

Tuesday, the 11th day of January, 1859

The House met this day.

Present: Messrs. J. D. Pemberton, J. W. McKay, J. Kennedy, J. Yates, T. J. Skinner, and The Speaker.

Mr. Skinner Presented a petition of Carrol York, which had been presented to the licensing Magistrates, praying for a license, in order to open an Hotel for the accommodation of the public. The licensing Magistrates could not grant a license in consequence of licensing term having expired, but had endorsed the petition now presented, with an opinion that it would be expedient to grant license half yearly in certain cases.

Mr. Skinner then gave notice of his intention to introduce a bill upon the subject at next meeting.

Mr. McKay Gave notice of his intention to introduce a bill "for the Registration of Voters."

Mr. Pemberton Asked leave to introduce a bill at a future meeting "for the adoption of the American Currency as a legal tender in this Colony equally with the British currency and arranging its equivalent and value for government purposes.

Mr. Yates Moved the following for returns "I beg to move that this House be informed by the executive if the Bill for the extension of the franchise to the Town of Victoria, which passed this House on the first day of June 1857 is likely to be passed or rejected by the executive."

The Speaker informed the House that he had received a list of subscriptions amounting to nearly six hundred dollars; the subscribers praying the Government to accept that sum in part payment for a bridge over the Ravine opposite Store Street; the Government to erect the Bridge and pay the remaining expenses.

Also a subscription of about three hundred dollars for a like purpose at the Ravine at Government Street—he would bring it before the Committee.

Mr. Pemberton wished to know "when the bill for the Registration of real estate would be reintroduced?"

The Speaker informed the Honble. member that such a Bill was at present under the consideration of the Council.

Mr. Pemberton Also wished to know "what had become of the Bill for the Registration of Births Deaths & Marriages."

The House then went into Committee pursuant to Notice.

Mr. Skinner, Chairman.

Mr. Helmcken Asked for the appropriation of 1200\$ for the completion of Bridges across the Ravine; for which we had received lists of subscription amounting to about 900\$ as stated in the House. He had before asked for 1000\$ for making one bridge but in lieu of that he now required 1200\$ to complete two. Of course contracts would not be issued until the subscription had been paid in.

After some opposition the vote of Twelve hundred dollars for the above purpose was agreed to.

Mr. Helmcken Then asked for the sum of 1648\$ for building certain drains at the end of Yates Street, Johnson Street, Government Street. Also to complete Wharf Street to Victoria Bridge and a portion of public landing nearly opposite Yates St. in Wharf Street and other Contingencies.

To complete Wharf Street to Bridge	300.00\$
Drain on Wharf Street	500.00
Wooden drain in continuation	50.00
Drain on Government St.	275.00
Wooden drain in continuation	110.00\$
Government St. corner Yates St. (drain)	243.00\$
Public landing	30.00
Contingencies	150.00
	\$1648.00

These portions had not been included in the contract but still were essentially necessary.

After a few words from various Members complaining of carelessness in making the contracts the vote of one thousand six hundred and forty eight dollars was agreed to.

The subject of the Removal of Victoria Bridge was then introduced pursuant to notice.

Mr. McKay moved

That the Victoria Bridge being an obstruction in the way of shipping be removed and that another bridge, be built from Pt. Ellis to the opposite side.

That the piece of land upon which the Bridge rests at the foot of Johnson Street and the portion adjacent being the property of the Government be reserved.

J. Kennedy Begged to second the motion but would not support it as he considered a draw in the bridge preferable.

Mr. Pemberton At the same time that he supported the proposition still would endeavour to amend it to suit all parties, he would propose that "A new bridge be built at point Ellis but instead of removing the present one that from one hundred to one hundred and fifty feet of the present one be removed and that steps be made at the terminal ends and a boat ferry between.

Mr. Yates would move that a select Committee be appointed to enquire into the best means of remedying the difficulty complained of.

But it was ruled that the motion was out of order in that Mr. Pembertons proposition had not been seconded,—the feeling of the House as shewn by remarks was averse to a committee.

Mr. Helmcken asked Mr. Pemberton to explain a little more fully, which having been done, Mr. Helmcken would second the amendment and indeed would offer no opposition as the bridge would be virtually removed.

Mr. McKay Acquiesced in Mr. Pemberton's proposition to the exclusion of his own.

Mr. Skinner Did not require any more than that the passenger Traffic should not be stopped across the bridge—he had been opposed to the removal of the bridge but as the proposition gave all that was in his opinion necessary, he would not give any opposition.

Mr. Yates Doubted the measure.

After an animated conversation the proposition was agreed to without division.

Mr. Helmcken wished the Committee would meet again to consider the "Ways and Means" of defraying the expenses of the above proposition in order to include the whole in a bill.

This day week at 11 A. M. was unanimously agreed to.

The House then resumed its sitting. Mr. Skinner brought up the report of the Committee viz.

That twelve hundred dollars be granted for assisting in building bridges, the remainder subscribed for, over the Ravine.

That the thousand six hundred and forty eight dollars be granted for further necessary improvements in the streets.

Agreed that a new bridge be built from Pt. Ellis to the opposite side of Victoria Arm.

That a portion of the present Victoria Bridge say from one hundred to one hundred and fifty feet be removed.

That a communication by boat ferry be established between.

The House agreed to the Report.

The Speaker then introduced a Bill of Supply.

Be it enacted by the Governor on Her Majesty's behalf by and with the consent of the Legislative Council and Assembly.

1st That 1200,00\$ dollars be granted, and the same is hereby granted for the purpose of building bridges across the ravine at Victoria: part of the expenses of said bridges having been raised by public subscription.

2nd That the sum of 1648,00 dollars be and the same is hereby granted for further improvements in the streets of Victoria.

3rd That the before mentioned items be paid out of the License fund.

Mr. McKay seconded the bill.

Unanimously agreed to.

The House then adjourned by motion until Tuesday morning next at 11 A. M.

J. S. Helmcken
Speaker

Tuesday, the 18th day of January, 1859

Present: Messrs. J. Yates, J. W. McKay, J. Kennedy, J. D. Pemberton, T. J. Skinner, and The Speaker.

The Speaker Read the following communication from his Excellency the Governor.

To the Speaker and Gentlemen of the House of Assembly.

I have received your Speakers communication of the 11th Inst. containing the following motion brought forward by Mr. Yates (Victoria). "I beg to move that this House be informed by the Executive if the Bill for the extension of the franchise to the Town of Victoria which passed this House on the first day of June 1857 is likely to be passed or rejected by the Executive." I have to inform you in reply to that address that the consideration of the Act for the Enfranchising the Town of Victoria has been necessarily delayed in consequence of the condition of the Country and the great pressure of public business: it will however be brought forward for the consideration of the Council on the first convenient occasion and the decision of that Body will be communicated to you at an early day after its first meeting.

Jany. 18th 1859
James Douglas
Governor

The Speaker begged to inform the Member for Victoria (Mr. Pemberton) that the Bill for the Registration of real Estate &c. had been before the Council & would be sent to the House as soon as passed.

Further that the Bill for the Registration of Births Deaths & Marriages had not been rejected but that the Bill was incomplete inasmuch as it did not supply the funds to defray its expenses.

A Petition was presented from certain residents at Esquimaux against the proposed removal of Victoria Bridge.

Petition read.

Mr. Skinner gave notice of his intention to introduce a Bill to quiet Titles of Aliens holding real Estate.

Agreed to.

The Speaker proposed to the House the following.

That an address be presented to his Excellency the Governor, praying that his Excellency would communicate with his Excellency the Governor General of Canada or proper Authorities for the purpose of obtaining a presentation of the following works.

- 1 Statutes of Upper Canada.
- 2 Do of Lower Canada.
- 3 Journal of proceedings of Legislative Assembly.
- 4 Journal of proceedings of Legislative Council.
- 5 Revised Statutes of Upper Canada.
- 6 Revised Statutes of Lower Canada.
- 7 Canada Gazette, old files as well as numbers as they appear, and any other works issued by Government.

And that his Excellency would also hold communication with the Home Government for the purpose of obtaining the more recent statutes as well as a supply of works published by the Government.

The House feels, that at this period any additional labour if unnecessary should not be thrust upon your Excellency but hope that the above will meet with approbation.

Seconded by Mr. Yates.

Agreed to.

The Speaker also directed attention to the following.

That an address be presented to his Excellency the Governor praying that one hundred acres of land be reserved in the Districts of Esquimaux, Soke, Saanitch and, Cowitchin for Educational purposes: and that one hundred acres of land in each of the aforesaid Districts be reserved for public purposes. The said lands to be selected in the most eligible situation.

Ordered to stand over till next meeting.

The Speaker Also would direct attention that a select Committee be appointed to enquire into and report upon the best method of rendering the entrance of Victoria Harbour more practicable for ships. That the said Committee be empowered to call in the aid of professional persons for the above object and to learn the probable expense of plans proposed.

Ordered to be brought forward at next meeting.

Mr. McKay Moved the second reading of the Bill of Supply: for further money for the streets, and two Bridges across the Ravine.

Seconded by Mr. Pemberton.

The Speaker explained that he had altered the amount of dollars into pounds.

Mr. Yates Thought that incorrect but did not think it of importance.

Second reading agreed to Nem. Con.

Mr. Skinner Brought in a Bill to Amend the Law relating to Inns & Beer Houses.

Which having been read Mr. McKay Seconded and the first reading agreed to without opposition.

Notice of Amendment given that Licenses be granted quarterly (J. Kennedy).

Mr. McKay Then moved the first reading of the Registration of Voters Bill.

Seconded by Mr. Yates.

Mr. Pemberton Considered the Bill faulty in every respect, unintelligible and unfit for the purpose intended.

The Amendment not having been seconded was lost.

First reading agreed to.

Mr. Pemberton Then moved the first reading of [A bill for the adoption of the American currency as a legal tender in this Colony equally with the British currency and arranging its equivalent and value for government purposes].³

Seconded by Mr. Skinner.

First reading agreed to.

“Mr. McKay to move at second meeting that a sovereign be equal to Five Dollars.”

³ P. 62 above; see also *Victoria Gazette*, 20 January 1859.

The Speaker Here informed the House that he had received the sum of five hundred dollars from Mr. Waddington being the major part of the subscription to the bridge over Store St ravine.

Mr. Pemberton would issue the contract to build bridge.

Mr. Yates Moved that the proceedings in Committee of last Tuesday relative to building a bridge at point Ellice and cutting a gap in the present Bridge be reconsidered this day in Committee.

The Speaker informed the Honble. Member that reconsideration could only be asked by one in the minority. And in any case notice for reconsidering ought to be given.

Mr. Yates would take the sense of the House.

The Speaker replied that a rule of the House could not be altered except by motion.

Mr. Pemberton considered the subject had had consideration enough: it was obstructing public business.

After discussion the motion was lost.

The House then went into Committee of Ways and Means.

Mr. Skinner in the Chair.

Mr. Pemberton Moved that a tonnage duty of 10 cents per ton be put upon ships in order to pay the expenses of rebuilding bridge at Point Ellice and removing part of the present bridge.

Mr. Helmcken objected to the proposition on account of its being impolitic to place any dues upon shipping at the present time. Ships ought rather to be encouraged to come than driven away: he would propose an Amendment

That the expenses of building the bridge &c. be paid out of the License Fund of the ensuing year.

Mr. McKay seconded the Amendment.

Mr. Yates would move that the Indian reserve should be purchased from the Indians: the ground to be laid out in Town lots, sold to the highest bidder and that the proceeds or part of them shall be allotted for the purpose of removing obstructions and building Bridges &c. in Victoria Harbour.

J. Kennedy Seconded the motion.

Mr. Pemberton's Proposition being lost on account of not having been seconded Mr. Yates amendment was put.

*In favour of
the amendment*

J. Yates
J. Kennedy
J. Skinner.

*In favour of
Mr. Helmcken's motion*

J. S. Helmcken
J. W. McKay
J. D. Pemberton.

The votes being equal The Chairman gave the casting vote and thus Mr. Yates' proposition carried.

The House then resumed its sitting.

Mr. Skinner brought up the Report of the Committee. which was agreed to, Mr. Pemberton considering it useless to afford any opposition.

“The Bill authorizing the Removal of part of Victoria Bridge and building one at Point Ellice” was now brought forward and Mr. Speaker complained of the incongruity of voting a source to pay the expenses over which the House had no controul: he really did not know what to do with the bill.

Mr. McKay Seconded the first reading of the Bill.

Mr. Yates moved that it be read “this day six month” but after some warm discussion Mr. Yates consented to withdraw the amendment provided that the first reading of the Bill should be postponed.

Agreed to.

The business of the House having been completed the House adjourned until Tuesday next at 11 A. M.

J. S. Helmcken
Speaker

Tuesday, the 25th day of January, 1859

Present: Messrs. J. W. McKay, J. D. Pemberton, J. Kennedy, T. J. Skinner, J. Yates, and The Speaker.

The minutes of the last meeting having been read, The Speaker notified that he had committed an error at last meeting in ruling that a member voting in the minority had the privilege of moving “to reconsider.”

A Petition was presented by Mr. Pemberton, signed by Alex C. Anderson, on behalf of the shareholders of the “Victoria Steam Navigation Company” praying the House to grant an Act of Incorporation.

Petition referred to Committee.

Mr. Yates pursuant to notice moved.

That application be made to his Excellency the Governor for the following information, viz. “Has the Government of this island the power to remove the Indians (by purchase) from that piece of land in Victoria Harbour known as the ‘Indian Reservation’?” Should the Government not have that power, may it please his Excellency to inform this House “wherein the Government are powerless.”

Mr. Skinner Seconded the motion.

Agreed to unanimously.

Mr. Skinner Moved the first reading of “A Bill to quiet Titles of Aliens holding Real Estate.”

Mr. McKay Seconded the Bill.

First reading agreed to without opposition.

Mr. McKay Moved that land in certain Districts be reserved for Educational and public purposes—as per notice Jany. 18th.

Seconded by Mr. Yates.

Mr. Pemberton would oppose the motion, on the ground of such reserves being objectionable, serving at once to prevent the settlement of the country and giving future cause for dispute. The same had been the case in Canada.

Amendment not seconded.

A conversation ensued in which it was recommended that such reserves should be leased; and it was supposed that an income might be now derived from letting the few acres belonging to the Victoria District School.

Mr. Pemberton wished his opposition to the measure to be recorded.

Resolution to Address adopted.

The Speaker Had a motion to propose regarding the entrance to Victoria Harbour, but would with permission of the House, bring it forward in Committee.

Allowed.

Mr. Skinner Moved the second reading of the Bill to amend the law relating to Inns Public and Beer Houses.

Mr. Yates Seconded the motion.

Mr. Kennedy Moved that "licenses be granted every three months instead of six."

Not seconded.

Mr. Yates Thought Mr. Kennedys Amendment did not go far enough; he would move amendments in Committee.

Second reading agreed to.

Mr. Pemberton In rising to move the second reading of the Currency Bill, said he had heard objections raised by competent persons to his Bill, and further that Mr. Speaker had a Bill in his possession upon the same subject; he would like the Bill to be read.

The Speaker with the consent of the House would entrust his Bill to an honorable member to move as an amendment to Mr. Pemberton's.

Mr. Skinner Seconded the second reading of Mr. Pemberton's Bill.

Mr. McKay now read the Bill handed to him by Mr. Speaker as an Amendment by consent. The Bill enacted that the coin of the United States of America should be a tender as legal as the British currency in all monetary transaction: and that the value of a sovereign should be four dollars and eighty four cents of the Aforesaid American currency; but for Government transactions only.

Mr. Pemberton would with consent of the House withdraw his Bill.

Consent granted.

Mr. McKay would bring in the Bill entrusted to him at next meeting—as well as the Address recommending the establishment of a mint; and that the coin therein coined be a decimal currency of the same value as that of the United States.

Leave Granted.

Mr. Skinner Begged to ask the surveyor General, Mr. Pemberton, Whether any steps were likely to be taken to improve the bridge over Rowe's stream—it was a most dangerous place.

Mr. Pemberton had no instructions to remedy any of the evils of that spot.

The Speaker informed the Hon. member for Esquimaux that he had had communication more than once with his Excellency upon the subject; that the spot had been surveyed and an opinion given that by altering the present road a little an easy ascent from and descent to the bridge could be made, for 7 to 800 dollars. The raising of the present bridge was not considered advisable; a new wooden bridge would cost 1200\$ a stone one 10,000\$. The only difficulty in the case was "the source of the money."

Mr. Pemberton considered that all the owners of property thereabouts being wealthy people, could well afford to build a bridge by their subscriptions.

The Speaker with consent of the House would consult the Executive upon the subject.

Agreed to.

The House then went into committee.

Mr. Skinner, Chairman.

The Bill of Supply for a grant of £250,0.0. for improvements in the streets &c. £353, 6s. 8d. for bridges across the ravine brought forward seriatim and Agreed to.

Mr. Helmcken Moved that a select committee be appointed to consider the best mode of rendering the entrance to Victoria Harbour more practicable, previous notice having been given Jany. 18th.

Mr. Yates Gladly seconded the motion.

Mr. Pemberton Moved that the following be added "And to take into consideration the propriety of cutting a canal through the portage inlet, with the object of improving the Harbour of Victoria and facilitating intercourse between that and the Harbour of Esquimaux."

Agreed to.

Mr. Pemberton Then brought the petition of Alex C. Anderson under notice and it was agreed that the desire of the Petitioner should be granted.

The House then resumed its sitting.

Mr. Skinner Brought up the report of the Committee, which having been agreed to the Speaker Appointed Mr. Yates, Mr. Pemberton and Mr. McKay to be the members of the select committee on the means of improving the entrance to Victoria Harbour & propriety of cutting a canal through "the portage as per resolution in Committee."

Mr. Pemberton Asked leave to bring in a Bill to incorporate the Victoria Steam Navigation Compy.

Leave granted.

On motion of Mr. Skinner the House adjourned until "this day fortnight" at 11 A. M.

J. S. Helmcken
Speaker

Tuesday, the 8th day of February, 1859

Present: Messrs. J. W. McKay, J. D. Pemberton, T. J. Skinner, J. Yates, J. Kennedy,
and The Speaker.

The Speaker Read the following communications from his Excellency the Governor.

Victoria, Vancouvers Island
5th February 1859.

To the Speaker and Gentlemen of the House of Assembly

I have received your Address of the 25th ult. praying that certain public lands should be reserved in the several Districts of Esquimault, Metchosin, Soöke, Saanitch and Cowitchin for educational and public purposes, and I have to communicate to you, in reference thereto, that instructions have been issued to Mr. Surveyor-General Pemberton requiring him to make large reserves for the general purposes of the Government in the Districts of Esquimault, Metchosin, Soöke, Saanitch, Cowitchin and Nanaimo and all other Districts in Vancouvers Island, which may hereafter be surveyed for settlement.

signed James Douglas
Governor

Mr. Speaker would enquire of the Surveyor General: how much land had been reserved; it was not intended that reserves should be made in the address for the Church, but for the purposes stated.

Mr. Pemberton replied that the quantities had not yet been decided upon: but with regard to Esquimault there was very little left unsold; he had not understood, that he had to make reservations for special purposes.

Mr. Yates wished to know by whom the land would be selected.

Mr. Pemberton In reply presumed the Executive would undertake the selection.

The Speaker Then read the following communication.

Victoria, Vancouvers Island

To the Speaker and Gentlemen of the House of Assembly

I have to acknowledge your Speakers communication of the 25th Ultimo, containing the following resolution, which passed the House on that day.

That application be made to his Excellency the Governor for the following information viz. Has the Government of this Island the power to remove the Indians (by purchase) from that piece of land inside Victoria Harbour known as the Indian Reservation? Should the Government not have that power, may it please His Excellency to inform this House wherein the Government is powerless.

(J. Yates)

In reply to the foregoing resolution I have to observe that previously to the grant of Vancouvers Island to the Hudsons Bay Co. the whole island was vested in the Crown as part of its domains.

When the Settlement at Victoria was formed certain reservations were made in favour of the native Indian tribes.

They were to be protected in their original right of fishing on the Coasts and in the Bays of the Colony, and of hunting over all unoccupied Crown Lands: and they were also to be secured in the enjoyment of their village sites and cultivated fields.

These rights they have since enjoyed in full and the Reserves of land covering their Village sites and cultivated fields have all been distinctly marked on the maps and surveys of the Colony, and the faith of Government is pledged, that their occupation shall not be disturbed.

For that reason the Government will not cause them to be removed, because it is bound by the faith of a solemn engagement to protect them in the enjoyment of those Agrarian rights.

It may further interest the House to know that the Title to those Lands is vested in the Crown, and that the Indians of themselves can convey no Title to any part of their Reserves either by sale or lease.

The presence of those Indians so near the Town is a public inconvenience, but their violent removal would be neither just nor politic.

I therefore propose as a remedy to enter into arrangements with their consent to subdivide the reserve adjacent to Victoria, and to let it out on leases to persons who will undertake to build and to make other improvements upon it, and to apply the whole proceeds of those Leases, to the general benefit of the Indians interested. That is by providing them with a School House and Teacher, who will probably be a Missionary Clergyman, for the education of their children, and to endeavour thus to raise them morally and socially to a higher position than they now occupy in the Colony.

By such means a great benefit, worthy of the philanthropy of our country, will be conferred upon the Indians themselves, while at the same time the improvement and increase of the Town of Victoria will not be retarded by their unprofitable occupation of one of its most valuable portions.

signed James Douglas

Mr. Yates considered the communication most unsatisfactory, and an avoidance of the information asked for: a process in fact of circumlocution. He thought the Indians ought and could be removed by purchase to another reserve and then the present reserve sold and the proceeds devoted to improvements in Victoria.

Mr. McKay Did not think committing a robbery upon Indians the most praiseworthy method of making improvements either in Victoria or elsewhere.

Mr. Yates gave notice of his intention to move at a future meeting.

1st That as it is expedient to raise funds for the purpose of making immediate improvements in Victoria Harbour; That the Indian reservation be laid off into Town lots and that the ground unoccupied by the Indians shall be sold to the highest bidders without delay.

2nd To move for a special committee to enquire of the Indians How many years they have used that piece of land as a place of residence? What induced them to come to it and in what part of the country did they formerly reside. The report of the Committee to be forwarded to the Governor for the purpose of enabling his Excellency the Governor to understand fully, all the circumstances relating to the case of the Indians coming to reside where they now are.

3rd That an Address be presented to his Excellency the Governor, praying for the immediate removal of the northern Indians from the Town of Victoria.

Mr. Skinner Gave notice of his intention to re-introduce the "Bill for the protection of Game at certain seasons of the year."

Mr. McKay Moved the first reading of the "Bill to constitute the coinage of the United States of America a legal tender."

Mr. Yates Seconded the motion.

First reading agreed to.

Several Amendments to be moved in Committee relative to the value of the sovereign.

Mr. Pemberton Moved that the Bill to incorporate the Victoria Steam-Navigation Company, be read a first time.

Bill read.

Mr. McKay seconded the motion.

First reading agreed to and the Bill ordered to be printed.

Mr. Skinner begged to be allowed to withdraw the "Bill to quiet certain Titles derived through Aliens." He wished to make Amendments therein.

Leave granted.

Mr. McKay Moved the second reading of the Registration of Voters bill.

Mr. Yates Seconded the motion.

Mr. Pemberton Altho. he felt opposition hopeless, still would move as an Amendment that the bill be read "this day six months." The Bill he considered totally inadequate for the purpose intended; very badly drawn up; full of errors; spoke of cities when none existed; and of offices (not in existence) yet to be created. The Bill had come in the wrong place, as a Franchise Bill ought to have preceeded it. "Who was a voter? Who was to pay the Registrars? and what was to be their salaries?"

Amendment not seconded.

The Bill was then read a second time.

Mr. McKay Moved that the "Bill of Supply" be read a third time.

Mr. Pemberton Seconded the motion.

The Bill was then read a third time and passed.

The House then adjourned after some opposition and division until Friday next at 11 A. M. then to go into Committee to consider the Bill for the Registration of Voters and the Bill to Amend the law relating to Inns and Beer Houses.

J. S. Helmcken
Speaker

Tuesday, the 15th day of February, 1859

Present: Messrs. J. T. Skinner, J. Kennedy, J. Yates, J. W. McKay, J. D. Pemberton, and The Speaker.

Mr. Kennedy Presented a petition signed by several persons complaining that parts of the Saänitch road was perfectly impassable either for waggons or horses, and that vehicles had now to pass through fields, which would very shortly be prevented as they were in course of cultivation.

Mr. Yates Gave notice of his intention to move at next meeting.

1st That an address be presented to his Excellency the Governor, praying that his Excellency will impress upon Her Majestys Government the imperative necessity of sending Commissioners to this Island without delay for the purpose of making a thorough investigation into the affairs of the Colony before releasing the Hudsons Bay Company from their responsible Government.

(James Yates)

2nd That His Excellency the Governor will inform this House of representatives if the Indians who formerly owned the lands in the following Districts, viz. Nanaimo, Victoria, Esquimault, Metchosin and Soöke have been paid in full; if so paid, do they fully understand that they have no further claims upon the Government for said lands, and may it please his Excellency to state the cost of said lands per square mile.

The Speaker gave notice that in a future Committee he would move an Address to his Excellency upon the subjects of the reserves of land in various districts, which the House had proposed "for schools &c.," but which his Excellency had altered "for General Government purposes". He would propose that the terms of the resolution of the House be complied with or that his Excellency would Guarrantee that the reserve should not be disposed of in any way excepting with the consent of Legislature.

Mr. Yates moved that a competent person be appointed to the Clerkship of the House.

The Speaker suggested that a decent salary had better be proposed also: and that the appointment did not rest with the House.

Mr. McKay Then, according to previous notice brought forward "A Bill to amend the representation of the people in Vancouvers Island."

The Bill having been read.

Mr. Kennedy seconded the same.

First reading agreed to without opposition.

Bill ordered to be printed.

Mr. Skinner Brought forward a "Bill for the Preservation of Game at certain seasons of the year."

He had brought forward a similar Bill some time since but had withdrawn the same for improvement: he considered the Bill would be very beneficial.

Mr. Pemberton Seconded the Bill.

First reading agreed to without opposition.

The House then went into Committee.

Mr. Yates moved That the Indian reserve be sold and the proceeds taken after paying the Indians for the improvement of Victoria Harbour and other improvements. (see notice of motion Febr. 8th)

The motion not seconded but a discussion arose.

Mr. Yates declared the Indians a nuisance often insulting to the modesty of females or families and ought to be removed. That his Excellency the Governors proposition was absurd, because whilst the Indians remained in a position

where spirits could so easily be had, nothing could be done in the way of civilizing them; besides the income derived from the sale of part of the reserve as proposed by his Excellency would bring in an enormous income, which would only be wasted or give room for gross speculation; if the proceeds were applied to the purpose intended by the Governor, the Indians would have such an idea of the value of land that hereafter their title could not be extinguished by this means.

Mr. Pemberton Thought that in common justice the land reserved for the Indians ought to be used for their benefit; it was only now that these lands had become valuable, that the Indians were found to be a nuisance; if bad spirits were the cause of preventing the improvement of Indians let the grog shops be removed. He thought if the Indians enquired how we had acquired their lands that we should stand in a much worse light than they would with their reserve.

After some further discussion, the motion was lost, not having been seconded.

Mr. Yates then moved That a select Committee be appointed &c. (see notice of motion Febr. 8th).

Mr. Helmcken considered the motion a gross insult and if agreed to would be a lasting disgrace to the House: he would propose that the subject should not even be entered upon.

Mr. Yates did not see or intend any insult.

Motion lost without division.

Mr. Helmcken Proposed that the Bill for the Registration of Voters be now proceeded with.

But it was agreed that the House should adjourn until two oClock.

At two oClock the House resumed its sitting and the Bill brought forward.

Mr. Helmcken had several Amendments to propose, but many of them were trivial, some mere corrections of clerical errors and one or two only of much importance: he would propose them in the various clauses as they came forward.

In preamble. After words "Registrar of every district" add "or Districts combined."

Mr. Helmcken merely intended by this that instead of a Registrar being appointed for every "electoral district" that one Registrar would serve for more than one.

Mr. Kennedy Seconded the motion.

Mr. Pemberton considered that this would remedy a great objection he had to the bill.

Amendment agreed to and ordered to be part of the Preamble.

The same amendment was inserted in Clause 1st Clause 2nd Clause 4th Clause 13th after words "Registrar of district."

In Preamble. After words "House of Assembly" add of Vancouvers Isld. Agreed.

In Clause 2nd. After words (situated four lines from bottom) "the said registrar shall keep a true copy of such list" add "affixed near the door of his house" and erase "without payment of any fee."

This same amendment inserted in same situation in Clause 3.

In Clause 3rd instead of "last day of April" insert "20th day of April."

In clause 3rd about middle of clause erase "or personally to deliver to his tenant described in such list."

In clause 5 instead of "barrister or barristers" erase "or barristers" and do the same whenever it appears in same clause; and where "he or they" appears in reference thereto erase "or they" and instead of "courts" say "Court."

In clause 5th instead of saying "in some of the newspapers circulating within the district city or township" erase "district city or township" and in their place insert "Colony."

In clause 5th erase the following words "and where two or more barristers shall be appointed for the same district or town, they shall attend at the same places together, but shall sit apart from each other and hold separate courts at the same time for the despatch of business."

And after instead of word "crown" say "Government."

In clause 6th About middle of clause instead of "last day of April" say "20th day of April."

And about 10 lines lower down instead of "voting in the election of members" say "voting in the election of a member or members."

In clause 7 near the bottom instead of "last day of April" say "20th day of April."

Two lines lower down after the words "member or members" add "to serve in" and at the end of the clause after word "district" say "city or town."

Mr. Helmcken Moved that clause 8 be expunged.

He did so upon the ground that the land office could give but little information and secondly the record office was not in existence. He also thought that it was likely to lead to too much prying into other mens affairs and lead to trouble.

Mr. Pemberton seconded the motion After discussion.

Agreed to and the clause ordered to be erased.

Clause 9th after "held after" say "15th day of July."

Mr. Helmcken moved that after the words "shall have power to administer an oath" say "and also the following oath." "You swear that you are a natural (or naturalized) born subject of Her Majesty, that you have never become the naturalized citizen or subject of any foreign state or nation: and that you have not taken any oath of Allegiance to any foreign power state or nation nor abjured Your Queen or country."

Mr. McKay Seconded the Amendment.

After discussion the oath was unanimously Agreed to and ordered to be inserted.

In clause 10, 11, 12, wherever the term "clerk of Supreme Court" appears, erase "clerk" and in its place insert "Registrar" so that it will read Registrar of Supreme Court and at the end of clause 10 say "And that no person shall

vote at any election of a member or members to serve in the House of Assembly of Vancouver's Island except he be upon the register."

Mr. Helmcken Moved that Clause 15th be left out or erased.

He did so because the Sheriff was no more and the list had been lost.

Mr. Kennedy Seconded the Amendment.

Agreed to unanimously and ordered to be erased.

The Schedule now came on.

Schedule H at the end of title add "or town."

Schedule H After words "to transmit on or before the 20th day of April in this year a claim in writing, containing" add the following declaration "I do solemnly and sincerely declare that I am a natural born (or naturalized) subject of Her Majesty and that I have never become a naturalized citizen or subject of any foreign power state or nation, and that I have never taken any oath of allegiance to any foreign power state or nation nor abjured my Queen or country."

In same Schedule after words "Persons omitting to deliver or transmit such claim" add "and declaration."

In Schedule H. No. 2 at the end of last line before the signature add "and I do solemnly and sincerely declare that I am a natural born or naturalized subject of Her Majesty and that I have never become the naturalized citizen or subject of any foreign power state or nation and that I have never taken any oath of Allegiance to any foreign power state or nation nor abjured my Queen or country."

In No. 7 insert the same declaration in same place.

The Registration of Voters Bill thus passed through the Committee.

The next subject brought forward was A Bill to amend the law relating to Inns Public and Beer Houses.

Mr. Pemberton moved at 5th line instead of the words "in case of emergency" insert "at their discretion."

And before "half yearly" insert "quarterly or" both at the sixth and last line but one.

These amendments were agreed to.

The business of the Committee having been completed the House resumed its sitting.

Mr. Skinner Brought up the report of the Committee, which having been agreed to, the House adjourned until this day week at 11 A.M.

N.B. After Mr. Yates two motions had been disposed of as reported at page [74-75]

Mr. Yates brought forward the following

That an address be presented to his Excellency the Governor, praying for the immediate removal of the Northern Indians from the Town of Victoria.

Agreed to.

J. S. Helmcken
Speaker

Tuesday, the 22nd day of February, 1859

Present: Messrs. T. J. Skinner, J. Kennedy, J. Yates, J. W. McKay, J. D. Pemberton,
Speaker J. S. Helmcken.

Mr. Speaker Read the following communications from His Exclty. Governor Douglas.

Government House
Victoria Vancouvers Island
5th Feby. 1859

To Speaker & Gentlemen of House of Assembly.

I have duly received your Speakers communication of the 18th Ultimo, forwarding to me a resolution which had been unanimously agreed to on that day, to the effect that the Governor General of Canada should be requested to present certain works, as named, for the use of the House of Assembly of Vancouver's Island.

In reply thereto I would beg to acquaint you that I will forward a copy of your resolution to the Governor General of Canada and will request a presentation of the works desired.

(sgd) James Douglas

Government House
Victoria Vancouver's Isld.
21st Feby 1859

To Speaker & Gentlemen of House of Assembly.

Having received intimation from the Officer in charge of the Hudson's Bay Coys. Establishment at this place, that he cannot without much inconvenience, any longer dispense with the use of the apartment, in which the House of Assembly have hitherto met, and pursued their meritorious and highly useful labors. I wish on the present occasion, to inform you that I have made arrangements that the House should hereafter be convened in the Court room of the New Police Office, which I have directed the Commissioner of Police to prepare, for your reception, without delay, in a manner befitting the dignity of your Honorable House.

I have the honor &c.
(sgd) James Douglas

Mr. Skinner Moved the 1st reading of a "Bill to quiet certain Titles derived through Aliens."

Mr. McKay seconded. Bill read 1st time.

Mr. Skinner Moved the 2nd reading of the "Game Bill."

Mr. Pemberton seconded. Bill read second (2nd) time.

Mr. Pemberton Moved the 2nd reading of "Bill to incorporate the Victoria Steam Navigation Company."

Mr. Yates seconded. Bill read 2nd time.

Mr. McKay Moved the 2nd reading of the "Currency Bill."

Dr. Kennedy seconded. Bill read (2nd) second time.

Mr. McKay Moved 3rd reading of "The Registration Bill."

Dr. Kennedy seconded. Bill read (3rd) third time and passed.

Mr. Skinner Moved 3rd reading of "Bill to amend the law relating to Inns, Public & Beer Houses."

Mr. McKay seconded. Bill read (3rd) third time.

Mr. Skinner Moved an address to his Exclty. the Governor.

That His Excellency, the Governor will inform the House of representatives, if the Indians who formerly owned the lands in the following districts vizt. Nanaimo, Victoria, Esquimalt, Matchosen & Sooke have been paid in full, if so paid, do they fully understand that they have no further claim upon the Government for said lands & may it please His Exclty. to state the cost of said lands per square mile.

Mr. Yates seconded.

Mr. Pemberton that the address be not presented.

Mr. McKay seconded.

The House divided on the address.

<i>Ayes</i>	<i>Noes</i>
Mr. Pemberton	Mr. Yates
Mr. Kennedy	Mr. Skinner.
Mr. McKay.	

Original motion not carried.

Mr. Yates Moved "That an address be presented to His Excy. the Govr. praying that he will impress upon Her Majesty's Government the imperative necessity of sending Commissioners to this Island without delay for the purposes of making a thorough investigation into the affairs of the Colony before releasing the Hudsons Bay Company from their responsible Government."

Mr. Skinner seconded.

Mr. Pemberton moved an amendment.

Mr. McKay seconded.

The House divided on the address.

<i>Ayes</i>	<i>Noes</i>
Mr. Kennedy	Mr. McKay
Mr. Yates	Mr. Pemberton.
Mr. Skinner.	

Original address carried.

Mr. Pemberton gave notice of his intention to move at next meeting.

"That this House highly approves of the Decision your Excellency has come to with regard to leasing the Indian Reserve at Victoria, applying its proceeds as therein stated & hope that your Excellency will give the requisite orders to get it carried out with the least delay convenient."

Mr. Speaker Also gave notice of his intention to move at next committee meeting a similar motion.

Mr. Speaker Appointed E. B. Doggett to be Clerk of the House.

The House adjourned until Tuesday 1st March 1859 at 11 oCk. a. m.

J. S. Helmcken
Speaker

Tuesday, the 1st day of March, 1859

The House met at 11 o'Clock and adjourned in consequence of the death of Captⁿ Brotchie late Harbour Master of Victoria Harbour until Thursday the 3rd day of March at 11 Ock.

Thursday, the 3rd day of March, 1859

The House met at 11 Ock.

Present: Messrs. T. J. Skinner, J. Kennedy, J. Yates, J. W. McKay, J. D. Pemberton, Speaker J. S. Helmcken.

Mr. McKay Moved the 2nd Reading of "Bill to Amend the representation of the people of Vancouvers Island."

Dr. Kennedy seconded.

Mr. Yates and Mr. Skinner opposed.

Division

<i>Ayes</i>		<i>Noes</i>
Mr. McKay		Mr. Yates
Mr. Kennedy.		Mr. Skinner
		Mr. Pemberton.

Majority against 2nd Readg. 1

Mr. Speaker Informed the House that the business of the day referred to Committee on address of Mr. Pemberton & Currency Bill, and gave notice of an Address to his Excl^y. the Governor, that he would propose next meeting.

House of Assembly
March

To His Excell^y. The Governor

The House of Assembly having had placed before them Your Excell^ys. communication of 15th Feby. relating to the Indian Reserve in Victoria Harbour; the tenure upon which the Indians hold this Reserve together with the observation that the Government would not cause their removal therefrom in that a treaty had been entered into with them "That their possession should not be disturbed" but at the same time proposing the plan of leasing a portion thereof & applying the proceeds to purposes, which would tend to raise those Indians from their present degraded state & at the same time attach to the Town of Victoria one of its most valuable portions.

The House of Assembly in reply to that communication would respectfully observe that the proposed plan of leasing part of the Indian Reserve and allowing the Indians to continue upon the remainder is open to several objections.

1stly That the contiguity of the Indians would diminish very greatly the value of the land and that the buildings erected thereon would be of a very temporary character.

2ndly That when the Indians who by right now occupy this Reserve become extinct, which will probably be the case in a very few years, this Reserve would again become the property of the Crown instead of being the property of the Town of Victoria.

3rdly That the water frontage of the Reserve cannot be claimed by the Indians & therefore wharves could not be erected for their benefit.

4thly That the very fact of a Town rising up around the Indians would be the surest means of defeating the end proposed vizt. that of civilizing the Indians, it being a well known fact that the presence of large numbers of white men among Indians has the effect of rendering the latter more vicious.

5thly That the Indians being retained in their present position would have the effect of constantly drawing in a number from among neighbouring tribes & thus prolonging the existence of the present Indian Village, which ought by every means to be avoided.

The House of Assembly would therefore humbly suggest a plan for your Exclys. consideration which whilst on the one hand would do no injustice to the Indians, on the other would be very beneficial to the Town of Victoria and important to the Colony generally.

In proposing this plan the house would have it particularly understood, that they have neither the wish nor the intention of violently removing the present tribe, but that their departure would be with their consent & not otherwise & therefore with the utmost deference suggest.

1stly That negotiations should be entered into with the Songees Indians or their Agents for the purpose of obtaining their removal from Victoria Harbour to some other suitable spot (Belle-Vue Island for instance) to be agreed upon for their future residence.

2ndly The Indians having agreed to such, then the present Reserve to be sold, with the exception of the water frontage and portions for public purposes.

3rdly The proceeds of such sale to be taken by the Government of Vancouvers Island with the exception of so much as may be required for building a School House & for defraying the cost of the survey.

4thly Interest to be allowed upon the money thus taken by the Government, at the rate of 5 pr cent pr annum for Ten years & at the rate of 2½ pr cent per annum for Ten years more, but that at the end of Twenty years the interest shall cease & determine and the debt be as tho' it had never existed (Always provided the Indians exist so long). The Interest thus accruing to be for the benefit of the Songees Indians or those who have a right in the present Reserve & none others & to be applied in the manner recommended in Your Exclys. communication.

5thly The interest to be paid by means of Taxes levied upon persons holding property in the Town of Victoria as to be enacted by the Legislature of Vancouvers Island.

6thly The proceeds of the sale & such other sums as may be derived from the water frontage (only a portion of which is available) to be employed for the purpose of making the Harbour of Victoria more available, removing obstructions therein, taking away Victoria Bridge & building a new Bridge at point Ellis as determined upon by the Legislature.

Such is an outline of the plan the House would lay before Your Excely. for consideration; but if the same should not be found available or considered unsuitable, or the original plan adopted the House would rather remove the present Victoria Bridge & thus at once isolate the Indians as well as lay open a portion of Victoria Harbour possessing every convenience for Shipping & having a frontage better adapted for wharves & of greater extent than those of the Indian Village, and at the same time the size of the Harbour would be increased instead of diminished (as it would be by building wharves from the Indian Reserve) and free scope given to the enterprize of those who holding property above the Bridge have not been able to make the same available for mercantile purposes, thus not only inflicting private injury but doing much harm to Vancouvers Island generally.

The House beg to assure Your Excely. of every respect and confidence.

Mr. Pemberton Then postponed his Address to His Exclly. the Governor until next meeting.

Mr. Pemberton moved that the Committee on "Currency Bill" be postponed.

Mr. Yates seconded.

Carried unanimously.

Mr. Yates Informed the House that the Report of Select Committee appointed to enquire into the best way of making the Harbour of Victoria more available would be presented at next meeting, in the meanwhile he would inform the House that at next meeting he should move that a Select Committee consisting of Three be appointed to draw up "A Franchise Bill."

Mr. Speaker Gave notice of Motion his intention to oppose the "Bill of Victoria Steam Navign. Compy. in Committee.

Mr. Pemberton Moved the House do now adjourn until next Tuesday week 15th March 1859.

Mr. Yates seconded.

House adjourned until Tuesday 15th March 1859 at 11 oCk. a. m.

Tuesday, the 15th day of March, 1859

Mr. Speaker took the Chair at 11 oClock.

The House having been counted and a quorum not being present the House adjourned until Thursday 17th March 1859 at 11 oClock p. m.

Thursday, the 17th day of March, 1859

Mr. Speaker took the Chair at 11 oClock, the House having been counted and a quorum not being present the House adjourned until Thursday 31st March 1859 at 11 oClock a. m.

J. S. Helmcken
Speaker

Thursday, the 31st day of March, 1859

Present: Messrs. J. Yates, J. D. Pemberton, T. J. Skinner, McKay, Speaker Helmcken.

Mr. Yates Moved that a Select Committee be appointed to frame "A Franchise Bill." The House agreed. Mr. Speaker appointed Mr. Skinner, Mr. Pemberton and Mr. Yates to Committee.

Mr. Skinner Moved the 2nd Reading of "Aliens Bill." Not seconded.

House in Committee.

Mr. Skinner in Chair.

Mr. Speaker Helmcken Moved Address to His Excellency the Governor regarding Reserves of land in various Districts for Schools. (see 15 Feby. 1859)

Mr. Yates seconded.

Address carried.

Currency Bill 1st (first).

Clause agreed to.

On (2nd) second Clause being brought on Mr. McKay proposed that the value of the British sovereign be the value here of 5 Dollars.

Mr. Skinner seconded. Held to be out of order "the Chairman can not second."

Mr. Pemberton then proposed that the value of the sovereign be 4\$.80 cents. Not seconded.

Mr. Yates then brought forward an Amendment to first (1st) Clause. Held to be out of order, as first clause had been agreed to.

Mr. Pemberton moved that the Bill be read this day six (6) months. Held to be out of order.

Dr. Helmcken moved that the sovereign be of the value of Two dollars & a half \$2.50. Not seconded.

Here an inexplicable confusion ensued and Mr. Chairman declared the Bill lost.

Dr. Helmcken Moved. He did not see why the Address attached (to the Currency Bill) should be lost.

Mr. [blank] seconded.

Mr. Helmcken moved an Amendt. that the words after "the United States of America" be struck out.

Agreed to amendment & Address to be presented to His Excellency the Governor.

Dr. Helmcken Moved an Address to His Excellency the Governor relating to removal of the Indians.

Not Seconded. Lost.

Mr. Pemberton Moved an Address to His Excellency the Governor relating to removal of Indians & leasing of the Reserve. Mr. Pemberton begged to withdraw the Motion.

Agreed to.

Mr. Helmcken Moved that the Committee be now adjourned until tomorrow 1st April at 2 oCk.

Mr. Yates seconded.

Carried.

The House resumed its sitting. Mr. Skinner brought up the Report of the Committee which was agreed to.

Mr. Yates moved the adjournment of the House until Friday 1st April 1859 at 2 oCk.

Mr. McKay seconded.

The House stands adjd. until Friday 1st April 1859 at 2 oCk.

Friday, the 1st day of April, 1859

Present: Messrs. Yates, Skinner, Pemberton, McKay, and Mr. Speaker.

Mr. Speaker took the Chair.

Mr. McKay Moved that the Currency Bill be reconsidered in Committee.

Mr. Yates seconded.

Carried.

Mr. Skinner Drew attention to the fact that the House had voted a sum of money £600 for the improvement of the Roads leading to the Hospital and that nothing had been done to them, & thought that a Commissioner of Roads should be appointed to superintend the keeping in repair of Roads Bridges &c.

Dr. Helmcken Gave notice of his intention to bring in a Bill to empower the Governor to macadamize the remaining of Government Street., Fort St., Yates Street as far as Douglas Street & Humbolt St. and to build a Bridge over Rowe's stream, and to pay the same out of the License Fund of the ensuing year.

Mr. McKay Brought up the Report of the Committee ordered to enquire upon the best mode of Improvement of Victoria Harbour.

Ordered To be laid on table.

House then went into Committee.

Mr. Skinner in Chair.

Game Bill Passed without alteration.

The House resumed its sitting.

Mr. Skinner brought up his Report which was agreed to.

Mr. Skinner moved the House do now adjourn until Tuesday 5 April 1859 at 11 oCk.

Mr. Yates seconded.

House adjd. until 5th April at 11 oCk.

J. S. Helmcken
Speaker

Tuesday, the 5th day of April, 1859

Present: Messrs. Yates, Pemberton, Skinner, McKay, and Mr. Speaker.

Mr. Speaker took the Chair at 11 oCk. a.m.

Mr. Skinner Moved that the House do now Adjourn in consequence of the demise of the Hon. Member for Nanaimo Dr. Kennedy as a mark of respect to his family.

Mr. Pemberton seconded.

Carried.

Adjourned until Wednesday 6th April 1859 at 11 oCk.

J. S. Helmcken
Speaker

Wednesday, the 6th day of April, 1859

Present: Messrs. Pemberton, Yates, Skinner, McKay, [Helmcken].

Mr. Speaker took the Chair at 11 oCk.

Mr. Skinner Drew the attention of the House to the Road to Esquimalt.

Mr. Yates Moved the following Motion for next meeting.

That this House desires to be informed by His Excellency the Governor by what authority he proclaimed and put in force part of the Statute Law of Great Britain in this Colony.

Mr. Skinner laid on the Table a list of the Members of the Victoria Steam Navn. Company.

Mr. Pemberton Moved the 3rd reading of the Game Bill.

Mr. Skinner seconded.

Read 3rd time.

House in Committee.

Mr. Skinner in the Chair.

Currency Bill. Mr. Yates moved as an amendment that the second clause be struck out and the following adopted.

And be it enacted that the Dollar of the United States of America shall be and is hereby declared to be of the value of 50 (fifty) pence English money and this act shall be law until a mint be established in this Colony and no longer.

Mr. McKay seconded.

After a discussion the Amendment was carried and the original clause ordered to be expunged.

Dr. Helmcken Asked leave to introduce a Bill to authorize the Macadamizing certain Streets, the erection of a Bridge and to provide means for the same.

Mr. Yates seconded.

Mr. Pemberton moved that the following be added.

That 1200\$ twelve hundred Dollars be granted and the same is hereby granted for improving the approaches to the Bridges now in course of completion at Government and Store Streets.

Dr. Helmcken seconded.

Carried and ordered to be inserted in the Bill.

The House resumed its sitting. Mr. Skinner brought up the Report which was agreed to.

Mr. Pemberton Moved That information be courteously requested of his Excellency the Governor respecting the progress of the Bill to enfranchise the Town of Victoria.

Mr. [blank] seconded. Carried.

Mr. McKay moved the House do now adjourn until tomorrow at 5 oCk. p. m.

Mr. Skinner seconded. Carried.

The House stands adjourned until Thursday 7th day April 1859 at 5 oCk. p. m.

Thursday, the 7th day of April, 1859

At 5 oCk. the House met & Mr. Speaker took the Chair.

Currency Bill read 3rd time.

Bill for Macadamizing certain Streets &c. to be read 1st time.

Mr. Yates Brought forward his Motion of which he gave notice of 5th April.

Mr. Skinner seconded.

<i>Ayes</i>	<i>Noes</i>
Mr. Yates	Mr. Pemberton
Mr. Skinner.	Mr. McKay
	Mr. Helmcken.

Motion lost.

Mr. Yates gave motion of Amendments to the Bill for Macadamizing Roads &c.—
see Motion Book.

House then adjourned until 12th April 1859 at 11 oCk.

J. S. Helmcken
Speaker

Tuesday, the 12th day of April, 1859

Mr. Speaker took the Chair at 11 oClock.

[Mr. Speaker] Read messages from the Governor in answer to Address. (See
correspondence Book)

[Mr. Speaker] Read a letter from Mr. Doggett requesting to resign.

Leave granted.

Bill for Macadamizing Roads &c. Read 2nd time.

Mr. Yates proposed.

Mr. McKay seconded.

Mr. Skinner moved that a new Writ be issued for Nanaimo.

Mr. McKay seconded.

Carried.

House adjourned until Thursday 14th April at 11 oCk.

J. S. Helmcken
Speaker

Thursday, the 14th day of April, 1859

Present: Messrs. T. J. Skinner, J. Yates, J. W. McKay, J. D. Pemberton, and The Speaker.

The House went into Committee on "Bill to authorize the McAdamizing certain streets and the erection of a Bridge and to provide means for the same."

Clause 1st. Mr. Yates moved "That Humboldt St. be Macadamized only as far as Douglas Street.

Lost.

Mr. Yates then moved that Broad St. From Fort St. to the Gorge be McAdamized.

Mr. McKay Seconded.

Carried.

Mr. Yates moved That Government St. from the Gorge to the Northern limits of the Town be McAdamized.

Mr. McKay Seconded.

Carried.

Clause 2nd. Agreed to.

Clause 3rd. Mr. Yates moved that Clause 3 be expunged.

Mr. McKay Seconded. House divided:

<i>Ayes</i>	<i>Noes</i>
J. D. Pemberton	J. S. Helmcken.
J. Yates	
J. W. McKay.	

Carried. Clause expunged.

Clause 4th. Mr. Pemberton complained of clause being indefinite. He would move that "4000£" be put in the place of "three fourths of the sum derived."

Carried.

Clause 5. Moved that Clause 5 be transferred to the place of Clause 3.

Agreed to.

The House resumed. Mr. Skinner brought up the report, which having been agreed to, the House adjourned until Tuesday next at 11 A. M.

J. S. Helmcken
Speaker

Wednesday, the 20th day of April, 1859

Present: Messrs. T. J. Skinner, J. W. McKay, J. Yates, J. D. Pemberton, and The Speaker.

Mr. Skinner Presented a petition signed by above two hundred persons praying the removal of the bodies from the old Burial ground in Johnson Street.

Mr. Skinner Gave notice of his intention to bring in a Bill on the subject.

Mr. Yates Gave notice That this House be informed by the Member for Victoria, Colonial Surveyor, in what Districts Government reserves has been made, the numbers of the sections; how many acres in each section and that such information be recorded in the journal of the House.

Mr. McKay Moved the third reading of the Bill to authorize the McAdamizing certain roads, building a Bridge and to provide means for the same.

Mr. Yates seconded.

Read the third time and passed.

The following Bills received from The Governor and Council.

1st A bill for the passage of an Act respecting the property of Religious Institutions in the Colony of Vancouvers Island and its Dependencies.

2nd A Bill for the Passage of an Act respecting Marriages in the Colony of Vancouvers Island and its dependencies.

3rd A Bill to provide for the Registration of Conveyances and other Deeds.

The Bills having already passed the Governor and Legislative Council.

Mr. McKay moved that "The Bill for the passage of an Act respecting the property of Religious Institutions in the Colony of Vancouvers Island & its dependencies be read a first time."

Mr. Skinner seconded.

Agreed to. Ordered to be printed.

Mr. Pemberton moved the first reading of the Bill for the passage of an Act respecting marriages in the colony of Vancouvers Island and its dependencies.

Mr. McKay Seconded.

First Reading agreed to.

The Bill to provide for the Registration of Conveyances and other Deeds.

Ordered to be printed before being read.

Mr. Yates Gave notice of his intention to move an Address to the Governor on the subject of laying down Buoys in Victoria Harbour.

The Bill for the passage of an Act for the preservation of Game was received from the Governor and Council with certain Amendments therein added by the Governor and Council.

These having been laid before the House were agreed to and the Bills passed as amended.

J. S. Helmcken
Speaker

Tuesday, the 26th day of April, 1859

Present: Messrs. T. J. Skinner. J. McKay, J. Yates, J. D. Pemberton, and The Speaker.

Mr. Speaker took the Chair at 11 o'clock.

The Minutes of the last meeting having been read and confirmed.

Mr. McKay moved the First Reading of the Bill for the "Registration of Conveyances, Deeds &c."

Seconded by Mr. Skinner.

The Bill was read a first time.

Mr. Yates' Notice respecting Government Reserves was brought forward, when Mr. Pemberton asked the indulgence of the House, saying that a Statement was now being made out setting forth the number of acres reserved in each district, and that the required information should be given at the next meeting of the House.

Mr. Skinner Then introduced a Bill for the "Removal of the Remains of deceased persons from a deserted Graveyard in Victoria to the new Burial Ground there," and moved that it be read a first time.

Seconded by Mr. McKay.

Read a First Time.

Mr. Yates Moved, pursuant to notice, his address relative to the "Laying down of Buoys &c. in Victoria Harbor."

Seconded by Mr. McKay, and passed.

Mr. Yates Gave notice that at the next meeting of the House, he would move the following address to His Excellency the Governor.

That His Excellency The Governor will not cause any of the Government reserves to be sold without having the consent of the Legislative Assembly; neither will His Excellency cause to be erected any Government Buildings without their consent, the same being unconstitutional without the consent of the House, and a breach of privilege.

Mr. Skinner Gave notice that, at the next meeting he should move "that his Excellency the Governor be respectfully requested to take immediate measures for the repairing of the Esquimalt Road."

Mr. Yates Asked for information regarding the progress of the "Bill for Enfranchising the Town of Victoria."

Mr. Speaker Replied that he believed the Bill was before the Council, and had passed a second reading.

On the motion of Mr. Skinner Seconded by Mr. McKay, The House was adjourned to Thursday this 28th instant at 11 o'clock A. M.

J. S. Helmcken
Speaker

Thursday, the 28th day of April, 1859

The House met this morning at 11 o'clock, pursuant to adjournment.

Present: Messrs. T. J. Skinner, J. W. McKay, J. Yates, J. D. Pemberton, and The Speaker.

Mr. Yates Brought forward his motion respecting the Reserves of Government Lands, when Mr. Pemberton presented the following Report of property reserved in the Several Districts surveyed,

GOVERNMENT RESERVES

Name of District	Sec. No.	Quantity (Acres)	Remarks
Victoria	-----	350 00	on which Mt. Douglas Stands
"	LXX	10 00	Victoria District School Grant
"	LXXXVII	178 98	Public Park.
"	LXXXVIII	23 95	Church & Parsonage Reserve.
"	"	9	James Bay Reserve
		571 93	Total Reserves for Government Purposes in Victoria District.
Esquimalt	XCVIII	350 00	Bordering on Rowe Stream
"	-----	50 00	East of Esquimalt Harbour
"	-----	90 00	Indian Reserve, West of Victoria Harbour
		490 00	Total Government Reserves in Esquimalt District
Lake	XLII	86 00	
Metchosin	XXXVIII	12	William Head
"	XX	100	Central Bentinck Island
		112 00	Total Government Reserves in Metchosin District
Sooke	XVI	111 00	
N. Saänich	1W 15N	69 00	
	1W4&5N	200 00	
	2W4&5N	114 00	
		383 00	Total Government reserves in N. Saänich
S. Saanich	1W789S	300 00	
	2W789S	194 00	
	4E678S	296 00	
	5E678S	345 00	
		1135 00	Total Government Reserves in S. Saanich
Nanaimo	-----	---	Not Determined
Cowitchen	-----	---	Not Determined
Fort Rupert	-----	---	Not Determined

On motion of Mr. Skinner Seconded by Mr. McKay, "The Bill for the Removal of the remains of deceased persons from a deserted burial ground in Victoria" was read a second time.

Mr. Yates' motion for an Address to be presented to His Excellency the Governor regarding the "Sale of Government Reserves and the erection of Government Buildings" after being fully discussed, was lost by the following vote,

<i>Ayes</i>	<i>Noes</i>
J. Yates	J. D. Pemberton
T. J. Skinner	J. W. McKay
	Mr. Speaker

Mr. Skinner Moved that the following address be presented to His Excellency the Governor,

That, Six Hundred Pounds having been voted last year out of the Licence Fund for the repair of the Road to Esquimalt, His Excellency the Governor be respectfully requested to order the necessary repairs to be commenced without delay.

Mr. Yates seconded.

Passed.

Mr. Speaker Signified his intention of bringing before the next meeting of the Committee, a "Bill to compel those persons whose property had been improved by Government causing a portion of the Streets in front of such property to be paved, to complete the paving at their own proper cost."

On motion of Mr. Skinner, Seconded by Mr. McKay the House then adjourned to Monday, May 2nd at 11 o'clock A. M.

J. S. Helmcken
Speaker

Monday, the 2nd day of May, 1859

The House met this morning at 11 o'clock, pursuant to adjournment.

Present: Messrs. J. Yates, J. D. Pemberton, J. W. McKay, John Muir, and The Speaker.

The Minutes of last meeting having been read and approved.

A Message from His Excellency the Governor, accompanied by a Report from Captain Richards respecting the Survey of Victoria Harbor, and the placing of Buoys &c. on certain Rocks, was received and read.

Mr. Yates Moved that the Report of the Select Committee on this subject be read at the next meeting.

Mr. Yates gave notice that at the next meeting he would move the following resolution.

That, as His Excellency &c. (see Motion Book).⁴

⁴ See minutes for 4 May 1859, p. 93 below.

Mr. Pemberton Moved for leave to bring in a new Bill for the Extension of the Franchise.

Mr. Yates Moved as an Amendment that it be brought before the Committee.

Amendment Carried.

On Motion of Mr. Pemberton Seconded by Mr. McKay, the "Bill for the Passage of an Act respecting Marriages in the Colony of Vancouver's Island and its Dependencies" was read a Second Time.

On Motion of Mr. McKay Seconded by Mr. Pemberton the "Bill for the passage of an Act respecting the property of Religious Institutions in the Colony of Vancouver's Island and its Dependencies" was read a Second Time.

On Motion of Mr. McKay Seconded by Mr. Pemberton the "Bill to provide for the Registration of Conveyances, Deeds &c." was read a Second time.

Mr. McKay Gave notice that at the next meeting he should move for a Committee on Ways and Means to provide for the laying down of Buoys and other improvements in Victoria Harbor.

On Motion of Mr. McKay Seconded by Mr. Yates the House then adjourned until Tuesday the 3rd May at 11 o'clock A.M.

J. S. Helmcken
Speaker

Tuesday, the 3rd day of May, 1859

Mr. Speaker took the Chair at 11 o'clock.

There being no quorum present, the House adjourned until Wednesday May 4th at 11 o'clock A. M.

J. S. Helmcken
Speaker.

Wednesday, the 4th day of May, 1859

The House met at 11 o'clock A. M. Pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. D. Pemberton, J. W. McKay, J. Muir, and Mr. Speaker.

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

Mr. Yates moved, and Mr. Skinner Seconded the Reading of the Report of the Select Committee on the improvement of Victoria Harbour.

The Report and Estimates having been read, together with the recommendations of the Committee accompanying an Address to His Excellency the

Governor, Mr. Skinner moved that the recommendations contained in the Report be taken into consideration at the next meeting.

Agreed to.

Mr. Yates brought forward the following motion of which he had given notice at the last meeting,

That, as His Excellency the Governor has determined on removing some of the Government offices from a central position of the town to the South end of it, as well as having a bridge constructed 800 feet in length leading thereto, the Erection of which and removal of Government offices has not been brought before the representatives of the people for their consent, therefore, this House protests against the action adopted by His Excellency, and declares the same to be unconstitutional and a breach of privilege."

Mr. Speaker said that a similar motion having been brought before the House at a previous Meeting and disposed of, it could not be again brought forward.

Mr. Yates did not agree with the Speaker,—he did not consider the motions to be the same.

Mr. Skinner considered the motions to be similar but different,—he should support the motion.

The Speaker put it to the question whether they were the Same or not.

<i>Ayes</i>	<i>Noes</i>
J. D. Pemberton	J. Yates
J. W. McKay.	J. Muir
	T. J. Skinner

The Resolution was then brought forward by Mr. Yates, seconded by Mr. Skinner, and carried.

<i>Ayes</i>	<i>Noes</i>
J. Yates	J. W. McKay
J. Muir	J. D. Pemberton
T. J. Skinner.	

The House then went into Committee on the following Bills. Mr. Skinner in the Chair.

"A Bill to enforce the Completion of certain Streets already or about to be macadamized" "A Bill for the removal of the remains of deceased persons from a deserted Burial Ground" and "The Victoria Steam Navigation Bill."

1 o'clock p. m. The House resumed its sitting.

Mr. Skinner brought up the Report of the Committee.

The "Bill to Enforce the completion of certain Streets already or about to be, Macadamized" was considered and ordered to be read a first time.

The "Bill for the removal of the remains of deceased persons from a deserted Burial Ground" was considered and the following amendments were agreed to,

At Line 4 in Clause No. 1, after the words "Surveyor General of this Colony" insert the words "or some person deputed by him."

And in line 13 Clause No. 1 after the words "Surveyor General for the time of the Said Colony" insert the words "or some person deputed by him."

And at the end of the Bill, add the following clause, "That no person or persons who have heretofore removed remains coffins or other memorials of persons buried in the aforesaid Ground to any other place, shall be thereby or for any reason or act in relation thereto or connected therewith, liable to any proceedings whether at law or in equity, or to any risk or liability whatsoever for or on account thereof."

The Bill as amended passed the Committee.

Mr. Skinner said the Committee had been engaged upon the "Victoria Steam Navigation Bill" and had risen to refer a point of order to Mr. Speaker, that leave to withdraw the Bill had been asked and granted; the question was whether a Bill could be withdrawn from Committee, particularly after amendments had been proposed.

The Committee adjourned until Tuesday the 10th instant.

"The Bill to compel the completion of certain Streets already or about to be macadamized" was ordered to be read a first time at next meeting.

On motion of Mr. Yates seconded by Mr. McKay, the House adjourned to Tuesday May 10th at 11 o'clock A. M.

J. S. Helmcken
Speaker.

Tuesday, the 10th day of May, 1859

The House met at 11 o'clock A. M. pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. D. Pemberton, J. W. McKay, and Mr. Speaker.

The minutes of the last meeting having been read and approved.

The Speaker, in reference to the point of order which had been submitted to him, decided that it was not in order to withdraw a bill in Committee; a bill after having passed the Committee could be withdrawn by the unanimous consent of the House, but as the Committee was not the House, it had not the power to allow its withdrawal.

The House then went into Committee on the recommendations contained in the Report of the "Select Committee on Victoria Harbour."

Mr. Skinner in the Chair.

1 o'clock p. m. The House resumed its sitting, and the Chairman brought up the Report of the Committee.

The recommendations contained in the Report were agreed to, and a copy ordered to be transmitted to H. E. the Governor.

The Chairman asked leave to sit again to go into Committee of Ways and Means "on His Excellency the Governor's message requiring a Sum of £400. for placing Buoys &c. in Victoria Harbour" on Friday 13th instant at 11 o'clock A. M.

On motion of Mr. Skinner, Seconded by Mr. McKay, "The Bill for the removal of the remains of deceased persons from a deserted Burial Ground" was read a third time and passed.

Mr. McKay Introduced a "Bill to Compel the Completion of Certain Streets already or about to be macadamized" and moved its first reading.

Seconded by Mr. Yates, and "read a first time."

Mr. Pemberton Signified his intention of offering some amendments in Committee.

The Speaker then read the following communication from His Excellency the Governor.

Government House
Victoria, Vancouvers Island
7th May 1859

To the Speaker and Gentlemen of the House of Assembly

I have received a communication from your Speaker dated on the 4th of this present month, conveying copy of a Resolution which had passed the House on that day to the following effect,

"That, as His Excellency the Governor has determined on removing some of the Government offices from a central position of the Town to the South end of it, as well as having a Bridge constructed 800 feet in length leading thereto, the erection of which and removal of Government offices has not been brought before the people for their consent, therefore this House protests against the action adopted by His Excellency and declares the same to be unconstitutional and a breach of privilege."

(Mr. Yates)

I have to inform the House in reply to the subject of that Resolution, that it has been determined to erect certain buildings, to serve the public offices for the Colony, on the South side of Victoria Harbour, and to connect them by means of a Bridge over James Bay with Government Street, so as to render them of convenient access to the public.

I have resorted to that measure simply because such offices had not been provided by the Colony, and because they are pressingly wanted for the public Service; and the South Side of Victoria Harbour has been selected as the Site whereon they are to be erected, on account of its being airy spacious and convenient, and acquired without expense, while by isolation from the Town, it is in a great measure secured against the danger of conflagration, and because it is impossible to procure a Site of Extent sufficient for the purpose, in the centre of the town without incurring an enormous outlay of money.

I did not think it necessary to consult the House concerning the erection of those buildings for the reason that the House was not called upon to defray their cost and because the House has, on all occasions, declined to take any responsibility in such purely Executive matters, or (with one exception) to provide funds for any Colonial improvements whatever.

Thus the support and maintenance of places for public worship, of the Colonial Schools; the Salaries of the Clergymen and Teachers; the Construction of Roads; the erection of the Police Courts; of the Custom House and other public edifices; the Establishment of a Police Force; the administration of Justice; and all other measures providing for the public safety and convenience, have been thrown entirely upon my hands, without any pecuniary aid or assistance from the House of Assembly.

I will remind the House of Assembly of the reply to a message from me dated on the 9th of August last, representing the insufficiency of the Public Jail, and requesting their aid in providing better prison accommodation, and for the erection of an Hospital for the relief of the indigent sick.

The House on that, as on other occasions, did not grant the desired aid, and threw the entire onus of erecting such buildings on the Executive.

In respect to the expense of the Public offices now required, I have made a demand on the Agent and representative of the Hudsons Bay Company, the proprietors of Vancouvers Island, to provide the necessary funds; and he has agreed to defray all expense of erecting such buildings.

I have also to remind the House of Assembly that the building now occupied as a Government office, as well as that used for the Land office, are the property of the Hudsons Bay Co. and that those buildings have not been removed, as the Resolution of the House may be understood to imply; but merely surrendered to the Agent of that Company, on his undertaking to provide for the erection of other buildings for the Public offices of the Colony.

The offices immediately required are; a Treasury with fireproof vault; a Barrack for the Military Guard; a Land office; an office for the Registrar of Deeds and Conveyances; an office for the Colonial Secretary; a House for the Legislative Assembly; a Supreme Court; an official Residence for the Governor; and other buildings of inferior importance.

A moments consideration will satisfy the House that no site sufficiently spacious for the location of so many buildings, is obtainable in the centre of the town, without involving a very large outlay of money in buying out the rights of the present holders of land, which is now selling on Yates Street at the rate of £21 sterling a front foot, and that it would be neither proper nor judicious to pack the public offices of the Colony into a confined space without regard to arrangement and to the proper distribution of air and light.

The site which I have selected for the location of those buildings is recommended by many advantages; it being dry, airy and spacious, containing 10 Acres of Land, having a cheerful aspect, an extensive view, and being a public reserve, is acquired without expense. I propose to concentrate the public offices on that spot after a plan laid out on the most approved principles for health convenience and ornament.

The only objection made to the Site when the question was debated in Council, was its distance by the circuitous street around James' Bay from the centre of the Town; and, as that would be no doubt, have been felt as a serious inconvenience, in order to remove it I agreed to the construction of a Bridge as an Extension of Government Street.

The erection of the Bridge has been contracted for at an expense of Three Thousand Five Hundred Dollars, or about Eight Hundred pounds, which does not exceed the value of half a building lot in Centre of the Town.

I have further to observe that no part of the expense of those buildings has been provided for by the House of Assembly, or out of any monies which have been raised by their means, the whole cost being in the first place provided for by the Hudsons Bay Company, and having ultimately to be borne by the Crown; therefore the whole establishment will remain the property of the Crown till otherwise disposed of.

I would further remark for the information of the House that the Crown may lawfully construct Bridges, in any situation where they do not interfere with private rights and are conducive to public convenience, and I presume the House is not disposed to question that right.

Disclaiming any intention and assuming no right, to question the opinion of the House as to the nature and extent of its own privileges, I have entered into the Explanations herein given, to prove that the course I have, in this case, pursued, was dictated by necessity, implies no discourtesy to the House; was founded on precedent; violates no Constitutional Law; and is admitted on all sides to be of great public advantage.

(signed) James Douglas.

Mr. Pemberton moved that on Tuesday the 17th instant at 11 o'clock A. M. the House go into a committee of the whole to take His Excellencys message into consideration.

Seconded by Mr. Skinner, and Agreed to.

Mr. McKay enquired what progress had been made in Council with the new "License Law" Bill.

On Motion of Mr. McKay Seconded by Mr. Yates, The House adjourned until Friday the 13th Inst. at 11 o'clock a. m.

J. S. Helmcken
Speaker.

Friday, the 13th day of May, 1859

There being no quorum present, The House adjourned until Monday May 16th at 11 o'clock A.M.

J. S. Helmcken
Speaker.

Monday, the 16th day of May, 1859

The House met at 11 oclock A. M. pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. W. McKay, J. D. Pemberton, and The Speaker.

The minutes of the last meeting having been read and approved.

The Speaker In answer to a question put by Mr. McKay on a previous occasion, said that the "New License Law" was before the Council, but he thought it improbable that it would pass in its present form.

The House went into Committee of Ways and Means, "to provide for the laying down of Buoys &c. in Victoria Harbour," and The Consideration of the following Bills.

"Bill respecting the property of Religious Institutions in Vancouvers' Island."

"Bill respecting Marriages in Vancouvers' Island."

Mr. Skinner in the Chair.

1 o'clock p. m. The House resumed its sitting.

The Chairman brought up the Report of the Committee.

The Committee on Ways and means had adopted the following answer to His Excellency the Governors' requisition for £400. for the Buoying &c. of Victoria Harbour, moved by Mr. Pemberton, Seconded by Mr. Yates.

In reply to Your Excellency's requisition for £400., for the purpose of Buoying &c. Victoria Harbour, The House begs respectfully to inform Your Excellency that they have no funds, but strongly recommend the "Execution of the same."

The "Bill respecting the property of Religious Institutions" was considered.

The Clauses having been read and agreed to.

Mr. Helmcken moved that the following Clause be added to the Bill, "That nothing in this Bill shall empower any Trustees of any Religious Body to construct or occupy or use lands for Burial purposes within Towns or Cities in Vancouvers Island or its dependencies."

Seconded by Mr. McKay, and Carried. (passed Committee)

The "Bill respecting Marriages in Vancouvers' Island and its Dependencies" was considered.

Section IX was expunged.

In Section XI the word "void" in Marginal note, was ordered to be altered to "valid."

And the Bill as Amended passed the Committee.

Mr. Helmcken recommended the introduction of a Bill for the Registration of Births and Deaths.

On Motion that the Report of the Committee be agreed to, Mr. Yates objected, Saying he wished to move for a reconsideration of Mr. Pemberton's motion in answer to His Excellency the Governors requisition for £400 for Buoying Victoria Harbour.

Mr. Yates motion for reconsideration having been Seconded by Mr. Skinner, was lost, and the Report of the Committee was agreed to.

On Motion of Mr. McKay, Seconded by Mr. Skinner, "The Bill to Compel the completion of certain Streets already or about to be macadamized," was read a Second time.

On Motion of Mr. Yates, Seconded by Mr. McKay, "The Franchise Bill" was read a First Time.

Mr. McKay moved that it be read a Second time on Tuesday the 24th instant.

Seconded by Mr. Yates, and Carried.

The House was adjourned until tomorrow, Tuesday May 17th at 11 oclock A. M.

J. S. Helmcken
Speaker.

Tuesday, the 17th day of May, 1859

The House met at 11 o'clock A. M. pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. W. McKay, J. D. Pemberton, and Mr. Speaker.

The House went into Committee of the Whole to take into consideration the message of His Excellency the Governor dated May 7th.

Mr. Skinner in the Chair.

At 1½ o'clock p. m. the House resumed its sitting.

The Chairman brought up the report of the Committee.

The Governors' Message having been read, The Chairman asked what reply Should be made thereto?

Mr. Yates moved that the communication should simply be acknowledged without comment.

Mr. Pemberton would add "that His Excellency be thanked for the courteous information contained in his message."

Mr. Yates objected, he did not perceive any courtesy at all in the message.

Mr. Helmcken had waited patiently for gentlemen on the other side to offer some resolution in answer to His Excellency's message, but as they seemed unable to agree, he would offer some remarks. The Governors message would shew that the motion of the House on the 4th instant was erroneous—that it was founded on the erroneous supposition that a removal of Government offices was to take place; and he (Mr. Helmcken) thought that when the House was convinced it had acted erroneously, the most dignified course was to acknowledge the error, and recede from the resolution it had passed; he would move "That the motion of 4th May be Expunged from the Books of the House."

Mr. Yates said the motion, according to parliamentary rules, could not be expunged.

Mr. Helmcken did not agree with the Hon. Member; he cited the case of Mr. Wilkes in the House of Commons, who had been expelled, and afterwards reelected, and all motions against him were ordered to be expunged from the books.⁵

Mr. Pemberton was of opinion that the least the House could do, was to acknowledge the Message courteously, the motion had been carried under the erroneous supposition that the land about to be sold and the buildings to be removed were Government property, when in fact they were the property of the Hudsons Bay Company.

Mr. Yates said his motion of 4th May was not founded upon information either correct or incorrect, but entirely upon the unconstitutionality of the Governors action; and he was surprised to hear the Hon. Member (Mr. Pemberton) give utterances to such an explanation as that about "incorrect information."

⁵ John Wilkes (1727-97), a celebrated English politician and agitator, was expelled from Parliament in 1764. For details of his career, see, *Dictionary of National Biography*, 63 vols., Sydney Lee, ed. (London: Smith, Elder & Co., 1900), LXI, 242-50.

Mr. Pemberton moved the following resolution:

The House of Assembly begs to acknowledge the receipt of your Excellency's courteous and candid reply, to thank your Excellency for the information therein contained, and further to state that in their communication to your Excellency dated May 4th containing the following resolution of the House

That, as His Excellency the Governor has determined on removing some of the Government offices from a central position of the Town to the South End of it, as well as having a Bridge constructed 800 feet in length leading thereto, the erection of which and removal of Government offices has not been brought before the Representatives of the people for their consent.

Therefore, this House protests against the action adopted by His Excellency and declares the same to be unconstitutional and a breach of privilege.

(Mr. Yates)

They were actuated by information which was incorrect.

Seconded by Mr. Helmcken and Carried.

Mr. Yates only protesting against it.

Mr. Helmcken moved that the following address be added to Mr. Pemberton's resolution, and transmitted to His Excellency the Governor,

But the House cannot allow the following remarks of your Excellency to remain unnoticed,

I did not think it necessary to consult the House concerning the erection of those Buildings, for the reason that the House was not called upon to defray their cost, and because the House has on all occasions declined to take any responsibility in such purely Executive matters, or, with one exception to provide funds for any colonial improvements whatever.

Thus the support and maintenance of places for public worship, of the Colonial Schools, the salaries of the Clergymen and Teachers, the construction of Roads, the erection of the Police Courts, of the Custom House, and other public edifices, the establishment of a Police Force, the Administration of Justice, and all other measures providing for the public safety and convenience, have been thrown entirely upon my hands, without any pecuniary aid or assistance whatever from the House of Assembly.

I will remind the House of Assembly of the reply to a message from me dated the 9th of August last, representing the insufficiency of the public jail, and requesting their aid in providing better prison accommodation, and for the erection of a Hospital for the relief of the indigent Sick. The House on that, as on other occasions, did not grant the desired aid, and threw the entire onus of erecting such Buildings on the Executive.

In reply to these declarations, the House must refer to various resolutions and the replies thereto, to show that the policy of the House was not intended to throw all the onus and responsibility upon Your Excellency's hands, of which such loud complaint is made, but on the contrary with an exactly opposite desire.

The House of Assembly met for the first time August 12th 1856, and on the 28th of November of the same year requisition is made to know "what funds are under the controul of the House?"

December 6th 1856 the following reply is received,

I am not at present prepared to give the House a decided and reliable answer. My own impression however is, that the House can exercise a direct controul only over the revenue raised in the Colony through the Act of the General Legislature. The Revenue derived from the Tax on Licensed Houses, is therefore I conceive the only one at our disposal: the proceeds arising from Land Sales, Royalties &c: being remitted and placed to account of the Reserve Fund in England, which is however also exclusively applicable for Colonial purposes, with the exception of 10 per cent allowed by virtue of the charter of Grant to the Hudsons Bay Co.

August 17th it is resolved "that in the opinion of this House the income derived from the Customs Department is under the controul of the Legislature such income being derived in virtue of regulations made by the Colonial Government."

A reply to this is received August 23rd 1858.

"That the Income derived from the dues on Shipping must in the first place be applied to the payment of the officers employed and the other necessary Expenses of the Department, and should any Balance remain after paying those Expenses, the sum will be applied to meet the General Expenditure of the Colony.

When Customs Duties are levied in this Colony which is however not the case at present, the revenue so raised will be at the disposal of the Colonial Legislature.

By these documents your Excellency will perceive that the Trust Fund and other proprietary revenues have not been at the disposal of the Legislature, and therefore when the House transmitted "The Report of the Select Committee appointed to enquire into the Postal arrangements of the Colony" (April 7th 1857) and also transferred a petition from certain Colonists praying for "Roads and improvements of Roads" recommending the same to the attention of your Excellency, and when to the same the following reply was received (April 21st 57).

I have received the Report of the Committee on Postal arrangements and the Petition from certain Colonists praying for the improvements of part of the public roads and for the opening new Roads in the District of Victoria.

Feeling the great importance of the objects recommended in those papers, I am of opinion that no time should be lost in providing means for initiating a Postal system, securing at once the twofold object of safety and despatch in the transmission and delivery of letters, and also that a provision should be immediately voted by the House for the improvement and opening of Public Roads.

The probable outlay which will thereby be incurred will be about £1400.0.0. The House reported (May 5th 1857)

That there are not any funds at its disposal to meet the suggestion relating to the construction of a postal system.

With regard to appropriating £900 for Roads. The House is of opinion that the legitimate funds for such purposes are those derived from Sales of Land, Royalties &c. but the House having been given to understand, that the sums derived from such sources are not under the controul of the Legislature, cannot make any appropriation therefrom, and indeed the documents already laid before the House, indicate that such funds have already been exhausted.

The House has also reason to believe that the Income of the present year will not more than balance the expenditure, and therefore if the appropriation were made the House would be under the necessity of raising the Amount.

But the House is humbly of opinion that it would be unconstitutional to levy taxes until the Legislature be more complete, and the Town represented as well as the Districts, and the House further conceives, that before such a step were taken as that of raising taxes, the entire revenue ought to be placed under the Controul of the Legislature of this Island to be by them appropriated as might be deemed most expedient to the welfare of the Colony.

Upon these grounds the House cannot make the appropriations suggested, but can only recommend that if such roads cannot be made, their course should be plainly marked out, until the time arrives that sufficient funds shall be at hand to complete such ways of communication.

From these documents it will appear that so far from the House wishing to thrust all the burthen upon your Excellency, it only had the desire that the funds should be placed under the controul of the Legislature, and thus relieve your Excellency from the great responsibility; but it is admitted that the House has no right to claim any controul over these funds.

It will moreover appear that the principle that has guided the House is explained by the preceding records.

In order to fulfill our part of the requirement a Bill passed the House June 1st 1857 "To enfranchise the Town of Victoria" and was forwarded to Your Excellency and Council, where it still remains for consideration.

It will now be apparent "why the House has declined" to provide "funds for any improvement whatever" and the House will give one more reason, vizt.: that the Charter of Grant of the Island to the Hudson's Bay Co. especially provides that the Civil and Military expenses should be borne by the Hudson's Bay Co., such expenses to be repaid them should the Crown resume possession of the Island.

The House therefore considered that any debt incurred without their consent, would be borne by the Hudson's Bay Co., and ultimately by the Crown, and could not be thrust upon the Colonists hereafter, without their consent having been first obtained.

The House is reminded of a reply to a message of the 9th August from your Excellency, wherein requisition is made for funds to construct a prison.

The House has referred to the same and finds in its reply,

The House presumes a new one (prison) will have to be built and is moreover of opinion that the proper funds for that purpose are those derived from the Sales of Land &c. over which the House, as stated by your Excellency, has no controul, and therefore is relieved from voting any sum of money for the above purpose.

Your Excellency will observe that the principle here continued is the one adopted by the House (May 5th 1857).

With regard to the Hospital the House resolved.

The House does not consider such an Institution should be supported by the Colonial Government, but thinks that such benevolent objects should be left to the good feeling and charity of the public, but at the same time the House agrees, that when such an Institution is properly projected and in process of being carried out the Government should lend assistance to the scheme and promote the same in every constitutional way.

There is nothing in this which the House would alter.

With regard to the support and maintenance of Clergymen and places of public worship, The House has already resolved

That the House was averse to making reserves for the purpose of endowing or supporting any religious establishment, considering the same unadvisable and objectionable.

So that the opinion of the House is, that the Church should support itself.

As to the expense of the public Buildings already or about to be erected not being defrayed by the House; the House considers the building of those to be incumbent upon (when found necessary) the Hudson's Bay Co. by virtue of the Grant of the Island; therefore the onus of erecting those buildings has not been thrown upon your Excellency by the House of Assembly, but rather that the burden lies upon your shoulders by virtue of position and controul of the funds, the House not having been allowed to share the weight, by not having had given to them a voice in the controul of those funds; a voice they could not claim by right, but which they hoped and do hope to acquire.

The House having thus by explaining the course it has pursued, exonerated itself from the charges made, would at the same time not detract from the credit and honor due to your Excellency for the Exemplary manner in which for the last eight years the Government of this Island has been carried on, and are not unmindful of the indefatigable exertions made to advance her prosperity; not only by constance watchfulness but also by the judicious use of the funds entrusted to your charge.

The Address having been Seconded by Mr. McKay, was carried, by the following vote

<i>Ayes</i>	<i>Noes</i>
J. S. Helmcken	J. Yates
J. W. McKay	J. A. Pemberton.
T. J. Skinner.	

On the question that the report of the Committee be agreed to The House divided

<i>Ayes</i>	<i>Noes</i>
J. D. Pemberton	J. Yates.
T. J. Skinner	
J. W. McKay.	

Mr. Speaker wished that an early day should be fixed for the consideration of the "Bill for the Registration of Deeds &c."

On motion the House adjourned until Thursday 26th instant at 11 o'clock A. M.

J. S. Helmcken
Speaker.

Thursday, the 26th day of May, 1859

The House met at 11 o'clock A. M. pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. W. McKay, J. D. Pemberton, and Mr. Speaker.

The Minutes of last meeting were read and approved.

Mr. Skinner Enquired if a report which he had heard, that a new Member had been returned for Nanaimo, was correct?

The Speaker said he had no official information on the subject.

On motion of Mr. McKay, seconded by Mr. Skinner, The "Bill respecting the Property of Religious Institutions" was read a third time, and *passed*.

On motion of Mr. Pemberton Seconded by Mr. McKay, The "Bill respecting Marriages in Vancouver's Island and its Dependencies" was read a third time and passed.

Mr. Pemberton moved the Second Reading of "The Franchise Bill."

Seconded by Mr. Yates.

Read a Second time, and ordered to be considered in Committee on Thursday next June 2nd at 11 o'clock A. M.

The House went into Committee, on "The Bill to Enforce the Completion of certain Streets already or about to be macadamized."

Mr. Skinner in the Chair.

1 o'clock p. m. The House resumed its sitting.

The Chairman Brought up the Report of the Committee.

"The Bill to Enforce the Completion of certain Streets already or about to be macadamized" Had been considered, and the following amendments agreed to.

In Clause VI. Line 11. after the words "*rate of*" substitute the word "*twelve*" for the word "*ten*".

In Clause X. Line 12—after the words "*rate of*" substitute the word "*twelve*" for the word "*ten*."

Clause XI to be expunged.

The Report of the Committee having been agreed to, Mr. McKay Moved that the "Bill for the Registration of Conveyances, Deeds &c." be made the Special order for Tuesday June 7th at 11 o'clock A. M.

Seconded by Mr. Skinner and carried.

On motion the House then adjourned until Thursday June 2nd at 11 o'clock A. M.

J. S. Helmcken
Speaker

Thursday, the 2nd day of June, 1859

The House met at 11 o'clock A. M. pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. W. McKay, J. D. Pemberton, Mr. Speaker.

The Minutes of last meeting having been read and confirmed.

The Speaker read the following communications from His Excellency the Governor.

1.

Victoria Vancouvers Island
28th May 1859

To the Speaker and Gentlemen of the House of Assembly.

Gentlemen

I have to acknowledge the receipt of your Speakers communication of the 26th May, transmitting Bills noted on the other side hereof, with amendments; and the same shall be laid before the Council for consideration.

(Signed) James Douglas
Governor.

Bill respecting Marriages in Vancouvers Island
Bill respecting Property of Religious Institutions.

2.

Victoria, Vancouver's Island
28th May 1859

To the Speaker and Gentlemen of the House of Assembly.

Gentlemen,

I have to acknowledge the receipt of a communication from your Speaker, of the 17th instant, transmitting "A Bill to remove the remains of deceased persons from a deserted graveyard in Victoria to the new Burial Ground there" which passed the House of Assembly on the 10th of May.

(signed) James Douglas
Governor.

3.

Victoria Vancouvers Island
28th May 1859

To the Speaker and Gentlemen of the House of Assembly.

Gentlemen

I have received your Speakers communication of the 16th May, returning the copy of Captain Richards Report and Survey of the Harbour of Victoria, and transmitting the Report of the Select Committee appointed to enquire into the best method of rendering the entrance of Victoria Harbour more practicable for Ships, and the same will have my careful attention.

(Signed) James Douglas
Governor.

4.

Victoria, Vancouver's Island
30th May 1859.

To the Speaker and Gentlemen of the House of Assembly.

Gentlemen

I have received a communication from your Speaker, dated on the 17th of May, containing an address in reply to my message of the 7th instant, and I am happy to observe that the information therein communicated has proved satisfactory to the House.

(Signed) James Douglas
Governor.

5.

Victoria, Vancouver's Island
30th May 1859.

To the Speaker and Gentlemen of the House of Assembly.

Gentlemen,

I have received your Speaker's Communication of the 16th May, declaring the inability of the House, to provide funds for defraying the expense of buoying the Harbour of Victoria. The House nevertheless recommend that measures should be taken for carrying that highly necessary improvement into effect, and I have for that reason, and with the view of rendering the Harbour at once safe and accessible for shipping, authorized the expenditure of Two Hundred and Fifty Pounds for that object, trusting that the House will make provision for the liquidation of that sum, in their future grants of money for the Public Service.

(Signed) James Douglas
Governor.

The Speaker Said that the writ for Nanaimo had been returned to the House by the Sheriff; and that John George Barnston Esquire had been elected to serve as Member for that District.

He did not see the Honorable Gentleman present.

Mr. Skinner Gave notice of the following motion,

I move for all papers and Documents to be laid on the Table of this House, relating to the Election for Nanaimo.

Also for a list of voters qualified to vote for Nanaimo.

On the question that the House do now go into Committee on the "Franchise Bill",

After some discussion on the inconvenience of properly considering so important a measure at that hour of the day, it was agreed to postpone the consideration of the "Franchise Bill" and make it the Special order for the next evening.

The House then adjourned until Friday June 3rd at 5 o'clock p. m.

J. S. Helmcken
Speaker

Friday, the 3rd day of June, 1859

The House met at 5 o'clock p. m. pursuant to adjournment, but there being no quorum present Adjourned until Monday June 6th at 5 o'clock p. m.

J. S. Helmcken
Speaker.

Monday, the 6th day of June, 1859

The House met at 5 o'clock p. m. pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. W. McKay, J. D. Pemberton, and The Speaker.

The Speaker having taken his seat.

Mr. McKay and Mr. Pemberton introduced Mr. J. G. Barnston, the newly returned Member for the District of Nanaimo.

Mr. Speaker Enquired if the Hon. Gentleman was prepared to qualify?

Mr. Barnston Said he was not at present prepared to qualify.

Mr. Speaker Said in that case the Hon. Gentleman could not take his seat; and that the Election was null.

Mr. McKay moved That a new writ do issue forthwith for the District of Nanaimo. Seconded by Mr. Pemberton.

The House divided,

<i>Ayes</i>	<i>Noes</i>
J. W. McKay	J. Yates
J. D. Pemberton.	T. J. Skinner.

Mr. Speaker said as the votes were equal he should give his casting voice in favor of the new writ, as there was no more reason why the Election should not take place now than before.

The House went into Committee on "The Franchise Bill."

Mr. Skinner in the Chair.

7½ o'clock p. m. The House resumed its sitting.

The Chairman said the "Franchise Bill" had been under consideration, but the Committee had not completed the discussion of the various clauses, And asked leave to sit again on Wednesday June 8th at 5½ o'clock p. m.

Leave Granted.

On Motion the House then adjourned until Wednesday June 8th 1859, at 5½ o'clock p. m.

J. S. Helmcken
Speaker.

Wednesday, the 8th day of June, 1859

The House met at 5½ o'clock p. m. pursuant to adjournment.

Present: Messrs. J. Yates, T. J. Skinner, J. W. McKay, J. D. Pemberton, and Mr. Speaker.

The minutes of last meeting having been read and confirmed.

The House went into Committee on "The Franchise Bill."

Mr. Skinner in the Chair.

At 7½ o'clock p. m. The House resumed its sitting.

The Chairman of the Committee on the "Franchise Bill" reported that they had not completed the consideration of the Bill, and asked leave to sit again for that purpose on Tuesday next the 14th instant at 5½ o'clock p.m.

Leave Granted.

Mr. Speaker called the attention of the House to the fact that the present "license law" would remain in force but a short time longer, provision having been made for its operations to Exist for one year only, and as the period for granting the yearly licenses would arrive almost immediately, it was necessary that steps should be taken at once to supply the deficiency by framing a new Bill to Extend the time.

The House then adjourned until Tuesday the 14th Instant at 5½ o'clock p. m.

J. S. Helmcken
Speaker.
