

Friday, the 7th day of April, 1865

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

Present: Mr. Speaker in the Chair, Messrs. Bayley, Burnaby, Carswell, Dennes, De Cosmos, Duncan, Southgate, Franklin, Cochrane, McClure, and Drs. Tolmie, Trimble, Dickson.

The last minutes having been read and confirmed.

The House took under consideration and confirmed A Resolution reported from Committee of "Ways and Means" yesterday on the subject of "Permits for landing goods" &c. (See R. 6th Inst.).

Mr. McClure, from the Committee appointed yesterday to wait upon His Excellency the Governor, in reference to "sending home a Delegate to England for the more speedy settlement of the question of Union of the Colonies and of the Crown Lands" reported

That the Committee had duly waited upon His Excellency the Governor, and that His Excy. stated his opinion that a delegation such as the one proposed would not achieve the object intended by the House—that His Excellency declined taking the responsibility of nominating Delegates in the matter—but assured the Committee that he would, if the House so resolved, send down a Supplemental Estimate providing for the expenditure attendant upon such Delegation.

Dr. Dickson from the Committee appointed on the 27th Ulto. "To consider and report to the House what measures it may be desirable to adopt to promote the settlement and Agricultural interests of the Colony" reported

That the Committee having failed to agree as to the means best to be adopted to further the settlement and promote the Agricultural Interests of the Colony he begged to submit to the House a duplex (majority and minority) report.

Ordered for Monday next in Committee.

Order of the Day.

Committee of Supply.

Mr. Speaker left the Chair.

The Chairman of Ways and Means in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of Supply begged to report.

That this House is not prepared to vote the sum of \$15,148.95 for the erection of Lighthouses as a reimbursement of Money advanced by the Imperial Government.

who in the opinion of this House should be invested with the powers of a Justice of the Peace within the gold district, this House believes that the Governor will be justified in paying the expenses resulting from such an appointment from the crown revenues.

"3. That an address from this House be presented to His Excellency the Governor, respectfully requesting that copies of all correspondence between His Excellency and Her Majesty's Government, on the subject of the collection and disbursement of the crown revenues, may be laid before this House."

That this House cannot deal with the items of \$34,066.20 under the head of re-imburements until the details of that amount are laid before it; which detail, the Executive is requested to furnish.

The Chairman also reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till Monday.

J. S. Helmcken
Speaker

Monday, the 10th day of April, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Dennes, Duncan, De Cosmos, Dickson, Bayley, Burnaby, Powell, Tolmie, Trimble, McClure.

The last minutes having been read and confirmed.

A Communication (dated 7th April 1865) was read from the Honble. The Legislative Council transmitting "A Bill Entitled An Act to amend the law of Evidence" which was Read a first time.

Mr. McClure from the Committee appointed to wait upon His Excellency the Governor in reference to "A Delegation to England" submitted the following Report.

The Committee ordered by the House to wait upon His Excellency Governor Kennedy in reference to the Appointment of Delegates to England for the more speedy settlement of the questions of Union of the Colonies and the Crown Lands beg leave to submit the following:

His Excellency considered that a delegation would not hasten the settlement of the Crown Lands question; the Evidence that had been taken by the committee of the House on this important question was not obtained on Oath, and was therefore, in the opinion, valueless to the Secretary of State for the Colonies.

If His Excellency appointed a delegation, he would be obliged, in common justice, to send a representative of the Hudson's Bay interests as well as a representative of the people's. Such an arrangement, however, would not place Mr. Cardwell in any better position to arrive at the merits of the question; for, it would be merely laying before him two conflicting Statements.

His Excellency on the above grounds and in consequence of certain despatches which had been forwarded to the Colonial office some time ago and with which a delegation might conflict would not assume the responsibility of appointing Agents to settle the vexed question. He would, however, be quite willing to accept the Appointments made by the House and would place on the Supplementary Estimates any Sum the House might suggest to cover the expenses of such delegation.

Ordered to lie on the table.

The House then took under consideration & confirmed certain Resolutions reported from Committee of Supply on the 7th inst. (see fol. 201 [pp. 301-302 above] R.) as to "Re-imburements."

For the erection of Lighthouses in Fuca Straits \$15,148.95.

To Crown revenues of moneys applied to general purposes \$34,066.20.

Ordered for Wednesday the 19th inst.

In Committee of the whole House—The Report of the Committee as to the means best to be adopted “to promote the Agricultural interests of the Colony.”

In Committee of the whole House “A Bill Entitled An Act to amend the manner of taking the verdict of a Jury in Civil cases.”

Also “A Bill Entitled An Act to repeal the Victoria Incorporation Act, 1862, and to make certain provisions in lieu thereof” (*recommitted*).

Mr. Speaker left the Chair.

Mr. Bayley in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had the above mentioned Bills under consideration begged to report, in regard to the first, “The Bill complete with amendments”; in regard to the 2nd “The Bill complete with amendments.”

Ordered that report be agreed to.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

Tuesday, the 11th day of April, 1865

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

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

The last minutes having been read and confirmed.

On motion by Mr. De Cosmos, seconded by Mr. McClure “A Bill Entitled An Act respecting the descent of real property” was Read a 1st time and Ordered to be printed.

Order of the Day, “Committee of Supply.”

Mr. Speaker left the Chair.

The Chairman “Ways and Means” in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of “Supply” begged to report progress and ask leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

Wednesday, the 12th day of April, 1865

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

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

The last minutes having been read and confirmed.

Mr. De Cosmos rose to a question of Privilege; to correct certain mis-statements which appeared in the "British Colonist" Newspaper, in its report of a Speech made by him yesterday in Committee of Supply.

Order of the Day.

In Committee of the whole House Certain Amendments by the Honble. The L. Council to "A Bill Respecting Common Schools" (read 1st time 21st March).

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the Amendments by the Honble. The Legislative Council to the above Bill begged to report as follows.

Amendments.

Strike out Clause 1.

Carried.

Amend clause 2 to read as follows: "It shall be lawful for the Governor from time to time to appoint not less than *five* persons who shall constitute a General Board of Education, three of whom shall form a quorum."

The Legislative Assembly amends further the amendment of the Honble. the L. Council by striking out the word "five" and inserting the word "nine."

Amend clause 3 to read as follows: "It shall be lawful for the Governor to appoint a Superintendent of Education for the said Colony who shall *ex officio* be Secretary of the said Board and record the proceedings thereof."

The Legislative Assembly amends further the Amendment by the Honble. The Legislative Council by inserting after the words "said Colony" the words "at a Salary of \$1500.00 per annum."

Insert between Clauses 2 and 3 the following, which will become Clauses 2 and 3:

The General Board of Education shall be a body corporate, with all the general powers of law affecting, or relating to Bodies Corporate, and all School property shall be vested in such general Board.

The General Board of Education, shall meet at least once a month and shall report to the Governor as to the state and condition of Common Schools, and other particulars relating thereto, at such times, and in such manner and form as the Governor shall from time to time in that behalf direct.

Carried.

Strike out Clause 4.

Not agreed to. Clause 4 (Bill) to stand.

Strike out Clause 5.

Carried.

Amend Clause 6 as follows: "It shall be lawful for the said Board, from time to time, with the approval of the Governor, to establish as many School Districts in the said Colony as they shall deem expedient, and to prescribe such course of education and discipline, and to select and prescribe for use in each District School, such Books as they may think best, and to authorize the purchase and distribution thereof."

Carried.

Strike out Clauses 7 to 40, and substitute for them the following:—

7 It shall be lawful for the Governor from time to time to appoint such persons as he think fit to be Teachers of Common Schools.

7 Carried.

8 It shall be lawful for the Governor from time to time to appoint a local Board of Education of not less than three persons in any School District, if he shall think it expedient so to do.

8 Carried.

9 Such last named Board shall have power and authority to visit and report on the state of the Schools within its District for the information and guidance of the General Board of Education.

9 Carried.

10 The general mode of transacting business by such local Board of Education, and the nature of the reports to be furnished, shall be subject to the order and direction of the General Board of Education.

10 Carried.

11 The duties of all Teachers of Common Schools shall be subject to the order and direction of the General Board of Education.

11 Carried.

12 It shall be the duty of the Superintendent of Education to visit Common Schools and report thereon by the order and according to the instructions of the General Board of Education.

12 Carried.

Amend Clause 42 by inserting the word "General" before the word "Board." Clause 42 to be Clause 14.

Strike out Clauses 43 to 55 and substitute the following:—

Every Common School shall be open to the Children of persons of all denominations; the power of expulsion in cases of gross misconduct shall be at the discretion of the Board of Education or in the absence of such local Board at the discretion of the teacher. To be Clause 15.

Carried.

The General Board of Education shall have power to regulate the amount of School fees payable for Educational purposes, in any Common School, so however that the same do not exceed 50 centimes per month for each Scholar,

and shall have power, if occasion require, to remit the payment of such fees, in whole or in part. Provided always, that such fees shall be applied by the said Board to such School purposes as they may see fit.

Struck out.

Clause 56, strike out the word "for" before "1865."

To be Clause 16.

Carried.

Ordered that report be agreed to.

In Committee of the whole House "A Bill Entitled An Act for securing Liens to Mechanics & others."

Also "A Bill Entitled An Act respecting Weights and Measures."

Mr. Speaker left the Chair.

Dr. Powell in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the before mentioned Bills begged to report the same complete respectively, as amended.

On motion by Mr. Dennes, 2nded by Mr. McClure "A Bill Entitled An Act to amend the law as to Imprisonment for Debt" was Read a first time.

On motion by Mr. Dennes, 2nded by Mr. De Cosmos The Standing Orders were suspended and "A Bill Entitled An Act to amend the law as to Imprisonment for Debt" was Read a 2nd time and committed.

J. S. Helmcken
Speaker

Thursday, the 13th day of April, 1865

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

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

The last minutes having been read and confirmed.

The following Communication was read from His Excellency the Governor.

[No. 57]

Vancouver Island
Victoria, 15th [13th] April, 1865

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

I have the honor to transmit "A Bill to impose a Customs duty on the importation of certain stock carcasses and vegetables" &c. giving effect to Resolutions lately adopted by the Legislative Assembly and to request that you will cause the same to be introduced in the usual manner.

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

Ordered—To be referred to Committee of "Ways and Means."

Order of the Day, "Committee of Supply."

Mr. Speaker left the Chair.

Mr. Chairman "Ways and Means" in Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of "Supply" begged to report progress and ask leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till Thursday next the 20th Inst. for the Easter Vacation.

J. S. Helmcken
Speaker.

Thursday, the 20th day of April, 1865

The House met this day at 3:15 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Trimble, Dennes, McClure, Franklin, Burnaby, Duncan, De Cosmos, Southgate, Powell.

The last minutes having been read and confirmed.

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

No. 58

Vancouver Island
Victoria, 20th April, 1865

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

Referring to the Resolution of the Legislative Assembly in Committee of Supply relative to the sum of \$34,066.20 under the head of re-imburements forwarded to me on the 11th instant, I have the honor to supply the following information.

By the statement of the Treasurer dated 5th Novr. 1864 submitted to the Legislative Assembly on the 13th Jany. 1865 it appears that the actual balance of Crown Revenues on the 31st Decr. 1863, amounted to \$34,321.⁶⁵/₁₀₀. The particulars of this balance will be seen by examination of the return of the Treasurer dated 23rd Feby. 1865 and furnished to the House on that date.

It further appears that the estimated proceeds of the various sources of Crown Revenues for 1864 were \$27,413.00 making, together with the sum of \$34,321.65 an amount of \$61,734.65 available for Crown purposes during 1864.

On the other hand the following Sums were payable during 1864, out of that \$61,734.65.

Salary of Governor at £3,000 per annum	\$ cts 11,147.18
„ „ Colonial Secretary at £600 [per annum]	2,910.00
Arrears of Salary of late Governor for 1861, 1862, and 1863, drawn in 1864	12,964.61
Salary of late Governor for Jany. & Feby. 1864	646.66
	27,668.45

The difference between \$27,668.⁴⁵/₁₀₀ and \$61,734.⁶⁵/₁₀₀ viz., \$34,066.²⁰/₁₀₀ therefore represents the amount which should have been in hand on 31st Decr. 1864, on account of Crown Revenues. That balance however was wholly expended

during that year for the general expenses of the Colony including a Sum of \$10,670. paid in the same year for the salaries of the Chief Justice, the Attorney General, the Treasurer, and the Surveyor General.

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

A Communication was read from the Honble. The Legislative Council transmitting "A Bill Entitled An Act relating to Gold Mining."

Ordered That above Bill be read a 1st time; and printed.

Also, A Communication from the Honble. The Legislative Council, amending further certain Amendments by the Legislative Assembly to the Honble. the L. Council Amendments to "A Bill Entitled An Act respecting Common Schools."

Mr. Speaker appointed Messrs. Burnaby, Franklin, McClure to be a Committee to bring in Bills carrying out the Resolutions reported from Committee "Ways and Means."

On motion by Mr. Franklin, seconded by Mr. McClure Resolved "That this House taking into consideration the great calamity which has befallen the United States of America and the rest of the civilised World in the Assassination of President Abraham Lincoln does adjourn till tomorrow as a mark of respect to the memory of the great departed—the Chief of a nation connected by the nearest ties with our own, and glorying in the same origin, the same traditions, and the same freedom."

Ordered that above Resolution be transmitted to His Excellency the Governor.

J. S. Helmcken
Speaker.

Friday, the 21st day of April, 1865

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

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

The last minutes having been read and confirmed.

A Communication (No. 59 dated Victoria, 21st April 1865) was read from His Excellency the Governor, giving cover to a Petition from certain Settlers in Cowichan Valley regarding the question of Indians in that district.

The above Petition was Ordered to lie on the table.

Order of the Day, "Committee of Supply."

Mr. Speaker left the Chair.

The Chairman of Ways & Means in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of "Supply" begged to report progress and ask leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till tomorrow.⁴¹

J. S. Helmcken
Speaker.

Monday, the 24th day of April, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Dennes, De Cosmos, Dickson, Franklin, Burnaby, Southgate.

The last minutes having been read and confirmed.

On question that "A Bill Entitled An Act to repeal the Victoria Incorporation Act 1862, and to make certain provisions in lieu thereof" be read a 3rd time.

The House divided.

Question.

Ayes: 2.

Messrs. De Cosmos
Dickson

Noes: 4.

Messrs. Franklin
Burnaby
Dennes
Southgate

The Bill was therefore rejected.

Bills read a third time and passed.

A Bill Entitled An Act respecting Weights and Measures.

A Bill Entitled An Act to amend the manner of taking the verdict of a Jury in Civil cases.

A Bill Entitled An Act for securing Liens to Mechanics and others.

Bills read a second time and committed.

A Bill Entitled An Act respecting the descent of real property.

A Bill Entitled An Act to exempt the Homestead and other Property from forced seizure and sales in certain cases.

A Bill Entitled An Act to amend the law of Evidence.

A Bill Entitled An Act for obtaining a Declaration of Title and A Bill Entitled An Act to establish the Postal Service (Dissentiente Dr. Dickson).

⁴¹ According to the *Colonist*, 22 April 1865, the House adjourned to Monday.

In Committee of the whole House A Bill Entitled An Act for obtaining a Declaration of Title.

Also A Bill Entitled An Act to exempt the homestead and other property from forced seizure and sales in certain cases.

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had the foregoing Bills under consideration begged in regard to the first—"To report the same complete without amendments;" in regard to the second—"To report the same complete without Amendments."

Ordered that report be received.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Tuesday, the 25th day of April, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Franklin, Powell, Burnaby, De Cosmos, Bailey, Dickson, McClure, Trimble, Duncan, Dennes, Carswell.

The last minutes having been read and confirmed.

A Communication (No. 60) dated 25th April, 1865, from His Excellency the Governor, was read—"Transmitting further information to that already furnished by His Excellency on the 20th April, instant, as to Receipts on Account of and charges against 'The Crown Revenues of the Colony'."

Ordered to be referred to Committee of Supply.

Order of the Day, "Committee of Supply."

Mr. Speaker left the Chair.

Mr. Chairman "Ways and Means" in Chair.

Mr. Speaker resumed the Chair.

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

Ordered that report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Wednesday, the 26th day of April, 1865

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

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

The last minutes having been read and confirmed.

On motion by Dr. Dickson, 2nded by Mr. McClure "A Bill Entitled An Act to make better provision for the custody of the Estates of deceased persons" was Read a first time and Ordered to be printed.

The House then took under consideration certain Amendments by the Honble. the Legislative Council (Recd. & read 20th Inst.) to the amendments further made by the Legislative Assembly to the Honble. the Legislative Council Amendments to "A Bill Entitled An Act respecting Common Schools."

The following Amendment by the L. Council, viz.: "The Legislative Council adheres to its Amendment striking out Clause 4" was not agreed to.

The Legislative Assembly adheres to the original clause (4) remaining in the Bill (Dissentiente Mr. Franklin).

The following Amendment by the L. Council, viz.: "That the Council adheres to its Amendment 'that the General Board of Education shall have power to regulate the amount of School fees &c.' was not agreed to—the Legislative Assembly adhering to its Amendment that the Clause be stricken out."

Ordered that the Bill with Amendments be sent back to the Honble. The Legislative Council.

A Communication was then read from His Excellency the Governor, as follows:

No. 61.

Victoria, 26th April, 1865

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

I have the honor to acknowledge the receipt of your Communication dated 21st March, 1865 requesting to be supplied with information relative to the admission of foreign Vessels to the coasting trade of this Colony and in reply thereto I have to state that foreign Vessels in one or two instances appear to have been permitted to ply between places in this Colony but that instructions have been issued to prevent a recurrence of the grant of such permission as being contrary to law.

I have the honor to be,
Gentlemen,

Your most obedient Servant,

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

In Committee of the Whole House "A Bill Entitled An Act respecting the Registration of Births, Deaths and Marriages in Vancouver Island."

Mr. Speaker left Chair.

Mr. Dennes in Chair of Committee.

Mr. Speaker resumed Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Bill begged to report the same complete without Amendments.

Ordered that report be agreed to.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

Thursday, the 27th day of April, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Dickson, De Cosmos, Duncan, McClure, Trimble, Carswell, Franklin, Dennes, Powell, Southgate, Burnaby, Cochrane.

The last minutes having been read and confirmed.

Order of the Day: "Committee of Supply."

Mr. Speaker left Chair.

Mr. Chairman "Ways & Means" in Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of "Supply" begged to report progress and ask leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Friday, the 28th day of April, 1865

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

Present: Mr. Speaker in the Chair and Messrs. De Cosmos, Dennes, Duncan, Bayley, Southgate, Trimble, McClure, Dickson, Tolmie, Burnaby, Franklin, Carswell, Powell, Cochrane.

The last minutes having been read and confirmed.

Order of the Day, "Committee of Supply."

Mr. Speaker left the Chair.

The Chairman "Ways and Means" in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of Supply begged to report the following Resolutions.

Resolved That this House considers the Scale of Salaries proposed as a Civil List in the Despatch of June 15th 1863, far too high for the present small population of the Colony of Vancouver Island exclusively to bear. But as this House has during the present Session expressed an earnest desire to establish a settled policy conducive to the furtherance of Imperial and local interests by declaring itself in favor of an immediate Union of this Colony with British Columbia under such Constitution as Her Majesty's Government may grant, and in order to remove any impediment to the consummation of such Union, This House is willing to vote the Civil List proposed in the Despatch of 13th [15th] June, 1863 for the period ending the 31st day of Decr. 1866, on condition that the control of the Crown Lands and Revenues be granted to the local Legislature; And on this further condition that the said Action of this House shall not in any way be construed by Her Majesty's Government to be a renunciation of the claim which the people of this Colony through their representatives have preferred to the lands, water frontage, and proceeds of land sales set aside by the Indenture of February, 1862, to the Hudson's Bay Company.

Provided that nothing in these Resolutions shall in any way be construed to conflict with the Resolutions in favor of Union with British Columbia passed by this House, on the 22nd January, 1865, the Resolutions passed this day being simply and solely intended to remove possible obstacles to the speedy consummation of that Union.

Provided however that if Union of the Colonies be not consummated before the 31st day of December, 1866, the Officials shall be made responsible to the people by election to the Legislature or otherwise; or the people's Representatives shall have power to reduce the Civil List to a figure more commensurate with the revenue of the Colony.

Resolved that the foregoing Resolutions be forwarded to His Excellency the Governor for transmission to Her Majesty's Government.

The Chairman also reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

Mr. J. J. Southgate, Member for Esquimalt Town, obtained leave of Absence for six months.

The House then adjourned till Monday.

J. S. Helmcken
Speaker.

Monday, the 1st day of May, 1865

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

Present: Mr. Speaker in the Chair, Drs. Tolmie, Powell, Dickson, Trimble, and Messrs. Burnaby, Carswell, Cochrane, De Cosmos, Dennes, Duncan, Bayley, McClure, Franklin, Southgate.

The last minutes having been read and confirmed.

On question that certain Resolutions reported from Committee of Supply on the 28th Ultó. (v. f. 218 [p. 313 above] R.) be Read a 2nd time.

Dr. Dickson, seconded by Mr. Duncan, moved an amendment "That the House do now adjourn till tomorrow."

Question.

For the Amendment

Ayes: 6.

Messrs. Dickson
De Cosmos
Trimble
Carswell
Dennes
Duncan

Against the Amendment

Noes: 8.

Messrs. Bayley
Burnaby
Southgate
Franklin
Cochrane
Powell
Tolmie
McClure

The Amendment was therefore lost.

On question by Dr. Trimble Mr. Speaker ruled—"That the consideration of the Resolutions reported from Committee of Supply on the 28th Ultó. was not strictly in compliance with the Standing Orders of this House, the question of the 'Crown Revenues of the Colony' having been disposed of, for the term of the present Session, by certain Resolutions adopted by this House on the 21st Novr. last."

In reply to Mr. Burnaby Mr. Speaker ruled "That by the Standing Orders of this House, Notice of Motion was required in cases of 'Suspension of the said Standing Orders'." Mr. Speaker advised that the Standing Orders of the House be suspended in cases of the most cogent necessity only.

Mr. Burnaby gave Notice of Motion for tomorrow.⁴²

Bills read a 3rd time and passed.

A Bill Entitled An Act to exempt the Homestead and other Property from forced seizure and sales in certain cases.

A Bill Entitled An Act for obtaining a Declaration of Title.

A Bill Entitled An Act respecting the Registration of Births Deaths and Marriages in Vancouver Island.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

⁴² Motion Book, p. 99: "I give Notice That at the next meeting of the House I shall move 'That the standing orders be suspended with the view of taking into consideration the question of Crown Lands & Civil List'."

Tuesday, the 2nd day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Bayley, Burnaby, Franklin, Southgate, De Cosmos, McClure, Duncan, Dennes, Tolmie, Powell.

The last minutes having been read and confirmed.

Mr. Burnaby, seconded by Dr. Powell, moved A Resolution "That the Standing Orders be suspended with the view of taking into consideration the question of the Crown Lands and Civil List, and that the Resolutions reported from Committee of Supply on the 28th Ulto. and decided in the House yesterday to be not in order be sent back to the Committee."

Question.

For Mr. Burnaby's Resolution

Ayes: 7.

Messrs. Burnaby

Tolmie

Dickson

Southgate

Bayley

Powell

Franklin

Against the Resolution

Noes: 3.

Messrs. Dennes

Trimble

Duncan

The Resolution was therefore carried.

The Standing Orders having been suspended The House took under consideration certain Resolutions reported from Committee of the whole House on the 28th Ulto.

Mr. Speaker left the Chair.

Mr. Chairman Ways and Means in Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the before mentioned Resolutions begged to report the same to the House complete without Amendments (R. 28th April).

Ordered that report be received.

The House also took under consideration in Committee of Supply The Supplemental Estimates.

The Chairman "Ways and Means" in the Chair.

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

Ordered that report be received and leave granted.

Dr. Trimble gave Notice of Motion in Committee W. & Means.⁴³

The House then adjourned till tomorrow.

J. S. Helmcken

Speaker

⁴³ *Colonist*, 3 May 1865: "Dr. Trimble gave notice of motion for a tax of \$2 per gallon on liquors; 25 cents per gallon on ale and porter in bulk; 50 cents per dozen on ditto in bottle; \$5 per M on cigars, and 50 cents per lb. on tobacco."

Wednesday, the 3rd day of May, 1865

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

Present: Mr. Speaker in the Chair, Messrs. Burnaby, Cochrane, Dennes, De Cosmos, Franklin, Duncan, and Drs. Powell, Trimble.

The last minutes having been read and confirmed.

Mr. De Cosmos rose to a question of Privilege to correct certain mis-statements which had been made in the "Daily Chronicle" Newspaper, in its report of a Speech made by him in the House yesterday.

Order of the Day.

Second Reading of certain Resolutions reported from "Committee of Supply" yesterday regarding the Crown Lands and the Civil List.

On question that the above Resolutions do pass.

The House divided.

Ayes: 5.

Messrs. Burnaby
Franklin
McClure
Cochrane
Powell

Noes: 3.

Messrs. Trimble
De Cosmos
Duncan

The Resolutions were therefore confirmed.

On question that Mr. Speaker do now leave the Chair upon the order of the Day in Committee of the whole House, viz.: "A Bill Entitled An Act to amend the law as to Imprisonment for debt"—the House was counted, and, A Quorum not being present, adjourned till tomorrow.

J. S. Helmcken
Speaker.

Friday, the 5th day of May, 1865

Present: Mr. Speaker and Messrs. De Cosmos, Bayley, Dennes.

A Quorum not being present the House did not sit.

J. S. Helmcken
Speaker.

Monday, the 8th day of May, 1865

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

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

The last minutes having been read and confirmed.

A Communication was read from His Excellency The Governor, as follows,

[No. 62]

Vancouver Island
Victoria, 4th May, 1865.

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

I have the honor to acknowledge the receipt of Resolutions passed in Committee and confirmed by the Legislative Assembly on the 3rd May 1865, stating the conditions upon which the House is disposed to accept the Crown Lands and vote a Civil List for this Colony and conveying a request that those Resolutions may be transmitted to Her Majesty's Government. It will afford me great pleasure to transmit this manifestation of a desire on the part of the Legislative Assembly to adjust a difference which has seriously impeded, and must, while unsettled, continue to retard the progress of the Colony. I must, however, point out to the House that the conditions laid down in these Resolutions differ so materially from those proposed in the Duke of Newcastle's Despatch dated 15th June 1863 that I do not feel justified in departing from the instructions conveyed to me in the subsequent Despatch of Her Majesty's Secretary of State for the Colonies, a Copy of which I enclose.

In reference to that portion of the Resolutions expressing the opinion of the L. Assembly that the Scale of Salaries proposed (in the Despatch, 15th June 1863) is far too high I take this opportunity of assuring the House of my hearty co-operation in recommending or establishing any Scale which, after full deliberation, may be found compatible with true economy which consists in obtaining for the public the best possible Services at a reasonable cost.

I would suggest that the Salaries of Officers necessary for the conduct of the public Service be voted and charged against the General Revenue pending the reply of Her Majesty's Government to the proposal submitted in the Resolutions of 3rd May, 1865.

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

The above Communication was "Ordered to be referred to Committee of Supply" (Dissentiente Mr. De Cosmos).

Mr. De Cosmos gave Notice of Motion for Wednesday, 10th inst.⁴⁴

Mr. De Cosmos " " " " " " " " " " ⁴⁵

⁴⁴ Motion Book, p. 99: "On Wednesday next I will move That an address be presented to His Excellency the Governor inquiring whether he has taken any steps to preserve the Church Reserve as a public square in accordance with an address of this House dated June 27th 1864."

⁴⁵ Motion Book, p. 99: "On Wednesday next I will move that a Committee of Four be appointed to report forthwith on the manner in which the Dredger and other apparatus for improving Victoria Harbour is managed."

The House then went into Committee of the whole House upon "A Bill Entitled An Act to amend the Law as to Imprisonment for debt"; Upon "A Bill Respecting the descent of real property"; and upon "A Bill To amend the law relating to the Representation of Vancouver Island and its Dependencies."

Mr. Speaker left the Chair.

Mr. Dickson in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, In regard to the first—Progress and asked leave to sit again; in regard to the second, that the Bill was complete without Amendment; in regard to the 3rd complete without Amendment.

Ordered that the Reports be received respectively and agreed to.

On motion by Dr. Dickson, 2nded by Mr. McClure "A Bill Entitled An Act to make better provision for the custody of the Estates of deceased persons" was Read a 2nd time and committed.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

Tuesday, the 9th day of May, 1865

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

Present: Mr. Speaker in the Chair, Messrs. Burnaby, Dennes, Franklin, McClure, Duncan, Carswell, and Drs. Dickson, Tolmie, Powell.

The last minutes having been read and confirmed.

Order of the Day, "Committee of Supply."

Mr. Speaker left the Chair.

Mr. Chairman "Ways and Means" in Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of "Supplemental Supply" begged to report that the Committee had therein voted a Sum of Thirteen Thousand Nine hundred and forty dollars (as follows) for the use of Her Majesty.

ESTABLISHMENTS

	Fixed Establishments	Provisional and Temporary	Total
TREASURER	\$.	\$	\$.
Salaries	cts.	cts.	cts.
Treasurer	2910.00		
Resolved. "That this House having had the Message of His Excy. the Governor of May 4, 1865 under consideration hereby authorises His Excy. the Governor to issue his Warrant on the General Revenue for the payment of the Salaries of the present Chief Justice and Treasurer whilst awaiting An Answer from H. M.'s Government to the Resolutions of this House dated May 3rd 1865 respecting the Civil List, or until the next Session of the Legislature."			
Contingencies. Nil.			
Total Treasurer			2910.00
JUDICIAL			
Salaries			
Chief Justice	3880.00		
Messenger and Office Keeper Supreme Court	600.00		
Gold Commissioner and Justice of the Peace, Sooke	1700.00		
Resolution "that in lieu of a Stipendiary Magistrate for Sooke there should be a Gold Commissioner who should be a Justice of the Peace."			
Total Judicial			6180.00
Total Establishments			9,090.00

CONVEYANCE OF MAILS			
Between Victoria and Sooke Mines			700.00
Total conveyance of Mails			\$ 700.00

WORKS AND BUILDINGS			
Purchase of Buildings at Nanaimo for Court House } Post Office, Lock up and Police Quarters } Plastering &c. of Race Rock Light House }			1500.00
			500.00
			\$ 2000.00

ESTABLISHMENTS—*Continued*

ROADS, STREETS, AND BRIDGES. Road through Cedar District to Nanaimo including Bridge	3150.00
Total Roads, Streets, and Bridges	3150.00
RE-IMBURSEMENTS. Resolution "That the Sum of \$26,550.70 Arrears, as per Communication No. 60. from H. Excy. the Governor, dated 25th April /65 remain in abeyance until the decision of H. M's Government on the subject of the Resolutions of the House of 3rd May 1865 relative to the Crown Lands and Civil List be known.	
TOTAL	14,940.00

Ordered that report be received.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Wednesday, the 10th day of May, 1865

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

Present: Mr. Speaker in the Chair, Messrs. Burnaby, Cochrane, Dennes, Duncan, Franklin, and Drs. Powell, Tolmie, Trimble, Dickson.

The last minutes having been read and confirmed.

On motion by Mr. De Cosmos, 2nded by Dr. Trimble, Resolved "That An Address be presented to His Excellency the Governor respectfully requesting that this House may be informed whether, in accordance with An Address of this House, dated June 27, 1864, any steps have been taken to preserve 'the Church Reserve' as a 'Public Square' for the use of the City of Victoria and to prevent the same from being broken up into town lots and leased for building purposes and other secular uses; and, if no steps have been taken, whether it is His Excellency's intention to do so?"

(Dissentientibus, Messrs. Tolmie, Burnaby).

On Motion by Mr. De Cosmos, 2nded by Dr. Dickson Resolved "That a Committee of Four be appointed to report forthwith to this House on the manner in which the Dredging Machine and other appliances for improving Victoria Harbour are managed; with any observations or recommendations of the Committee.

Committee ordered, as above—Messrs. De Cosmos, Trimble, Dickson, Cochrane.

Bill Read a 3rd time and passed “A Bill Entitled An Act respecting the descent of real property.”

On Question that “A Bill Entitled An Act to amend the law relating to the Representation of Vancouver Island and its Dependencies” be now Read a 3rd time Dr. Dickson moved An Amendment “That the Bill be re-committed.”

Mr. McClure moved An Amendment “That clauses 3 and 4 (only) of the Bill be recommitted.”

The latter amendment was then put as against the former.

Question—

For Mr. McClure’s Amendment

Ayes: 6.

Noes: 5.

Messrs. McClure
Dennes
Powell
Duncan
Trimble
De Cosmos

Messrs. Burnaby
Tolmie
Franklin
Dickson
Cochrane

Dr. Dickson’s Amendment (No. 1) was therefore lost.

Mr. McClure’s Amendment was then put as against the original question.

Question—

Ayes: 6.

Noes: 5.

Messrs. De Cosmos
McClure
Duncan
Powell
Dennes
Trimble

Messrs. Burnaby
Tolmie
Franklin
Dickson
Cochrane

Mr. McClure’s Amendment was therefore carried and “Bill Entitled an Act to amend the law relating to the Representation of Vancouver Island & its Dependencies” was Ordered to be recommitted on Clauses 3 & 4 only.

Bill read a 2nd time and committed “A Bill Entitled ‘An Act relating to Gold Mining’.”

Order of the Day.

In Committee of the whole House.

A Bill Entitled An Act to amend the law as to Imprisonment for debt.

A Bill Entitled An Act to amend the law of Evidence.

A Bill Entitled An Act relating to Gold Mining.

Mr. Speaker left the Chair.

Dr. Powell in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the before mentioned Bills begged to report respectively as follows:

In regard to the first—“To report the Bill complete without Amendment”;

In regard to the second—"That the Bill had lapsed in Committee."

In regard to the third—"Progress and that the Committee asked leave to sit again."

Ordered that the Reports be received respectively, and leave be granted to sit again.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Thursday, the 11th day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Burnaby, Bayley, Dennes, De Cosmos, Franklin, McClure, Tolmie, Trimble, Powell.

The last minutes having been read and confirmed.

A Communication (No. 63) from His Excellency the Governor "dated Victoria 11th May, 1865" was read transmitting a Return of the Writs of "Capias ad respondendum, Capias ad satisfaciendum, and Ne exeat regno" issued out of the Supreme Court of Civil Justice, Vancouver Island fm. 1st Jany. 1861 till 1st March /65.

Mr. Franklin gave Notice of Motion (M. B. f. [blank]).⁴⁶

Mr. De Cosmos rose to a question of privilege, to correct certain mis-statements made by the reporters of the public journals in their report of a speech made by him in the House yesterday.

Order of the Day, "Committee Ways and Means."

Mr. Speaker left the Chair.

Mr. Chairman "Ways and Means" in Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of "Ways and Means" begged to report "A Bill Entitled An Act to amend the Trade's Licence Act, 1865."

Ordered that Report be received.

Read a 1st time and ordered to be printed "A Bill Entitled An Act to amend the Trade's License Act, 1865."

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

⁴⁶ Motion Book, p. 100: "I give Notice that I shall move on Monday next that the 'An Act to explain and amend the Victoria Incorporation Act' be taken up and read a first time."

Friday, the 12th day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Bayley, Dennes, Dickson, McClure, Cochrane, Tolmie, Franklin, Carswell.

The last minutes having been read and confirmed.

A Communication was read from His Excellency the Governor, as follows:

No. 64.

Vancouver Island
Victoria, 12th May, 1865

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

Gentlemen

I have the honor to acknowledge the receipt of a Resolution of the House of Assembly dated the 10th Inst. requesting to be informed whether any steps have been taken to preserve the piece of land, known as the Church Reserve as a Public Square for the use of the City of Victoria. In reply thereto, I have to state, that no such steps have been or could be taken, in as much as in pursuance of instructions received by my predecessor from Her Majesty's Secretary of State for the Colonies, A Deed was prepared and executed on the 16th May, 1864 conveying the piece of land referred to, to the Governor of the Colony, the Archbishop of Canterbury, and the Bishop of the Diocese for the time being for the benefit of the Rector of Christ Church and of the Church of England in the Colony.

I have the honor to be,
Gentlemen,

Your most obedient Servant

(Sd.) A. E. Kennedy,
Governor

Mr. De Cosmos gave Notice of Motion for Monday next.

That the Governor's Message respecting the Church Reserve be taken into consideration in Committee of the whole House on Wednesday next.

Read a 2nd time and committed "A Bill to amend An Act passed in the Year of Our Lord One Thousand Eight Hundred and Sixty two, entitled 'An Act to repeal and amend the Laws affecting Trade's Licenses'."

Ordered that above Bill be printed.

Order of the Day.

House in Committee "Ways and Means."

Mr. Speaker left the Chair.

Mr. Chairman "Ways and Means" in Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of "Ways and Means" had therein adopted the following Resolutions.

Resolved that one per cent shall be levied upon the amount of the Annual Salary of all persons who have been six months in constant employment in Vancouver Island;

That employment for five months out of six shall be considered constant employment;

That Masters and Employers shall make a return every three months of all persons in their employ (exclusive of those receiving less than £150 per annum) and the amount of the Salary of each person but that such returns shall not be made public.

Ordered that report be adopted.

The House then adjourned till Monday.

J. S. Helmcken
Speaker.

Tuesday, the 16th day of May, 1865

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

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

The last minutes having been read and confirmed.

The Resolutions reported from Committee of "Ways and Means" on Friday last were Read and confirmed.

Dissentient Mr. De Cosmos.

Mr. De Cosmos gave Notice of Motion for tomorrow (M. B. f. [blank]).⁴⁷

Mr. Dickson gave Notice of Motion for tomorrow (M. B. f. [blank]).⁴⁸

Mr. De Cosmos presented A Petition from John McC. Otley [McG. Otty] dated May 16th 1865 with Communication dated "Lands & Works" 15th April, 1865 to Mr. Otley, as follows.

Sir, I have the honor to inform you that I am directed by His Excellency the Governor to notify you that as no provision has been made for the payment of your Salary by the House of Assembly, His Excellency has no Fund from which that Salary can be paid beyond the 31st Decr. 1864. I have also the greatest pleasure in testifying to your ability and zeal during your connection with this Department since the 13th March, 1863.

I have the honor to be, Sir,
Your most obedient Servant,
(Sd.) B. W. Pearse
Acting Surveyor General.

Ordered to be referred to Committee "Ways and Means."

Order of the Day.

House in Committee "Ways and Means."

Mr. Speaker left the Chair.

The Chairman "Ways and Means" in the Chair.

⁴⁷ Motion Book, p. 100: "On Wednesday next I will move That an address be respectfully presented to His Excellency the Governor, recommending the Appointment of two magistrates, without Salaries from among the Settlers in each of the respective Districts of Comox, and Cowichan."

⁴⁸ Motion Book, p. 101: "Tomorrow I will move that a return be made of all fees received for marriage Licences from 1860 to 1865 and what disposition is made of the same."

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the subject of "Ways and Means" begged to report "A Bill to amend An Act passed in the Year of our Lord 1862, entitled 'An Act to repeal and amend the Laws affecting Trade's Licenses'," Complete with Amendments. Also that the Committee of "Ways and Means" having had the Petition of Mr. Mc Otley—late Land Recorder at Cowichan, Referred to it by the House this day, under consideration had therein Resolved That the Petition be referred to His Excellency the Governor with the opinion of this Committee that if any arrears be due to the Petitioner, the same should be paid.

Ordered that the Reports be agreed to respectively.

Mr. Dennes gave Notice of Motion "Ways & Means."⁴⁹

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Wednesday, the 17th day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Burnaby, Dennes, De Cosmos, McClure, Franklin, Dickson, Tolmie.

The last minutes having been read and confirmed.

On motion by Mr. De Cosmos, seconded by Dr. Dickson, Ordered that His Excellency's Communication (No. 64) be taken into consideration in Committee of the whole House on Monday next (22nd Inst.).

A *Communication* from H. Excy. the Governor (No. 65) [16 May 1865] was read.

On motion by Dr. Dickson, seconded by Mr. De Cosmos, Ordered "That an address be presented to His Excellency the Governor for Returns of all fees received for Marriage Licenses from 1860 to 1865 and what disposition has been made of the same."

On motion by Mr. De Cosmos, seconded by Dr. Dickson, Ordered "That An Address be respectfully presented to His Excellency the Governor recommending the Appointment of two Magistrates, without Salaries, from among the settlers in each of the respective Districts of Comox and Cowichan."

The House then took under consideration and confirmed The Resolution reported from Committee "Ways & Means" (16th inst.) on the subject of the Petition of Mr. Mc Ottey, late Land Recorder at Cowichan.

⁴⁹ *Colonist*, 17 May 1865: "Mr. Dennes gave notice of motion for a tax of \$10 per head on all Chinamen coming into the country."

Bills read a 3rd time and passed "A Bill Entitled An Act to amend the law as to Imprisonment for Debt."

On motion by Mr. De Cosmos "A Bill To amend An Act passed in the Year of our Lord 1862, entitled 'An Act to repeal and Amend the Laws affecting Trade's Licenses' " was re-committed.

Order of the Day.

In Committee of the whole House, "A Bill Relating to Gold Mining."

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Bill, begged to report the same complete with Amendments.

Ordered that report be received.

On motion by Mr. Franklin, seconded by Mr. McClure, "A Bill Entitled An Act to explain and amend the Victoria Incorporation Act, 1862" was Read a first time.

Mr. De Cosmos gave Notice of Motion (M. B. f. [blank]).⁵⁰

Dr. Dickson gave Notice of Motion for tomorrow (M. B. f. [blank]).⁵¹

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Thursday, the 18th day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Dennes, De Cosmos, Dickson, McClure, Tolmie, Trimble.

The last minutes having been read and confirmed.

⁵⁰ Motion Book, p. 102: "On Monday next, I will move That a respectful address be presented to His Excellency the Governor praying him to revoke the suspension of Pre-Emption Proclamations so far as the suspension may affect agricultural lands; and to order that all persons desirous of pre-empting Agricultural lands may do so on application at the office of the Commissioner of Crown Lands on payment of the established fees and in conformity with the regulation of such Pre-Emption Proclamation or any amendment that may be made thereto.

"Also, That His Excellency the Governor be respectfully requested to take such steps as to him may be deemed advisable to throw open the Indian Reserve in Cowichan to settlement, either by the Sale or leasing of such reserve or any portion thereof to *bona fide* settlers. And also That a similar regulation be made & applied to other Indian reserves respecting which it may appear advisable in order to promote settlement and the development of agriculture."

⁵¹ Motion Book, p. 101: "Tomorrow I will move that the House shall meet on Friday at 12 o'clock to take into consideration the report of the committee on the improvement of the agricultural interests of Vancouver Island."

Read a 3rd time and passed "A Bill Entitled 'An Act relating to Gold Mining'."

Order of the Day.

House in Committee—"Ways and Means."

Mr. Speaker left the Chair.

In the absence of the Chairman "Ways and Means." Dr. Dickson was elected by the Committee to be Chairman pro. tem.

Mr. Speaker resumed Chair.

The Chairman reported that the Committee having had under consideration "A Bill To amend An Act passed in the Year of Our Lord One thousand Eight Hundred and Sixty two, entitled An Act to repeal & amend the laws relating to Trade's Licenses" recommitted by the House yesterday, begged to report the same complete with amendments.

Also That the Committee having had under consideration the subject of "Ways and Means" begged to report A Resolution "That one half of one per cent be charged upon the assessed value of the Real Estate of the City of Victoria for the current year in order to defray the indebtedness of the City and for other purposes."

Ordered That the reports be received respectively.

Mr. De Cosmos gave Notice of Motion.⁵²

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

Friday, the 19th day of May, 1865

Present: Mr. Speaker and Messrs. De Cosmos, Dennes, McClure.

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

J. S. Helmcken
Speaker

Monday, the 22nd day of May, 1865

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

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

The last minutes having been read and confirmed.

⁵² According to the Motion Book, the *Colonist*, 19 May 1865, and *Chronicle*, 19 May 1865, De Cosmos gave no notice of motion during the 18 May 1865 House sitting. According to the newspaper accounts, De Cosmos left the House early.

A Communication dated 18th May 1865 from The Honble. The Legislative Council was read, transmitting certain Amendments by the Honble. The Legislative Council to "A Bill Entitled An Act respecting the Medical Board and Practitioners in Medicine and Surgery."

Amendments read a first time and Ordered to be printed.

Mr. Burnaby gave Notice of Motion (M. B. f. [blank]).⁵³

The House then took under consideration and agreed to A Resolution reported from Committee. "Ways and Means" on the 18th Inst. (as follows).

That one half of one per cent be charged upon the assessed value of the real Estate of the City of Victoria for the current year in order to defray the indebtedness of the City and for other purposes. (Dissentiente Mr. De Cosmos).

Bill read a 3rd time and passed "A Bill To amend An Act passed in the Year of our Lord, 1862, entitled 'An Act to repeal and amend the Laws affecting Trades' Licences.'"

Ordered that Bills be brought in to carry into effect the Resolutions of this House as to "A Tax upon Incomes above £150 per annum;" and as to "A Tax of ½ of 1 per cent on assessed value of real Estate in the City of Victoria" &c.

On motion by Mr. De Cosmos, seconded by Mr. Carswell, Resolved

That a respectful Address be presented to His Excellency the Governor praying him to revoke the Suspension of Pre-emption Proclamations so far as the Suspension may affect Agricultural Lands and to order that all persons desirous of pre-empting Agricultural Lands may do so on application at the office of the Commissioner of Crown Lands on payment of the established fees and in conformity with the Regulations of such Pre-emption Proclamations or any Amendments that may be made thereto;

Also, That His Excellency the Governor be respectfully requested to take such steps as by him may be deemed advisable to throw open the Indian Reserves in Cowichan to settlement either by the sale or leasing of such Reserves or any portion thereof to bonâ fide Settlers.

Also, That a similar regulation be made and applied to other Indian Reserves respecting which it may appear advisable, in order to promote Settlement and the development of Agriculture.

Mr. Duncan gave Notice of Motion, (M. B. f. [blank]).⁵⁴

Mr. Cochrane gave Notice of Motion (M. B. f. [blank]).⁵⁵

On question "that 'A Bill Entitled An Act to explain and amend the Victoria Incorporation Act, 1862' be now read a 2nd time."

⁵³ Motion Book, p. 103: "A Bill to facilitate and explain the remedies of Creditor against the Lands of their Debtors to be entitled the Execution against Lands Act, 1865."

⁵⁴ Motion Book, p. 103: "On Thursday 1st I shall move that a respectful address be presented to His Excellency the Governor recommending that those bona fide settlers whose lands are liable to be forfeited on the 31st of May shall have an extension of time by paying interest as usual for the accommodation."

⁵⁵ Motion Book, p. 103: "Tomorrow I will ask leave to introduce a bill to licence Pedlars and Hawkers."

The House divided.

Question.

Ayes: 6.

Messrs. Burnaby
McClure
De Cosmos
Franklin
Tolmie
Powell

Noes: 5.

Messrs. Dickson
Cochrane
Carswell
Duncan
Dennes

The above Bill was then read a 2nd time and committed; and Ordered to be printed.

Mr. Duncan gave Notice of Motion (M. B. f. [blank]) for Thursday next.⁵⁶

The House then took under consideration in Committee A Communication (No. 64) from H. Excy. The Governor, upon the subject of the "Preservation of the Piece of Land, known as the Church Reserve, as a Public Square."

Mr. Speaker left the Chair.

Dr. Powell in Chair of Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Subject, had therein adopted the following Resolution.

That the House present to H. Excy. the Governor A respectful Address requesting him to instruct the Honble. the Attorney General to take legal proceedings to prevent the Church Reserve from being broken up into Blocks or leased out into lots, in order to test the right of any party or parties to break the same up into Blocks or lease it out for the benefit of Christs Church or the Incumbent thereof, and for other purposes.

Ordered that Report be received.

The House also took under consideration in Committee certain Amendments by the Honble. The L. Council to "A Bill Entitled the Vancouver Island Mercantile Law Amendment Act, 1865."

(Dr. Powell in the Chair).

The Chairman reported that the Committee having had under consideration the foregoing Amendments begged to report as follows.

Section 2, line 3. After the words "acquired by" alter the word "the" to "any".

Carried.

Section 3, line 2. Strike out the words "in Vancouver Island and its dependencies," and in the third line for "Vancouver Island and its dependencies" substitute the words "the said Colony".

Carried.

Section 8, line 5, Strike out the words commencing "and all actions" and ending with the words "under seal".

Carried.

After words "Commenced and," and before words "within six" alter word "tried" to "sued."

⁵⁶ Motion Book, p. 103: "I will ask leave on Thursday 1st to bring in a bill entitled the Quarantine Act."

Not agreed to—the word “sued”—the word “tried” to stand in Bill.

Between words “such actions” and “and no claim” for word “arose” substitute words “or suits or when such cause has already arisen then within six years after the passing of this Act”.

L.C. Amendment—not agreed to.

Section 9. To be struck out.

Not agreed to.

Section 10. To be struck out.

Not agreed to.

Section 12, line 6. Strike out the words “or by the Act of the 53rd year of the reign of King George the third chapter one hundred and twenty seven section five” and “or by the Act of the 16th and 17th years of the reign of her present Majesty, chapter 113 section 20”.

Agreed to.

For Section 11, substitute “In case any action or suit shall be commenced in this Colony in respect of a cause of action or suit arising in any place out of this Colony such suit or action shall be subject to the law of the limitation of action in the place in which the said cause of action or suit arose and no such action or suit shall prevail unless the same could in the matter of the time within which such action or suit shall be brought be capable of being so brought in the place in which the said cause of action or suit so as aforesaid arose.”

Not agreed to.

Section 14, line 2. For “sections one and eight” read “section one” and strike out “and the 16th and 17th years of the reign of Her present Majesty chapter 113 sections 24 and 27.”

Agreed to.

Section 15, line 4. Strike out the words “and of the Act of the 16th and 17th years of the reign of Her present Majesty chapter 113 section 20.”

Agreed to.

Section 16. To be struck out.

Agreed to.

Section 17. To be struck out.

Agreed to.

Section 18. For “Shall” read “may.”

Agreed to.

Schedule. To be struck out.

Agreed to.

The Chairman also reported that the Committee having had under consideration “A Bill Entitled An Act to amend the Law relating to the Representation of Vancouver Island and its Dependencies” begged to report the same complete, Clause 3, recommitted by the House on the 10th Inst. having been struck out.

Ordered that reports be received respectively.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Tuesday, the 23rd day of May, 1865

The House met this day at 3.15 p. m. pursuant to adjournment.

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

The last minutes having been read and confirmed.

Order of the Day.

On question "that certain Resolutions reported from Committee of the whole House on the 22nd Inst. in re 'The Communication of His Excy. The Governor (No. 64) on the subject of the Preservation of the piece of Land known as the Church Reserve, as a Public Square' do now pass."

The House divided.

Question.

Ayes: 5.

Messrs. De Cosmos
Dennes
McClure
Carswell
Dickson

Noes: 2.

Messrs. Franklin
Tolmie

The Resolutions were therefore confirmed.

The House then went into Committee "Ways and Means."

Mr. Speaker left the Chair.

Mr. Chairman "Ways and Means" in Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the question of "Ways and Means," begged to report "A Bill To amend the Victoria Harbour Dues Act, 1862." Also "A Bill To impose Landing-Permit-dues on the importation of certain Stock and Carcasses."

Ordered that Report be agreed to.

,, ,, Bills be read a 1st time and printed.

House in Comtee. of the whole upon "A Bill Entitled An Act to make better provision for the custody of the Estates of deceased Persons."

Mr. Speaker left the Chair.

Mr. Franklin in Chair of the Comtee.

Mr. Speaker resumed the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till tomorrow.⁵⁷

J. S. Helmcken
Speaker.

⁵⁷ According to the *Colonist*, 24 May 1865, the House adjourned till Thursday, Wednesday being the Queen's Birthday. The House did not meet on Thursday, presumably because of the arrival of the mail steamer.

Friday, the 26th day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Dennes, De Cosmos, Dickson, Duncan, McClure, Tolmie, Cochrane.

The last minutes having been read and confirmed.

Mr. De Cosmos, in the absence of Mr. Cochrane, asked leave that Mr. Cochrane be permitted, at his own request, to withdraw his name from the Select Committee appointed by the House to report upon the management of the "Victoria Harbour Dredging Machine."

Ordered "That leave be granted" and that Messrs. De Cosmos, Dickson, Trimble, be constituted a Select Committee in re the above.

Bill read a 2nd time and Committed.

A Bill To amend the Victoria Harbour Dues Act, 1862.

House in Committee "Ways and Means" upon "A Bill To amend the Victoria Harbour Dues Act, 1862."

Mr. Speaker left the Chair.

Mr. Dennes, elected pro. tem. in the Chair.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee "Ways and Means" having had under consideration the above mentioned Bill begged to report the same complete.

Ordered that report be agreed to.

In Committee of the whole House "A Bill Entitled An Act to make better provision for the custody of the Estates of deceased persons."

Also "A Bill Entitled An Act to establish the Postal Service."

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned Bills begged to report, In regard to the first The Bill complete without Amendment. In regard to the second, viz. "A Bill Entitled An Act to establish the Postal Service." "That the Chair do now rise."

The House then took under consideration in Committee "A Resolution (see M. B. f. [blank]) [p. 328, n. 54 above] as to the advisability of giving to bonâ fide settlers whose lands are liable to forfeiture on the 31st May 1865 an extension of time."

Mr. Dennes in the Chair.

The Chairman reported that the Committee having had the above mentioned subject under consideration begged to report A Resolution "That a respectful Address be presented to His Excellency recommending that those bonâ fide Settlers whose lands are liable to be forfeited on the 31st May shall have an extension of time; paying interest as usual for the accommodation."

Ordered that report be adopted.

The following Communication from the Honble. The Legislative Council was then read

Council Chamber, May 26, 1865

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

I have the honor to return to your Honorable House A Bill relating to Gold Mining the Amendments thereto by Your Honble. House having been agreed to, excepting the one attached to this Bill.

I have the honor to be,
Gentlemen,
Your obedient Servant
(Sd.) E. J. Nesbitt
Clerk of the Council.

Amendment

Amend Clause 28 as amended by Your Honble. House. That the first part of the Clause be amended by the omission of the words from the commencement down to the word "and" before the words "all penalties."

The House proceeded to the consideration of the above Amendment and Ordered "That the Bill be returned to the Honble. The Legislative Council, their Amendment not having been agreed to."

The House then adjourned till Monday.

J. S. Helmcken
Speaker

Monday, the 29th day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Bayley, Burnaby, Cochrane, De Cosmos, Dennes, Duncan, Dickson, McClure, Powell, Tolmie.

The last minutes having been read and confirmed.

Dr. Tolmie rose to a question of Privilege to correct certain mis-statements made by the Reporters of the Public Journals, in their report of a Speech made by him on the subject of "The Church Reserve."

Mr. Dickson rose to a question of Privilege (as above) in re "The Bill to provide for the custody of the Estates of deceased persons."

Mr. Burnaby obtained leave to introduce "A Bill To facilitate and explain the Remedies of Creditors against the Lands of their Debtors."

On motion by Mr. Burnaby, 2nded by Mr. Dennes Bill (above) read 1st time and Ordered to be printed.

Order of the Day.

The House took under consideration and confirmed A Resolution reported fm. Committee of the whole House on 26th inst. on the subject of granting "An Extension of time to bonâ fide Settlers, whose Lands are liable to be forfeited on the 31st Inst."

Bills read a 3rd time and passed "A Bill Entitled An Act to make better provision for the custody of the Estates of deceased persons."

Also, "A Bill To amend the Harbor Dues Act, 1862."

Read a 2nd time and committed.

A Bill To impose landing permit dues on the importation of certain Stock and Carcases.

Mr. Burnaby gave Notice of Motion (M. B. f. [blank]).⁵⁸

In Committee of the whole House.

The Report of the Committee "Ordered by the House to report upon the best means of promoting the Agricultural Interests of the Colony."

Mr. Speaker left the Chair.

Mr. Bayley in Chair of the Comtee.

Mr. Speaker resumed the Chair.

The Chairman reported Progress and asked leave to sit again.

Ordered That report be received and leave granted.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Tuesday, the 30th day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Bayley, Cochrane, Dennes, Dickson, De Cosmos, Duncan, McClure, Powell.

The last minutes having been produced and confirmed.

The following Communications were read from His Excellency The Governor.

No. 68.

Vancouver Island
Victoria, 30th May, 1865

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

I have the honor to acknowledge the receipt of An Address recommending that those bonâ fide Settlers whose lands are liable to be forfeited on the 31st May shall have an extension of time; paying interest as usual for the accommodation. In reference thereto I submit the following facts for the information of the Legislative Assembly. The total amount due under this head, exclusive of interest is \$11,773.

This amount is overdue and outstanding since 1862 & 1863. Payment was demanded on the 7th Octr. 1864 and the period again extended generally for Six months.

The demands for time on the part of bonâ fide Settlers have always received special consideration.

⁵⁸ Motion Book, p. 104: "I give notice that at the next meeting I will ask leave to introduce a Bill entitled An Act to confirm certain Titles to real Property in Vancouver Island & its Dependencies."

I do not understand that the Legislative Assembly recommend the indefinite postponement of these very reasonable payments which have been so long deferred.

The State of the Public Revenue and my duty to the Crown alike render their enforcement necessary. I Enclose A Schedule showing the amount due with the names of purchasers or owners of the Lands together with a notice issued on 31st January, 1865.⁵⁹

I have the honor to be,

Gentlemen

Your most obedient Servant

(Sd.) A. E. Kennedy
Governor.

Also "No. 67" dated "Victoria 30th May 1865" in reply to an Address transmitted from this House (23rd) in re "The Preservation of the Piece of Land known as the Church Reserve as a Public Square"—stating that "as legal grounds do not exist for impeaching the right of the Trustees to the said land, it would be improper for the Government to direct the Attorney General to litigate the question."

Also "No. 66" dated Victoria 30th May, 1865 in reply to An Address transmitted from this House (17th inst.) recommending the Appointment of two Magistrates without Salaries to the respective districts of Cowichan and Comox that "His Excellency could not ascertain that there are any persons in those districts who are at the same time competent and willing to assume the responsibility and labor of such office."

Ordered to be referred to Committee of the whole House.

A Communication was read fm. the Honble. the L. Council transmitting "A Bill To amend the manner of taking the Verdict of a Jury in civil cases" with an amendment by the Honble. L. Council.

Amendment Read a first time.

Also a Communication from the Honble. the L. Council, with Amendmts. to "A Bill To grant Jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil cases."

Ordered that the said (last) amendments be printed.

Also a Comtn. from the Honble. the L. Council, inviting a Conference with the Legislative Assembly upon "A Bill Relating to Gold Mining."

Conference agreed to.

Ordered 1st June, 2 p.m.

Also A Comtn. from the Honble. The L. Council (29th May) stating that the Honble. The L. Council adheres to all its Amendments to "A Bill Entitled the Vancouver Island Mercantile Law Amendment Act 1865."

Mr. De Cosmos gave Notice of Motion for a conference.

Order of the Day.

In Committee "Ways and Means" "A Bill To impose landing permit dues on the importation of certain Stock and carcasses."

Mr. Speaker left the Chair.

Dr. Powell (elected pro. tem.) in the Chair.

Mr. Speaker resumed the Chair.

⁵⁹ The enclosure is from the *Government Gazette*, Volume II (No. 20), 3.

The Chairman report[ed] the above Bill complete.

Ordered that report be agreed to.

Bill read a 3rd time & passed.

On question that "A Bill To amend the Law relating to the Representation of Vancouver Island and its Dependencies" be now Read a third time.

The House divided.

Question.

Ayes: 5.

Messrs. McClure

Powell

Duncan

Dennes

De Cosmos

Noes: 3.

Messrs. Bayley

Cochrane

Dickson

The Bill was then read a 3rd time and passed.

On question that the following Amendmts. by the Honble. L. Council to the "Medical Bill" be read a 2nd time The House rejected unanimously the said Amendments and Ordered that a Comtn. be sent to the Honble. The L. Council, requesting A Conference on the subject of the said Bill.

AMENDMENTS TO "A BILL RESPECTING THE MEDICAL BOARD AND PRACTITIONERS IN MEDICINE AND SURGERY."

That in the Title of the Act the words "The Medical Board and" be struck out.

That the general enacting part of the Act be according to the usual form.

"Be it therefore enacted by the Governor of the Colony of Vancouver Island and its dependencies by and with the advice and consent of the Legislative Council and Assembly thereof as follows":

That in lieu of the first eighteen clauses the following clauses be inserted.

I. It shall be lawful for the Governor for the time being of the said Colony from time to time to appoint a Registrar of Medical Practitioners within the said Colony.

II. It shall be lawful for the said Governor as occasion shall require to direct the mode and manner in which the Medical Register hereinafter mentioned shall be kept by the said Registrar in such particulars as are not provided for by this Act.

III. It shall be the duty of the said Registrar to keep the said Register correctly and to erase the names of all registered persons who shall have died and shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act; and to enable the said Registrar duly to fulfil the duties imposed upon him it shall be lawful for the said Registrar to write a letter to any registered person addressed to him according to his address on the Register, to enquire whether he has ceased to practice, or has changed his residence, and if no answer shall be returned to such letter within the period of three months from the recording of the letter, it shall be lawful to erase the name of such person from the Register; provided also that the same may be restored by direction of the said Governor should he think fit to make an order to that effect or by fresh registration.

IV. Upon the application of any person being a Doctor, Fellow, Licentiate Bachelor, Master or Member of any School, College, Society or Faculty of Surgery or Medicine, or being possessed of any qualification to practice Medicine or Surgery from any School, College, Society or Faculty of Medicine or Surgery, either in the United Kingdom, or in any British Possession or Foreign Country; such person shall on payment of a fee of ten dollars be entitled to be registered by the Medical Registrar on producing to such Registrar the document conferring or evidencing the qualification or each of the qualifications in respect whereof he may desire to be registered and producing an affidavit made before the Chief Justice of the Supreme Court to the effect that he is the person named in such document of qualification; and such register may be amended in respect of any qualification subsequently acquired by any registered person on production and proof of such fresh qualification, and on payment of an additional fee of ten dollars for the same.

V. The said Register shall be open for inspection by the Public free of charge, and also as from time to time altered, corrected and revised by the said Registrar shall be published in the Government Gazette of the said Colony at least once in every year.

That section nineteen be numbered section six and be amended by inserting after the words "no person" in the commencement of the section the words "except as hereinafter excepted" and that after the words "provided always that nothing in this" and in lieu of the residue of the section be inserted the words "act contained shall be held to apply to Dentist, or to the practice of a Dentist."

That after section six be inserted the following section:

VII. Nothing in this Act contained shall be held to apply to any Medical officer in Her Majesty's service on full pay, and on active service.

That section 20 be numbered 8.

After this section insert the following section:

IX. Any Registrar who shall wilfully make or cause to be made any falsification in the said Register, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be imprisoned for any term not exceeding twelve calendar months.

X. If any person shall wilfully procure or attempt to procure himself to be registered under this Act by making or producing, or cause to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, and every person aiding and assisting him therein, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, and shall on conviction thereof be liable to imprisonment for any term not exceeding twelve calendar months.

XI. Every fine or penalty imposed under the provisions of this Act may be recovered with costs by way of summary conviction, and in default of payment by distress and sale of the goods and chattels of the offender, and in case of the insufficiency of such distress by imprisonment of the offender for any term not exceeding three calendar months, but no proceedings for the recovery of any such fine or penalty shall be commenced after the period of six months from time of the accruing of such fine or penalty.

XII. All fines, penalties, and fees imposed under the provisions of this Act shall be payable to Her Majesty the Queen, Her Heirs and Successors for the public uses of the said Colony, and in support of the Government thereof.

Strike out sections 22, 23 and 24.

Section 25 to be numbered section 13.

In Comtee. of the whole House "A Bill Entitled An Act to repeal a portion of the First Telegraph Act, 1864."

Mr. Speaker left the Chair.

Mr. Bayley in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported above Bill complete without Amendment.

Also Certain Resolutions recommitted by the House on the 3rd April 1865 on the subject of the "Condition of The Pilot Service of the Port of Victoria."

Mr. Bayley in Chair of Comtee.

The Chairman reported that the Committee having had under consideration the above mentioned Resolutions begged to report that the Committee had Resolved

That all Vessels of 50 Tons and upwards from any Port other than the Ports of V. I. and B. Columbia shall pay Pilotage as provided by the Pilot Act, 1864.

That no clearance be granted by the Harbour Master to any Vessel subject to Pilotage except on showing a Receipt for Pilotage "inwards" and "outwards."

That such Sections or parts of Sections as are contrary to the above be repealed.

That A Bill be ordered to carry out the above provisions.

Ordered that report be agreed to.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Wednesday, the 31st day of May, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Dennes, De Cosmos, Dickson, Duncan, Bayley, Burnaby, McClure, Tolmie, Trimble.

The last minutes having been read and confirmed.

A Communication was read from His Excy. The Governor "No. 69, dated Victoria 31st May 1865" informing the House that he had received a Proposition for establishing a line of Mail Packets, between Panama, Vancouver Island and British Columbia in connexion with the Royal West India Mail Packet Service.

Mr. Burnaby gave Notice of Motion for tomorrow "That House fix a day to go into Committee on above subject."

On question "that certain Resolutions reported from Committee of the whole House yesterday on the subject of 'The Pilot Service of the Port of Victoria' do pass."

The House divided.

Question.

Ayes: 6.

Messrs. Dennes

De Cosmos

McClure

Trimble

Duncan

Dickson

Noes: 3.

Messrs. Bayley

Burnaby

Tolmie

The Resolutions were therefore confirmed.

Ordered that A Bill be brought in accordingly.

Bills read a 3rd time and passed.

A Bill Entitled An Act to repeal a portion of the First Telegraph Act, 1864.

A Bill Entitled An Act to impose landing permit dues on the importation of certain Stock and Carcasses.

On motion by Mr. De Cosmos, seconded by Mr. Duncan Ordered That House go into Comtee. tomorrow upon His Excellency's Communications Nos. 66, 67, 68, respectively.

Mr. De Cosmos from the Select Comtee. appointed to report upon the management of the "Victoria Harbour Dredging Machine" laid upon the table the report of the said Comtee.

Report read—and Ordered to be taken into consideration on Friday next in Committee.

The House then took under consideration and agreed to the following Amendment by the Honble. L. Council to "A Bill To amend the manner of taking the verdict of a Jury in civil cases."

In the enacting Clause Strike out the words "His Excellency" before the words "The Governor." For the words "on behalf of Her Majesty" insert the words "of the Colony of Vancouver Island and its Dependencies." Strike out the words of "Vancouver Island and its Dependencies and by authority of the same," and insert the word "thereof."

On motion by Mr. De Cosmos The House Ordered that A Communication be sent to The Honble. The Legislative Council requesting them to grant a Conference in re "A Bill Entitled An Act respecting The Medical Board and Practitioners in Medicine and Surgery."

In Comtee. of the whole House "A Bill Entitled An Act to explain and amend the Victoria Incorporaation Act."

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported that the Comtee. having had under consideration the above mentioned Bill begged to report thereupon A Resolution "That the Chair do now rise."

Ordered that report be agreed to.

In Committee of the whole House.

The Report of the Committee ordered by the House to report upon the best means of promoting "The Agricultural Interests of the Colony."

Mr. Speaker left the Chair.

Mr. Bayley in Chair of the Committee.

Mr. Speaker resumed the Chair, a Question of Order having been referred from Committee to Mr. Speaker in Chair as to whether or not upon question "that Chair do now rise" it was competent to reply to the question or to discuss the subject further.

Mr. Speaker ruled That the motion "that Chair do now rise" rendered further discussion inadmissible.

Mr. Speaker left the Chair & again resumed Chair.

The Chairman reported that the Committee having had under consideration the above mentioned subject begged to report A Resolution "That the Chair do now rise."

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker

Thursday, the 1st day of June, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Tolmie, Burnaby, McClure, Dickson, Powell, Dennes, De Cosmos, Bayley, Duncan, Cochrane.

The last minutes having been read and confirmed.

A Communication (No. 70 dated 1st June, 1865) was received from His Excy. The Governor enclosing "A Comparative Statement of the Estimated and the Actual Expenditure for the Year 1864 in detail."

Also "A Bill To grant a Supplemental Supply of Thirty Seven Thousand Six Hundred and Eight Dollars and Thirty Nine Cents for the Service of the Year One Thousand Eight Hundred and Sixty Four."

Ordered to be referred to Committee of "Ways and Means."

On motion by Mr. Burnaby, seconded by Dr. Dickson, Ordered That Communication (No. 69) from H. Excy. The Governor on the subject of Steam Communication with Panama be the order of the Day for Monday (5th inst.).

Mr. Burnaby obtained leave to bring in "A Bill Entitled An Act to confirm certain Titles to real property in Vancouver Island and its Dependencies" which Bill On motion by Mr. Burnaby, seconded by Dr. Tolmie, was Read a 1st time and Ordered to be printed.

Mr. McClure from the conference reported that the Honble. The Legislative Council and the Legislative Assembly had met in conference this day upon "A Bill Relating to Gold Mining" but that they had not been able to agree thereupon.

A Communication was read from the Honble. The Legislative Council enclosing "A Bill relating to Gold Mining"—The Honble. The Legislative Council insisting upon its Amendment that Clause 28 be amended by the omission of the words from the commencement down to the word "And" before the words "all penalties."

On motion by Mr. McClure, seconded by Mr. De Cosmos "A Bill To amend the Road Act, 1860" was read a first time and Ordered to be printed.

The House then took under consideration the Amendment by the Honble. The Legislative Council to "A Bill relating to Gold Mining"—which Amendment was not agreed to.

The House insisted upon its own Amendment, and Ordered that the Bill be returned to the Council.

Order of the Day, In Committee of the whole House.

1. His Excellency's Communications (No. 66) upon the subject "Of the Appointment of Two Magistrates without Salaries in the Districts of Cowichan and Comox."

2. No. 67 in reply to An Address from this House on the subject of the Preservation of the Piece of Land known as the Church Reserve.

3. No. 68, in reply to An Address from this House recommending "An extension of time to bonâ fide Settlers whose lands become liable to be forfeited on the 31st May."

Mr. Speaker left the Chair.

Mr. Dennes in Chair of the Comtee.

Mr. Speaker resumed the Chair.

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

In regard to the first, A Resolution "That this House would respectfully inform His Excellency The Governor that it is still of opinion that it is desirable to appoint Magistrates from the Districts commonly known as Cowichan and Comox from among the most respectable Settlers in the said Districts. That this House would further state that it believes His Excellency the Governor will, on further enquiry, find a sufficient number of Settlers of integrity and ability resident in the said Districts, who are willing to discharge the duties of Justices of the Peace; and would respectfully recommend that further steps may be taken to carry out the views of this House respecting their Appointment as such."

In regard to the Second viz. "The Church Reserve" The Chairman reported "That he had not any report to make."

In regard to the third.

The Chairman reported A Resolution "That His Excellency be respectfully requested to allow to 'bonâ fide' Settlers a reasonable extension of time to pay the instalments due on the 31st May 1865."

Ordered that reports be agreed to respectively.

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

Friday, the 2nd day of June, 1865

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

Present: Mr. Speaker in the Chair and Messrs. De Cosmos, Powell, Tolmie, Trimble, McClure, Dennes, Burnaby, Dickson.

The last minutes having been read and confirmed.

Mr. De Cosmos rose to a question of Privilege.

Dr. Trimble gave Notice of Motion for leave to introduce "A Bill To amend the Road Act, 1860."

Mr. Dennes gave Notice of Motion (M. B. f. [blank]).⁶⁰

Order of the Day.

The House took under consideration and confirmed certain Resolutions reported from Committee of the whole House yesterday.

First "As to the appointment of two Justices of the Peace in the districts of Cowichan and Comox, without Salary." Second "As to an extension of time to bonâ fide Settlers whose land becomes liable to be forfeited on the 31st May, 1865."

A Communication⁶¹ from the Colonial Secretary's office was Read—in re "The Dredging Machine"—with enclosure from Admiral Denman transmitting a Report thereupon by the Chief Engineers of H. M. S. "Sutlej" and "Chameleon."

⁶⁰ "I give Notice that I shall on Monday next move that a respectful Address be presented to His Excellency the Governor for Copies of the Correspondence between the Superintending Engineer of the Dredger, the Acting Surveyor General and the Executive and for Copies of Reports of the Chief Engineer of H. M. S. Sutlej and the Chief Engineer of H. M. S. Chameleon to His Excellency the Governor as to the Machinery of the Dredger and for the plans and specifications for building Dredger and Punts for same and Tugs." Vancouver Island, House of Assembly, Motion Book, 1865-66, p. 1. Rather than an official record, this motion book is an informal scrapbook kept by De Cosmos for his personal use and is hereafter cited as Motion Book, 1865-66.

⁶¹ Acting Colonial Secretary Wakeford to the Clerk of the Legislative Assembly, 2 June 1865, Vancouver Island, Colonial Secretary, Correspondence outward, 20 September 1864 to 11 September 1865, PABC. The letter from Rear-Admiral Joseph Denman and accompanying report is not included in the official letterbook copy.

House in Committee "Ways and Means."

Mr. Speaker left the Chair.

Mr. Dennes pro. tem. in the Chair.

Mr. Speaker resumed Chair.

The Chairman reported progress & asked leave to sit again.

Ordered that the comparative Statement of the estimated Revenue and Expenditure for 1864, and the Supplemental Supply Bill \$37,608.39 be printed.

The House then adjourned till tomorrow.⁶²

J. S. Helmcken.
Speaker

Monday, the 5th day of June, 1865

Present: Mr. Speaker and Mr. Dennes.

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

J. S. Helmcken
Speaker.

Tuesday, the 6th day of June, 1865

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

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

The last minutes having been read and confirmed.

A Communication was read from the Honble. the L. Council appointing 2 p. m. on Wednesday the 7th Inst. as the hour at which they would meet the Legislative Assembly in Conference upon "The Medical Bill" and "The Mercantile Law Amendment Act."

A Communication (No. 71) from H. Excy. The Governor was read enclosing "A Bill to impose a Tax of one half of one per centum upon all real Estate within the City of Victoria and for other purposes relating thereto" in conformity with Resolution "Ways and Means" 22nd May.

A Comtn. (No. 72) from H. Excy. The Governor enclosing a Circular Despatch from the Rt. Honble. The Secretary of State for the Colonies (16th Jany. 1865) relative to "Prison Discipline and Penal Servitude."

⁶² According to the *Colonist*, 3 June 1865, the House adjourned to Monday.

Mr. Dennes gave Notice of Motion (M. B. f. [blank]).⁶³

” ” ” ” ” ” ” (” ” ” ” ”).⁶⁴

Mr. De Cosmos gave Notice of Motion (M. B. f. [blank]).⁶⁵

House in Committee “Ways and Means.”

Mr. Speaker left the chair.

Mr. Chairman “Ways and Means” in chair.

Mr. Speaker resumed the chair.

The chairman reported A Resolution “That the Sum of Ten dollars be charged for every Marriage license issued; to be paid into the General Revenue of the Colony.”

Ordered that Report be agreed to.

House in Comtee. “Supplemental Supply.”

Mr. Speaker left the chair.

Mr. Chairman “Ways & Means” in chair.

The Chairman reported that the Committee having had under consideration “A Bill To grant a Supplemental Supply of Thirty Seven Thousand Six Hundred and Eight Dollars and Thirty Nine Cents for the Service of the year one Thousand Eight Hundred & Sixty four” begged to report A Resolution “That the further consideration of the items ‘Supreme Court 3,279.89’ ‘Attorney General 1,203.03’ ‘Works & Buildings 13,625.32’ be postponed until an explanation shall have been furnished in detail to this House as to the way in which such sums respectively have been expended.”

The Chairman also reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

The Chairman also reported that the Comtee. having had under consideration “in Ways and Means” “A Bill To impose a tax of $\frac{1}{2}$ of 1 per centum upon all Real Estate within the City of Victoria and for other purposes relating thereto” had granted leave to withdraw the Bill in order that it might be amended.

Ordered that report be agreed to.

Dr. Trimble obtained leave to introduce “A Bill To amend An Act entitled the Road Act, 1860.”

On motion by Dr. Trimble, 2nded by Dr. Powell The above Bill was read a 1st time and Ordered to be printed.

⁶³ Motion Book, 1865-66, p. 2: “I give Notice that I shall on Wednesday next move an Address to His Excellency the Governor for Copies of all Papers Correspondence and Plans in reference to the purchase of the Dredger and Barges specifying the amount paid for same and all the incidental charges expenses and payments connected therewith.”

⁶⁴ Motion Book, 1865-66, p. 2: “I give Notice that I shall on Wednesday next move an Address to His Excellency the Governor for a return of the number of Plaints issued in the Inferior Court of Civil Justice from 1st January 1860 to 31st May 1865.”

⁶⁵ Motion Book, 1865-66, p. 1: “I will move on Thursday next That one half of the revenue proposed in a resolution of this House to be raised to pay the indebtedness of the City of Victoria be levied on those parties liable to pay Trades licenses during the current year.”

Notice of Motion, Mr. De Cosmos (M. B. f. [blank]).⁶⁶

On question That a Communication from the Honble. L. Council negating the Amendments by the Legislative Assembly, and adhering to all its own Amendments to "A Bill [granting] Jurisdiction to J.P.'s" be now Read a 2nd time Mr. Franklin moved An Amendment that the 2nd Reading be postponed till tomorrow.

Seconded by Dr. Tolmie.

Question.

For Mr. Franklin's Amendment

Ayes: 2.

Messrs. Franklin
Tolmie

Against Mr. Franklin's Amendment

Noes: 6.

Messrs. McClure
Powell
Dennes
De Cosmos
Dickson
Trimble

The Amendment was therefore lost.

On question that the above Amendment by the Honble. L. Council be Read a 1st time—The House decided unanimously That The Bill be returned to the Honble. L. Council requesting them to grant a conference thereupon—their Amendments not having been agreed to.

In Comtee. of the whole House.

A Communication from H. Excy. The Governor (No. 69) upon the subject of "Steam Communication with Panama."

Mr. Speaker left the chair.

Mr. Dennes in chair of Comtee.

Mr. Speaker resumed chair.

The Chairman reported A Resolution "That this Committee although very desirous of encouraging mail communication with Great Britain and although prepared to entertain any moderate proposal for the establishment of such communication, feel, nevertheless, compelled, in the absence of Any Answer from H. My.'s Government to the Union Resolutions passed by the House of Assembly, to postpone the consideration of the subject at the present time.

Ordered That report be agreed to.

Managers of Conference, Mercantile Law Amendment Act, Mr. De Cosmos.

„ „ „ Medical Bill, Messrs. Powell, Dickson.

House adjourned till tomorrow.

Speaker.

⁶⁶ Motion Book, 1865-66, p. 3: "I will move on Wednesday next:—

That Coroner be ordered to transmit to this House a return of the number of persons upon whose bodies inquests were held by him during the respective years of 1861, 62 63 and 64, with the accelerating causes of death.

"2 The disposition made of the money found upon their persons.

"3 The fees paid to the Coroner, and Medical Practitioners, for evidence and post mortem examinations."