing the law to take its course.

The Governor then laid before the Council Despatch No. 50, of 24 August 1867, from the Secretary of State with copy of a letter from Her Majesty's Postmaster General dated the 12th August 1867, and copy of a Convention between the General Post Office of the United Kingdom, and the General Post Office of the United States of America, signed at London the 18th day of June, 1867. After some discussion the further consideration of this subject was postponed for the present.

A Letter dated the 16th November 1867 from Rear Admiral Hastings upon the subject of the mail Service to Victoria was then read and considered, and it was agreed that any Steam Vessels calling at Esquimalt for delivery or receipt of mails only should not be liable to Port Dues.

The claim of Messrs. Brown & Gillis for compensation for land taken from them at Quesnelmouth was then considered, and their letter of 21st September read. It was determined that the Attorney General should ascertain the exact position of Messrs. Brown and Gillis in respect of their recent Bankruptcy.

The subject of calling for Tenders for the conveyance of Inland Mails was then considered and it was decided that the Advertisement proposed by the Postmaster General in his letter of the 18th November 1867, should be issued, with some slight modifications.

A proposal of Mr. Brew in his letter of 4 November 1867, was then considered, viz.: that authority should be given to him to dispense with the services of some of the five newly appointed Constables, by offering a compensation of \$300 to each Constable. After discussion the Council were unanimous in opinion that the application should be rejected.

The question of continuing the Steam Vessel "Sir James Douglas" in running along the Coast was then discussed, and the letter of Mr. Pearse, dated 7 November 1867, with its accompanying statement of the receipts and disbursements of the Vessel to the 30 June 1867 was considered. It was decided to call for Tenders for the future performance of the Service.

Mr. Alstons claim for drawing Indictments and conducting trials at the late Assizes at Victoria, amounting to the sum of \$275 was then placed before the Council.³¹ It was decided that Mr. Alston should be paid the ordinary fees.

A claim from Mr. F. J. Barnard for \$692.50 for passage of Mr. Justice Needham to and from Cariboo was then taken up. The Council considered it should be paid. This claim was \$160. in excess of the ordinary fare, caused by additional accommodation afforded to Mr. Needham.³²

The case of Mr. Franklyn at Nanaimo was taken into consideration with reference to his removal from or retention in the Government Service. Letter of Colonial Secretary to Mr. Franklyn dated 21st May 1867, and Mr. Franklyn's letter to Colonial Secretary dated 25th September 1867, read & considered, together with other papers bearing upon the subject. Discussion thereupon ensued. Decision deferred until after the general financial state of the Colony had been considered.

A Statement from the Auditor representing that Mr. Elliott at the time of giving up charge of the Lillooet Collectorate was indebted to Government in the sum of \$1355.00 was then laid before the Council.

Decided that Mr. Elliott should be called upon to explain how this deficiency arose, and, if correct, to pay the amount forthwith into the Treasury.

The Council then adjourned until noon tomorrow, Friday, the 22nd day of November Instant.

Signed William A. G. Young
22 Nov. 1867.

³¹The following was added later to the Executive Council Minutes, PABC, but was subsequently stricken: "Discussion thereupon as to the propriety of the employment of Mr. Alston a local law prohibiting him from practicing in the Courts of V. Island while holding the appointment of Registrar General of Titles. The Attorney General advised that under the Act of Union this portion of the law no longer applied."

³²This last sentence is included in the margin of the Executive Council Minutes, PABC.

Friday, the 22nd day of November, 1867

Present: His Excellency The Governor, The Acting Colonial Secretary, The Attorney General, The Chief Commissioner Lands & Works, The Collector of Customs.

The minutes of last meeting were read, amended and confirmed.

The propriety of making further contributions to the New Westminster and Victoria Hospitals to aid them in paying off past liabilities was taken up.

Thereupon a general discussion ensued as to the financial condition of the Colony, and it was resolved that no further payments could be authorized until after the Estimates for the ensuing year had been considered.

The Council then adjourned.

Signed William A. G. Young
26 Nov. 1867.

Tuesday, the 26th day of November, 1867

Present: His Excellency the Governor, The Acting Colonial Secretary, The Attorney General, The Chief Commissioner Lands & Works, The Collector of Customs.

The minutes of last meeting were read and confirmed.

The Governor brought before the Council the question as to whether the Department of the Assay Office should be retained or abolished. The matter was discussed at length, and the Council were of opinion that in view of the financial condition of the Colony, and the necessity which existed for retrenchment wherever practicable, there was no option but to close this Department. The Governor concurred in this opinion.

The Council then adjourned.

Signed William A. G. Young
6 Jan. 1868

Monday, the 6th day of January, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Comr. Lands & Works, The Collector of Customs.

The minutes of last meeting were read and confirmed.

The Governor laid before the Council and caused to be read a Letter dated the 27th December 1867, from James Cooper, Harbor Master, and Chairman of the pilot Board, enclosing a Resolution suggesting a rate of Pilotage where Government pilots are employed, in which rates the Council concurred.

The Tenders for Mail Service from New Westminster to Cariboo were then considered and a Letter from the Postmaster General dated 31 December 1867 was read. It was agreed that the matter should be postponed until after Estimates had been considered.

A letter was then read dated the 28 December 1867, from Captain Edward Stamp, on behalf of the B. Columbia Spar, Lumber, and Saw Mill Company, complaining of the withdrawal of the permission which he alleges was accorded to him to cut Timber on the Reserves on Burrard Inlet. The matter was discussed at length, and the Notice which had been published in the Government Gazette rescinding any favor which might have been granted was adverted to. The Governor was advised to leave the matter in the hands of the Surveyor General to settle.

A Letter dated 30 Dec. 1867 from H. V. Edmonds, Secretary of the Howe Sound Copper Company was then read, relative to the terms upon which the Company could obtain a Lease of the Minerals from the Government. It was decided that the Chief Commissioner, Lands and Works, should put himself in communication with the Company to ascertain exactly what terms they desired.

The Council then adjourned.

Signed William A. G. Young

Wednesday, the 15th day of January, 1868

Present: His Excellency The Governor, The Colonial Secretary, The Attorney General, The Chief Commissioner Lands & Works.

The minutes of last meeting were read and confirmed.

The Governor laid before the Council the undermentioned Tenders for Supplies and Services during the Year 1868.

1. *For Supplies to Gaol at Victoria.*

The Tender of Messrs. Fell & Co. to be accepted for Groceries; that of Wilson for Bread; Harris for Meat; and Mr. McDowell for Water; provided they be found in all respects satisfactory as to quality, &c.

2. *For Supplies to Lighthouses.*

The Tender of Thomas Harris to be accepted.

3. *For conveyance of Mails to Comox &c.*

The only two offers made, that of J. R. Stewart, for the "Emma", and James Frain for the "Emily Harris", were both considered unsuitable, the Vessels not being capable of performing the Service. It was, therefore, decided to reject both.

In the consideration of these last mentioned Tenders, a discussion arose as to the necessity of keeping up a subsidized communication along the Coast at all, and as to the expediency of retaining the Government Steam Vessel "Sir James Douglas" to perform the Work. The Council were unanimously of

opinion, and the Governor concurred, that in the present condition of the Settlements on the Coast, and the absence of Roads or other means of communication, it was undoubtedly expedient and necessary to maintain a regular communication by Steam Vessel, and that if within the financial ability of the Colony the "Sir James Douglas" should continue to be employed in the service.

The Governor laid before the Council certain papers connected with claims for rent for Government Buildings at New Westminster occupied by Government officers and others. The matter was shortly discussed, and it was agreed that its further consideration should be deferred.

A Letter, dated the 9th January 1868 from Mr. Westgarth, was then read, proposing to continue his services as Inspector of Boilers, if he be paid the sum \$750, for the year 1868, in addition to his fees and expenses, or in the alternative asking for compensation for loss of office. The consideration of this matter was deferred until Estimates and other financial matters should be disposed of.

A Letter from the Secretary to the Howe Sound Copper Mining Company was then read, stating the terms upon which the Company desired to hold the land at White Cliff. It was considered that the terms were wholly inadmissible, yet that the Co. might have the land on lease for a reasonable term of years upon almost nominal rent &c.; but that conditions for efficient working were essential, and must be insisted on.

The Council then adjourned.

Signed William A. G. Young

Thursday, the 5th day of March, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Commr. Lands & Works, The Collector of Customs.

The minutes of last meeting were read and confirmed.

The Governor laid before the Council and Caused to be read additional Instructions under the Royal Sign Manual & Signet, and dated the 12th day of December 1867, reconstituting and enlarging the members of the Executive Council in the Colony.³³

A Requisition dated 6th February 1868, was read from the Postmaster General for a Supply of Postage Stamps of the denominations of one Dollar, Fifty Cents, Seventy five Cents, and Twenty five cents. It was agreed that they should be procured, provided no extra-ordinary expense was incurred thereby.

A claim for extra pay for the Crew of the Gun Boat Forward, was then considered, and a Letter from Admiral Hastings dated the 5th February 1868 read. The Council were of opinion that it should be paid.

Mr. Henry Maynard Ball, as police Magistrate at New Westminster, was then admitted and sworn in a Member of the Executive Council of the Colony.

³³ The Order in Council is enclosed in Buckingham to Seymour, 16 December 1867, Separate, CO 398/5, p. 86. For the additional instructions see CO 381/18, pp. 145-51.

The Governor then brought before the Council the question of the expediency of calling the Legislative Council together in the present uncertain state of matters regarding the condition of the Colony.

The Council divided.

For: 3.

Colonial Secretary.
Chief Comr. Lands & Works
Collector of Customs

Against: 2.

Attorney General
Police Magistrate at New
Westminster

The Council then adjourned.

Signed William A. G. Young

Friday, the 6th day of March, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Comr. Lands & Works, The Collector of Customs, The police Magistrate New Westminster.

The Minutes of last Meeting were read & confirmed.

A Letter from Mr. A. Elliot, dated the 15th February 1868, was read, enclosing Bills of Costs in case of J. D. Pemberton v. A. C. Elliott, amounting to \$198.44. The matter was considered, and as Mr. Elliott had incurred this liability in the collection of Taxes for the Government, the Council considered the Bill should be paid.

A Letter dated the 12th Feby. 1868, from Mr. J. Graham, in charge of the Treasury was read, representing that the Books of the Department could not be closed until the Debtor balance on the Lilloett Collectorate Accounts, while in charge of Mr. Elliott had been adjusted. After discussion it was decided that Mr. Elliotts attention should be called to previous correspondence, and he should be required to state when the amount would be refunded.

The matter of mail communication to Cariboo was then considered, and the offers of Messrs. Dietz and Nelson, as contained in their Tender dated the 31st December 1867, discussed. An offer from Messrs. Donelly and Poole dated 17th January 1868 was also considered. It was agreed that Messrs. Dietz and Nelson should be offered a Contract for 3 years, at a rate per annum not exceeding \$17,000.

A Letter dated the 8th Feby. 1868 from Mr. Charles Grainger was then read making certain proposals in respect of conveying Mails between Victoria and Olympia. It was decided that it should be referred for remarks of Postmaster General.

A Letter dated 17 February 1868 from Mr. W. C. Ward, Manager of the Bank of B. Columbia in reference to increase of Interest on Government overdraft was then read. It was agreed that Mr. Ward should be informed that the Government would not acknowledge or admit the increased liability.

The Council then adjourned.

Signed William A. G. Young

Tuesday, the 17th day of March, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Commissioner Lands & Works, The Collector of Customs, The Police Magistrate New Westminster.

The minutes of last meeting were read and confirmed.

The Governor laid before the Council and caused to be read a Despatch from the Secretary of State No. 1 of 10 January 1868, calling for a report from the Governor upon the Williams Creek Bed Rock Flume Company Ordinance. The matter was discussed, and the Council advised the Governor to recommend the allowance of the Ordinance.

The Council then adjourned.

Signed William A. G. Young

Saturday, the 4th day of April, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Commissioner Lands & Works, The Collector of Customs, The Police Magistrate New Westminster.

The minutes of last meeting were read and confirmed.

The Governor brought before the Council the cases of the undermentioned Indians Convicted of Wilful murder and sentenced to Death.

Sulchalum

Sul-a-han

Sul-i-can

The notes of Chief Justice Needham taken at the trial of the prisoners were read to the Council. Chief Justice Needham was introduced to the Council, and in reply to questions expressed his opinion that the extreme sentence of the law should not be carried out against any one of the prisoners. In the first case for the reason that the crime might have been committed partly in self defence, and in the two latter cases for the reason that although it was a deliberate and cold blooded murder, yet that the perpetrators might have considered themselves justified in committing it according to custom and tradition.

Mr. Needham then retired.

The Council deliberated, and came to the opinion that the Sentence on Sulchalum should be commuted to penal Servitude, Mr. Ball dissenting, and Mr. Trutch, on recommendation of Chief Justice only.

The Council then took into consideration the case of Sul-a-han, and Sul-i-can, and each member expressed his opinion as follows.

Mr. Ball, That both should be hanged.

Mr. Hamley, That Sentence should be commuted.

Mr. Trutch, That both should be hanged.

Mr. Crease, That both should be hanged notwithstanding the reasons of the Judge, which he views as insufficient & founded in inadequate authority.

Mr. Young, that Sentence should be commuted for the reason, that the crime was committed in accordance with Indian Customs, and following out their rude notion of justice.

The Governor stated that he is of opinion that he will carry out the Capital punishment in the case of the two latter.

The Council then adjourned.

Signed William A. G. Young

Monday, the 20th day of April, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Comr. Lands & Works, The Collector of Customs, The Police Magistrate New Westminster.

The minutes of last meeting were read and confirmed.

The Governor laid before the Council the Estimates of Revenue and Expenditure for the Colony for the year 1868.

The same were fully considered.

The Council then adjourned.

Signed William A. G. Young

Saturday, the 9th day of May, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Comr. Lands & Works, The Collector of Customs, The Police Magistrate New Westminster.

The Minutes of last meeting were read and confirmed.

The Governor laid before the Council and caused to be read a letter dated the 19th March 1868, from Mr. A. C. Elliott, High Sheriff of British Columbia, representing the insufficiency of the emoluments of his Office. It was decided that further inquiry as to amount of Fees should be made.

A letter was then read dated the 19th March 1868 from the Chief Comr. Lands & Works representing his inability to obtain from Messrs. Moody & Co. the execution of the Lease of Water frontages in New Westminster, Lots 9, 10, & 11. It was decided that the Chief Commissioner should carry out the terms of the Agreement under which they became possessed of the property.

A Letter dated the 23 March 1868 was read from the Chairman of the Grouse Creek Bed Rock Flume Company, asking, in consideration of the losses they had sustained for an extension of their privileges, and for a remission of the

requirement to construct the remaining portion of the Flume. The letter was referred to Mr. Brew, Gold Commissioner at Cariboo for opinion and report.

A Letter was then read dated 28 March 1868, from the Mayor of Victoria, asking for further powers of taxation for the Municipal Council of the City. The subject was discussed and its consideration was deferred until the next Session of the Legislature.

A proposition from the Hudsons Bay Company to open a trail through the Eagle pass for the sum of \$2500 was then discussed. It was considered desirable that Tenders should be called for according to the suggestions of the Surveyor General.

A recommendation of the Legislative Council that Flour manufactured from grain grown in the Colony should be allowed to pass over the roads free of toll was taken into consideration. It was decided that the remission could not be legally granted.

A recommendation of the Legislative Council dated 16 April 1868 that the petition of the Farmers of Saanich relative to the improvement of the Road to that District should be favorably considered was then taken up, and it was determined that further inquiry should be made in respect of the same.

An application from Mr. Alexr. Calder, dated 30 April requesting that Debentures to the amount of \$4000 might be issued to him, in security for money already advanced on temporary loan to the Government. It was settled that the request could not be granted.

The Council then adjourned.

Signed William A. G. Young

Tuesday, the 12th day of May, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Comr. Lands & Works, The Collector of Customs, The Police Magistrate New Westminster.

The minutes of last meeting were read and confirmed.

The Governor laid before the Council a Report of a Select Committee of the Legislative Council upon the external postal arrangements of the Colony.³⁴ It was decided that the Colonial Secretary should institute certain further inquiries in respect of this matter.

A Resolution of the Legislative Council dated the 23rd April 1868 was then read, recommending that the subject of drawbacks on Lumber should receive the

³⁴ This report is included in the minutes of the Legislative Council, 1 May 1868.

earnest attention of the Government. The matter was carefully considered, and after discussion it was resolved that the decision of the Council last year should be adhered to, and premiums of the character sought could not be granted.

The Governor placed before the Council a Resolution of the Legislative Council dated 3rd April 1868, with a petition addressed to that Body by the Howe Sound Copper Mining Company. The recommendation of the Legislative Council was duly considered, & it was decided that a Bill to regulate the acquisition of mineral lands should be prepared, and introduced at the next Session of the Legislature. If such a Bill became law, the Company would be able to record under its provisions: in the meantime the Government would hold in reserve in favor of the Company the particular section of land sought to be acquired by the Company.

A Resolution of the Legislative Council dated the 15th April 1868 recommending the extension to New Westminister District of the Vancouver Island Road Act was then considered.

The Council were of opinion that a decision should be deferred until the working of the Act in question was better known.

The Council then adjourned.

Signed William A. G. Young

Friday, the 15th day of May, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Commr. Lands & Works, The Collector of Customs, The Police Magistrate New Westminister.

The minutes of last Meeting were read and confirmed.

The Governor then brought before the Council the question of how far the contemplated removal of the Capital and Seat of Government from New Westminister to Victoria would affect the various public offices now established at New Westminister. The matter was discussed and it was decided that the Colonial Secretary's Office, the Attorney General's Office, the Treasury, the Audit Office, and the Lands and Works Department should be moved to Victoria as soon as convenient.

The Council then adjourned.³⁵

Signed William A. G. Young

³⁵ This was the last time the Executive Council met in New Westminister. Hereafter it convened in Victoria.

Wednesday, the 3rd day of June, 1868

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

The minutes of last meeting were read and confirmed.

The Governor laid before the Council a letter dated the 20th May from Messrs. Marvin and Wright asking for certain privileges to aid them in carrying out a project for putting a Steamer on the Upper Fraser to run down as far as Canoe Creek. The application was considered, and it was decided that a remission of Road Tolls and Duties should be granted on the machinery, and upon matériel used in her construction. That a remission of Licence as on Inland Steamer should be granted for 12 months. Decision on other points postponed.

An application dated the 19th May from J. H. Scott for a remission of Road Tolls on removing certain Machinery from Lilloett to Clinton was then considered; and also a similar application dated 18th May from J. C. Beedy, for remission in introducing certain machinery for J. H. Scott, and W. A. Meecham.

The remissions sought were granted in both cases.

The Council then adjourned.

Signed William A. G. Young

Monday, the 22nd day of June, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Comr. Lands & Works, The Collector of Customs.

The minutes of last meeting were read & confirmed.

The Governor brought before the Council the case of two Indians, Chilpaken & Tesch, condemned to death at Lilloett for the murder of a Chinaman. The case was considered and the Judges notes discussed. It was determined by the Governor after hearing the opinions of the members of the Council that the sentence of Death should be commuted; in the case of Chilpaken to 7 years, and in the case of Tesch, alias Charley, to 4 years, imprisonment with hard labor.

An application dated the 1st May 1868, from Mr. John R. Adams for land and the site of a Mill at Soda Creek was then considered. After discussion it was decided that the land required by Mr. Adams, being the site of an Indian Reserve, could not be granted to him. Inquiries as to the position of the Mill Site were to be made.

A Letter dated the 20th May 1868 from the Municipal Council of New Westminster applying for \$750 a year for 2 years for keeping Front Street in repair was then considered. It was decided that \$750 should be paid for one year, and that a Return of work done should be called for, for the current year.

An application dated 28th May 1868 from the Widow of the late J. Brown, a Sapper discharged in the Colony, for a grant of the land to which her Husband was entitled, was then laid before the Council. The Governor was advised to make the grant.

The Governor then laid before the Council letters dated respectively 3 June, 8 June, & 9 June, from Messrs. Collins & Co. applying for a remission of Duty and Road Tolls on the machinery for a Grist Mill, which they are about to erect on Deep Creek. The application was considered, and it was decided that the Road Tolls should be remitted, but not the Duties.

The Council then adjourned.

Signed William A. G. Young.

Monday, the 29th day of June, 1868

Present: His Excellency the Governor, The Colonial Secretary, The Attorney General, The Chief Comr. Lands & Works, The Collector of Customs.

The minutes of last meeting were read and confirmed.

The Governor laid before the Council a letter dated the 25th June 1868 from Mr. A. F. Pemberton, Stipendiary Magistrate at Victoria, reporting the result of his inquiries and observations in respect of any contemplated Fenian movement against this Colony. The matter was discussed at length, and the Council advised the Governor to apply to the Admiral to have the Gun Boat Forward stationed in Victoria Harbour, and for a Guard to be placed at Government House.

The Governor stated that he would communicate with the Admiral on the subject.

The Governor brought to the notice of the Council the matter of the reported murders by Indians, and Indian disturbances on the Coast; and asked the opinion of the Council as to what action they considered should be taken in respect thereof. Various papers on the subject were laid before the Council.

After discussion, the Collector of Customs and the Attorney General came to the opinion that further information should be obtained before any Ship of War proceeded to the Coast. The Chief Commissioner, Lands and Works, and the Colonial Secretary that a Ship of War should be at once despatched for the purpose of investigation, and ascertaining the true state of the case.

The Governor stated that he should take further time before determining his course of action.

An application was then considered from Mr. A. Calder, asking for some allowance to reimburse his extra outlay in removing from New Westminster to Victoria.

The Council considered that some further statement of details should be called for.

The Council then adjourned.

Signed William A. G. Young
