

On the motion of the Hon. Mr. *Davie*, Bill (No. 77) intituled "An Act to authorize the granting of a certain Land Subsidy for and in aid of the Upper Columbia Navigation and Tramway Company," was read a first time.

Ordered to be read a second time to-morrow.

Bill (No. 40) intituled "An Act to amend the "County Courts Act," was committed, with Mr. *Croft* in the Chair.

The Committee reported the Bill complete with amendments.

Report *Ordered* to be considered to-morrow.

The Report on Bill (No. 66) intituled "An Act to amend the 'Sheriffs' Act,'" was considered and adopted.

Bill read a third time and passed.

The Report on Bill (No. 38) intituled "An Act to amend the 'Mineral Act, 1891,'" was considered.

Mr. *Smith* moved to strike out the words "recording the same," in the fourteenth line of section 8, and insert in lieu thereof the words "filing a notice of their intention."

Carried.

Colonel *Baker* moved to amend section 10 by striking out all the words after "following," in the third line, and inserting in lieu thereof the following:—

"But a free miner shall be entitled to locate and record on separate veins or lodes additional claims, not exceeding two in each mining division; provided that not more than one claim is located on each separate vein or lode, to the number of two in all, as aforesaid."

Carried.

Mr. *Smith* moved to insert the word "dollars" after the words "five hundred," in line three, section 16.

Carried.

Mr. *Smith* moved to change the word "or" to "and" in line two, section 26.

Carried.

Colonel *Baker* moved to insert the following as new sections:—

"Sec. . . Section 111 of the said Act is hereby amended by striking out the words 'and record the same,' in the second line.

"Sec. . . Section 115 of the said Act is hereby amended by striking out the words 'brought to him,' in the second line, and inserting in lieu thereof 'required to be recorded.'"

"Sec. . . The last Schedule of the said Act is hereby amended by striking out the figures '1.00,' in the last line but one, and inserting in lieu thereof the figures '.25.'"

Carried.

Mr. *Kellie* moved to insert the following as a new section:—

"29. No person shall by reason of his having supplied the locator of any claim with money, materials, or provisions be regarded as or taken to be the holder of any interest, either as a partner or otherwise, in such claim located or recorded by the person to whom such money, materials, or provisions were supplied, unless a partnership or other agreement declaring what interest such person is to have in such claim, signed by the parties to same, is filed and recorded with the Mining Recorder."

The motion was negatived on the following division:—

YEAS:

Messieurs

Semlin,
Grant,
McKenzie,

Kitchen,
Punch,
Kellie,

Milne,
Brown,

Keith,
Hunter—10.

NAYS:

Messieurs

Cotton,
Beaven,
Smith,
Forster,

Baker,
Davie,
Stoddart,
Booth,

Hall,
Nason,
Pooley,
Turner,

Croft,
Rogers,
Anderson—15.

Report, as amended, adopted.

Bill read a third time and passed.

Bill (No. 75) intituled "An Act to confirm to the Crown all unrecorded and unappropriated water and water power in the Province, and for other purposes," was read a second time.

Ordered to be committed to-morrow.

The Report on Bill (No. 27) intituled "An Act to amend the 'Municipal Act, 1891,' was considered.

The Hon. Mr. *Davie* moved to amend section 8, sub-section (*d*), by striking out the words "two-thirds in number of the members of," in line 10 of the sub-section.

The motion was carried on the following division:—

YEAS :

Messieurs

<i>Grant,</i>	<i>Robson,</i>	<i>Nason,</i>	<i>Croft,</i>
<i>Punch,</i>	<i>Davie,</i>	<i>Pooley,</i>	<i>Rogers,</i>
<i>Horne,</i>	<i>Vernon,</i>	<i>Turner,</i>	<i>Anderson—15.</i>
<i>Smith,</i>	<i>Booth,</i>	<i>Martin,</i>	

NAYS :

Messieurs

<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Baker,</i>
<i>Sword,</i>	<i>Milne,</i>	<i>Forster,</i>	<i>Stoddart,</i>
<i>Kitchen,</i>	<i>Beaven,</i>	<i>Keith,</i>	<i>Hunter—12.</i>

The Hon. Mr. *Davie* moved to amend section 9 by inserting between "Municipality" and "to," in line 2, the words "at any time within one month from the passage or adoption thereof."

Add immediately after the word "Council," in line 4, the words "which has not been reconsidered by the Council in manner mentioned in the sub-section hereof, and which has not been affirmed by vote of the ratepayers."

Carried.

The Hon. Mr. *Davie* moved to amend section 9, sub-section (*c*), by striking out the words in lines 2 and 3 "a majority in number of all the members," and the words on line 2 "a division"; and between "Reeve" and "but," on line 6, insert "or the Council may amend such by-law in the same manner as they might have done upon its original consideration."

The motion was negatived on the following division:—

YEAS :

Messieurs

<i>Grant,</i>	<i>Robson,</i>	<i>Booth,</i>	<i>Croft,</i>
<i>Horne,</i>	<i>Davie,</i>	<i>Nason,</i>	<i>Anderson—11.</i>
<i>Smith,</i>	<i>Vernon,</i>	<i>Pooley,</i>	

NAYS :

Messieurs

<i>Semlin,</i>	<i>Punch,</i>	<i>Beaven,</i>	<i>Baker,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Turner,</i>
<i>Sword,</i>	<i>Milne,</i>	<i>Forster,</i>	<i>Hunter—13.</i>
<i>Kitchen,</i>			

The Hon. Mr. *Davie* moved to strike out sub-section (*d*), and in lieu thereof insert :

"If upon such re-consideration the by-law, resolution, or proceeding shall not pass the Council, either in its original or in some amended form, it shall be deemed to be absolutely vetoed, and shall be of no force or effect whatever, and shall not be introduced again into the Council during its then term, except with the unanimous consent of the Council, including the Mayor or Reeve. Should such by-law, resolution, or proceeding be amended upon such re-consideration, the same shall be deemed to have passed in its amended form."

The motion was carried on the following division :—

YEAS:

Messieurs

<i>Grant,</i>	<i>Smith,</i>	<i>Vernon,</i>	<i>Pooley,</i>
<i>Punch,</i>	<i>Robson,</i>	<i>Booth,</i>	<i>Croft,</i>
<i>Horne,</i>	<i>Davie,</i>	<i>Nason,</i>	<i>Anderson—12.</i>

NAYS:

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Beaven,</i>	<i>Keith,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Baker,</i>
<i>Sword,</i>	<i>Milne,</i>	<i>Forster,</i>	<i>Turner—12.</i>

Mr. Speaker voted with the yeas.

The Hon. Mr. *Davie* moved to strike out section 16 and its sub-sections.

The motion was carried on the following division :—

YEAS:

Messieurs

<i>Horne,</i>	<i>Davie,</i>	<i>Nason,</i>	<i>Croft,</i>
<i>Smith,</i>	<i>Vernon,</i>	<i>Pooley,</i>	<i>Hunter,</i>
<i>Baker,</i>	<i>Eberts,</i>	<i>Turner,</i>	<i>Rogers,</i>
<i>Robson,</i>	<i>Booth,</i>	<i>Martin,</i>	<i>Anderson—17.</i>
<i>Fletcher,</i>			

NAYS:

Messieurs

<i>Semlin,</i>	<i>Sword,</i>	<i>Kellie,</i>	<i>Forster,</i>
<i>Grant,</i>	<i>Kitchen,</i>	<i>Beaven,</i>	<i>Keith—11.</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	

Mr. Speaker gave the following ruling :—

In Committee of the Whole on Bill (No. 42) intituled "An Act to amend the 'Columbia and Kootenay Railway and Navigation Company Act, 1890,'" a point of order (viz., as to the right to propose amendments to the Bill giving extended powers to the Company, which were not considered by the Railway Committee and not embraced in the published notices of application for the Bill) having arisen, the Committee reported the matter to the Speaker for his decision, and asked leave to sit again.

I have examined the petition for the Bill, and find that the amendment proposes to allow the petitioners to carry their line to a point far beyond the limits originally described in the petition.

Rule 50 requires that a notice, clearly and distinctly specifying the nature and object of the application, shall be published in the British Columbia Gazette and in one newspaper in or nearest the district affected in which a newspaper is published. Notices that comported with the petition were published, but they did not embrace the limits proposed to be inserted by the amendments in the Bill.

The Bill was duly reported by the Committee on Standing Orders, and came before the House and reached the Committee of the Whole in the usual way. Up to this point, I think, the proceedings were in accordance with parliamentary practice; but I doubt the power of a Committee of the Whole to make so extensive and sweeping a change in a Bill except on petition, which should reach the House in the customary manner.

May, page 788, says:—"If, after the introduction of a Private Bill, any additional provision should be made in the Bill in respect of matters to which the Standing Orders are applicable, a petition for that purpose should be presented to the House, with a printed copy of the proposed clauses annexed. The petition will be referred to the Examiners of petitions for Private Bills, who are to be given at least two clear days' notice of the day on which it will be examined. * * * After hearing the parties in the same manner as in the case of the original petition on the Bill, the Examiner reports to the House whether the

Standing Orders have been complied with or not, or whether any be applicable to the petition for additional provision." (The Committee on Standing Orders and Private Bills stand in the relation of Examiners towards this House).

Rule No. 66 of this House requires two days' notice of any important amendment to any Private Bill in a Committee of the Whole House; but I am of opinion that that rule cannot be held to apply to the amendment moved, as Rule 62 requires that the attention of the House shall be specially called to any provision that does not appear to have been contemplated in the notice for the same as reported upon by the Committee on Standing Orders.

If an amendment of the nature moved can be proposed at this stage of the Bill, what would be the value of the notices or petitions in which the line was first defined, or how would parties whose interests might be affected by the amendment be made aware of the contemplated extension?

I rule that the amendment can only come before the House in the usual way, by petition.

D. W. HIGGINS,
Speaker.

Mr. Speaker left the Chair at 6 o'clock, p. m.

HALF-PAST SEVEN O'CLOCK, P. M.

The further consideration of the Report on Bill (No. 27) intituled "An Act to amend the 'Municipal Act, 1891,'" was resumed.

Mr. *Beaven* moved to amend section 130 by striking out in line one the words "every Municipal Council" and inserting in lieu thereof "the Council of a City Municipality."

Carried.

Mr. *Beaven* moved to amend sub-section (2) of section 130, line one, by striking out the word "and," and inserting after the word "levying" the words "and collecting."

Carried.

Mr. *Beaven* moved to strike out sub-section (4) and insert in lieu thereof:—

"The special rate to be assessed, levied, and collected shall, except as is hereinafter provided, be according to the frontage thereof upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made, and may be assessed, levied and collected annually, or otherwise, as the Council may by by-law decide or define."

Carried.

Mr. *Beaven* moved to strike out sub-section (9*a*) of section 130 and substitute therefor—

"(9*a*.) The Council may pass by-laws to assess, levy, and collect by means of a special rate as aforesaid, and otherwise to provide for the construction of branch sewers to connect any real property with a common sewer, and for connecting all buildings with the branch sewers, and for making all necessary house or building connections with such sewer, and in cases where a vacant space intervenes between a line of a street and the building into which or under which the sewer pipe is to be taken, the Council may also provide in such by-law for laying the sewer pipe across such vacant space and under such building. In all such cases the cost of the same shall be payable and paid by the owner of such real property so connected with the sewer, and shall be a charge on such real property. If any damage be done to this portion of the sewer, or its connections, or its fittings, either by neglect or otherwise, the Council may authorize and have made the repair of the same, and the cost of the same shall be paid by the owner of the real property, and shall be a charge as aforesaid."

Carried.

Mr. *Beaven* moved to insert as sub-section (14*a*) of section 130:—

"(14*a*.) In the event of the Council deciding to distribute the payments of the costs of such works over a series of years, they may pass all by-laws necessary for the purpose of borrowing moneys to defray the expenses thereof, upon debentures (called 'Local Improvement Debentures') secured by special rates upon the properties (in the opinion of the Council by by-law expressed) benefitted by such works; and no such by-law or by-laws shall require the assent of the electors before the final passing thereof."

Carried.

Mr. *Beaven* moved to insert as sub-section (14*b*) of section 130:—

“(14*b*.) The total amount of the estimated cost of such proposed works (as herein contemplated) may be assessed, levied, and collected prior to the commencement of the actual work of construction of such works, and the Council may pass all necessary by-laws defining the terms, times, and modes of payment thereof and otherwise for the purpose of providing the means of making such assessment, levies, and collections.”

Carried.

Mr. *Beaven* moved the following as a new sub-section of section 130:—

“No such local improvement as aforesaid, except branch sewers and the work provided for in sub-section (9*a*) of this section, shall be undertaken by the Council if the majority of the owners of such real property, representing at least one-half in value thereof, petition the Council against such assessment within fifteen days after the Council shall have published a notice signifying its intention of making such assessment in one newspaper published in such municipality; any leaseholder, the term of whose lease (including any renewals therein provided for) is not less than twenty-one years, shall be deemed an owner within the meaning of this sub-section, if the lessee has therein covenanted to pay all municipal taxes on the demised property during the term of the said lease.”

Carried.

Mr. *Beaven* moved the following as a new sub-section of section 130:—

“The number of owners petitioning against the assessment and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf.”

Carried.

Mr. *Beaven* moved the following new section:—

“The Council may pass any and all by-laws in their opinion expedient for the purpose of carrying out the objects contemplated in sub-sections (1) to (16), inclusive, of section 130 of this Act, and the generality of this clause is not to be restricted by the specific mention of the ways and means in the foregoing sub-sections, or any of them, but shall be deemed and taken in the most extended sense to authorize the Council to take any proceedings they may deem advisable to effectually carry out the said objects, or any of them.”

Carried.

The Honourable Mr. *Davis* moved the following amendments:—

To strike out section 23.

Carried

In section 24, to strike out “ten” in line 3, and insert “thirty.”

Carried.

Section 34—By inserting the following as sub-section (c) and re-lettering the other sections accordingly.

Carried.

Section 96 of the Municipal Act is hereby amended by inserting as an additional sub-section, between sub-sections 7 and 8 of the said section, and between the words “company” and “for,” the following provision:—

“7*a*. Every by-law for any of the purposes mentioned in the preceding sub-sections must name a reasonable time limit for the commencement, as well as for the completion, operation, or carrying into effect, as the case may be, of the manufactory, industry, enterprise, or work which is to be aided by any such by-law, and shall be passed upon the express condition that a failure to observe such time limit shall render the by-law void. Any by-law which does not comply with this sub-section shall be of no validity.”

Carried.

To further amend section 34 by striking out what is at present printed as sub-section (c) and inserting in lieu—

“That portion of sub-section (9) of section 96 of the Municipal Act which follows after the third line of the said sub-section, and is lettered (b), is hereby repealed, and the following substituted therefor:—

“9*a*. The assent of the electors shall be, and is hereby declared to be, necessary to the validity of any by-law to be passed under the provisions of the preceding sub-sections of section 96.”

Carried.

To further amend section 34, sub-section (*i*) by striking out the word "taxed," in line three, and inserting "assessed."

Carried.

To further amend section 34, in sub-section (*n*), by striking out the words "two-thirds of the," and inserting "an amount equal to" in lieu thereof.

Carried.

Section 37, line 3, strike out the words "Her Majesty the Queen," and substitute "the reigning sovereign."

Carried.

Section 38. Strike out the words "leprosy or," and insert "contagious or."

Carried.

Section 43. Strike out the word "hereinafter," in line four, and insert immediately after "provided" the words "in the sub-sections to this section."

Carried.

Section 45. Strike out "ratepayers" and substitute "persons."

Carried.

Sec. 60—Change the figures "34," in line 1, to "64," or to the eventual number which that is now 64 will bear. Strike out "only," in line 1, and insert it between "force" and "in," in line 2. Fill up the blanks in sec. 61 with "64," or other the eventual number.

Sec. 61—Add thereto "and the petition shall name three persons either of whom will be authorized to receive the deposit in case the petitioners become entitled to a refund thereof."

Sec. 62—Strike out in line 4 "such person as they shall nominate," and insert "one of the persons authorized by the petition."

Sec. 64—For "repealed," in line 1, read "suspended," and for "inserted," in line 2, read "during such suspension shall be substituted."

Sec. 64, sub-s. (*b*), line 15—Between "Corporation" and "of" insert "any other person he may think proper."

Sec. 64—To be sub-section (*i*): "There shall be an appeal to the Divisional Court from the decision of a Judge under this Act."

Number the paragraph which follows what is now sub-section (*i*) as an independent section. In the first blank insert "63" and in the second insert "64."

Carried.

Sec. 66—Add to the substituted section therein contained:—"But this section shall not apply to real property held by any railway company."

Carried.

To insert as clause 88A:—

Sec. 159, sub-sec. (1)—Add "and the land which the same covers, and the parsonage or dwelling for the use of the clergy erected in connection with such place of public worship."

Sub-sec. 6—Add "and the land upon which the buildings are situated, and which surround the same to the extent of three acres,"

Withdrawn.

Sec. 90, sub-sec. (*a*)—Strike out the words between "blocks," in line two, and "and," in line three, and insert "extending on each side to the streets which bound them, except as to any side bounded by the water, or other natural boundary, and then to such water or natural boundary."

Withdrawn.

Mr. *Brown* moved the following amendments:—

That sub-section (*a*) of section 92 be amended by striking out in line 9 all the words after "completed," down to and including the word "Board" in the 12th line, and inserting in lieu thereof the words "the holder of such license shall only be entitled to sell liquor and carry on such business under such license in the rebuilt premises."

Negatived.

Mr. *Beaven* moved to strike out section 100 and substitute in lieu thereof the following:—

"100. No new license to sell wine, spirits, beer, or other fermented or intoxicating liquor, in any city municipality, shall be issued or granted under authority of sub-section (27) of section 166 of the 'Municipal Act, 1891,' as amended by this Act, unless in addition to the

other requirements and provisions in that behalf required by law the following be obtained by the applicant for the license, and be deposited with the Clerk of the Municipal Council at least fourteen days before the sitting of the Board of Licensing Commissioners as a Licensing Court:

“(a.) A petition or requisition in favour of granting such license, signed by the following persons owning land in the block of land within which the premises for which the license is sought and business will be carried on is situate.

“(1.) At least two-thirds of the lot owners resident in the city, and also by at least two-thirds of the wives (if any) of such lot owners living with them:

“(b.) The petition shall also be signed by the following persons owning land in the block of land on the same street and opposite the block in which the said premises are situate:

“(2.) At least two-thirds of the lot owners resident in the city, and also by at least two-thirds of the wives (if any) of such lot owners living with them:

“(c.) If the premises for which the license is sought is situated on a lot at the corner of two streets then in addition to the above the petition or requisition for the granting of such license must be signed by the following persons owning land in the blocks of land opposite the corner lot upon which the premises are situate or the business will be carried on:

“(3.) At least two-thirds of the lot owners resident in the city, and also by at least two-thirds of the wives (if any) of such lot owners living with them.”

Carried on the following division:—

YEAS:

Messieurs

*Semlin,
McKenzie,
Kitchen,
Cotton,*

*Kellie,
Milne,
Beaven,
Brown,*

*Forster,
Robson,
Stoddart,
Booth,*

*Pooley,
Croft,
Hunter—15.*

NAYS:

Messieurs

*Grant,
Sword,
Punch,
Horne,*

*Smith,
Davie,
Vernon,
Eberts,*

*Hall,
Nason,
Turner,
Martin,*

*Rogers,
Anderson,
Fletcher—15.*

Mr. Speaker voted with the ayes.

Mr. *Beaven* moved the following amendments:—

Section 95 is hereby amended by adding thereto the following words “or by the persons mentioned in section 100 of this Act.”

Carried.

Section 166 of the “Municipal Act, 1891,” is hereby amended by adding the following thereto as a new sub-section:—

“(27) In city municipalities from any person vending wines, spirits, beer, or other fermented or intoxicated liquor by retail, in any building in use as an hotel, and containing not less than thirty rooms actually furnished and used for hotel purposes, for each house or place where such vending is carried on not less than one hundred dollars, and not more than two hundred dollars, for every six months.

Carried.

Section 200 of the “Municipal Act, 1891,” is hereby amended by adding in line two, after the figure “(5),” the word and figures “or (27).”

Carried.

Section 190 of the “Municipal Act, 1891,” is hereby amended by adding in line two, after the figure “(5),” the word and figures “or (27).”

Carried.

Section 194 of the “Municipal Act, 1891,” is hereby amended by adding in line four, after the figure “(5),” the word and figures “or (27).”

Carried.

Sub-section (a) of section 176 of the "Municipal Act, 1891," is hereby amended by striking out in line five the word "any," and by inserting after the word "Peace" "selected annually by the Municipal Council by resolution and"; and in line nine by striking out all the words after the word "more," down to and including the word "Board," in the fourteenth line.

Carried.

The Hon. Mr. *Davie* moved the following amendments :—

Sub-sec. (b), (2), of sec. 90, line 1—Between "business" and "and" insert "in the block."

Sec. 92, sub-sec. (a), line 9—Between "completed" and "the" insert "provided the owner desires to maintain a license for the same"; and add to the section "but in case the owner shall not require to continue the license for the originally licensed premises, then the Board may permit the licensee to transfer the license to any premises to be approved by the Board."

Sec. 100—To be added: "and if it is established to the satisfaction of the Board that the premises are to be carried on bonâ fide as a hotel."

Sec. 102—Strike out all the words after "Peace," in line 4, to the end of the section.

Sec. 104—After "Governor," in line two, insert "in Council."

Carried.

Mr. *Beaven* moved the following amendments :—

To insert as sub-section (k) of section 176 of the "Municipal Act, 1891" :—

"(k.) It shall be lawful for the Municipal Council, by resolution, to annually appoint two Justices of the Peace to sit as members of the Board of Licensing Commissioners, and the Magistrates so appointed shall have full power to sit and vote and act as members of the Board of Licensing Commissioners during the term for which the members of the Council which appointed them are elected. In the event of one or more of such Magistrates not voting and acting, or being unable or unwilling to vote or act, the Council may appoint another Magistrate to sit, vote and act in his stead as a Licensing Commissioner for the unexpired period, and the appointment of the Magistrate not so acting shall be ipso facto null and void, and the Magistrate appointed in his stead shall have all the rights and powers of a member of the Board of Licensing Commissioners."

Carried.

Sub-section (b) of section 176 of the "Municipal Act, 1891," is hereby amended by striking out in line four the word "any," and by inserting after the word "Peace" "selected annually by the Municipal Council by resolution"; and in line eight by striking out all the words after the word "more," down to and including the word "Board" in the thirteenth line.

Carried.

To add as a new section—

"Any municipal corporation granting aid or assistance in any way to any person or persons or body corporate may take security by mortgage or otherwise for the repayment of the same, and may pass all necessary by-laws to carry the provisions of this section into full force and effect, and any security taken may be registered in the name of the corporation in the Land Registry Office."

Carried.

Mr. *Croft* moved the following amendment :—

Sub-section (26) of section 96 of the "Municipal Act, 1891," is hereby amended by striking out in line one the word "within," and in line two the word "or," and inserting after word "limits," in the said sub-section, the words "but nothing in this sub-section contained shall in any way affect the holding of any land which may have been lawfully accepted, purchased, and held by any municipality for the purposes of a public cemetery, and actually used as such, before the passing of this Act."

Reading of sub-section as amended :—

"(26.) To accept purchase, and hold land for public cemeteries without the municipal limits, but nothing in this sub-section contained shall in any way affect the holding of any land which may have been lawfully accepted, purchased, and held by any municipality for the purposes of a public cemetery, and actually used as such, before the passing of this Act; and to provide for the regulation of cemeteries."

Negatived.

Mr. *Brown* moved that the following be inserted as a new section, immediately before section 65 :—

“Sec. . Section 115 of the ‘Municipal Act, 1891,’ is hereby amended by adding the following as sub-section (a):—

(a.) It shall be lawful for the Council of any municipality (including the Cities of Vancouver and New Westminster), with the consent of the lawful holder of any debenture or debentures issued under any by-law or by-laws made before the passing of this Act, to recall and cancel such debenture or debentures, and to cause to be issued and delivered to such holder instead thereof another debenture or debentures of the like or an equivalent amount, but expressed to be payable in sterling money instead of currency, or in currency instead of sterling money, as the case may be, and at any different place, if, and as may be agreed upon between such holder and the Council, instead of the currency or sterling money or at the place in the debenture or debentures so called in and cancelled, but so as that every such new debenture shall bear the same date and be made payable on the like days and times, both as to principal and interest, as the debenture for which it is substituted; and the assent of the ratepayers to any by-law to be made under the authority hereby conferred shall not be necessary.”

Carried.

Mr. *Kitchen* moved to insert as a new clause :—

“122 (a). In case of the transfer of real property in rural municipalities, a declaration under the “Oaths’ Act” of the vendor or vendee shall be sufficient evidence of the transfer for the purposes of assessment.”

Carried.

Mr. *Kitchen* moved to insert the following as section 135 :—

“Notwithstanding anything to the contrary contained in the ‘Municipal Act, 1891,’ or amendments thereto, sections 258 and 260 of said Act shall not be operative within the area of lands embraced by the schedule annexed to the ‘Surrey Dyking Act, 1892,’ until a petition shall have been presented to the Council of the Municipality of Surrey, signed by the majority in number and value (as shewn by the last revised assessment roll) of the owners (whether resident or non-resident) of the lands included in the schedule annexed thereto, and until the said Council by by-law shall so direct.”

Carried.

Mr. *Kitchen* moved to insert the following section in lieu of section 269 :—

“269. It shall be lawful for the Council of any Township or District Municipality, whether incorporated under this or under any special Act, from time to time to appoint, at such salary as the Council may fix, any Justice of the Peace, holding a commission as such from the Province and having jurisdiction within the Municipality, to be Police Magistrate for the Municipality; and such Police Magistrate shall during office, and so long as his commission as a Justice of the Peace shall subsist, but no longer, have and exercise all the functions, powers, and authorities which may lawfully be exercised by any Stipendiary Magistrate for the Province.”

Carried.

The further consideration of the Report was adjourned until to-morrow.

The Report on Bill (No 35) intituled “An Act to amend and consolidate the Acts for the protection of certain Animals, Birds, and Fishes,” was considered and adopted.

The Hon. Mr. *Turner* moved—“That the Bill be read a third time now.”

Mr. *Semlin* moved in amendment, seconded by Mr. *Kitchen*,—

To strike out the word “now” and insert “this day six months.”

The amendment was negatived.

Bill read a third time and passed.

Resolved, That the House, at its rising, do stand adjourned until 11 o’clock a.m. to-morrow.

Bill (No. 33) intituled “An Act to Incorporate the North Vancouver Electric Company, Limited,” was again committed, with Mr. *Anderson* in the Chair.

The Bill was reported complete with amendments.

Report *Ordered* to be considered to-morrow.

The Report on Bill (No. 12) intituled "An Act to incorporate the Nelson Electric Light Company, Limited," was considered.

The Hon. Mr. *Davie* moved to add the following as a new clause:—

"The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt, and the provisions of any such future legislation shall not be deemed to be in derogation of privileges conferred by this Act."

Carried.

Report as amended adopted.

Bill read a third time and passed.

And then the House adjourned at 12:25 o'clock, a. m., 12th April.

Tuesday, 12th April, 1892.

ELEVEN O'CLOCK, A. M.

The Honourable *D. W. Higgins*, Speaker of the House, being absent, the Honourable Mr. *Robson* moved, seconded by Mr. *Beaven*,—

That Mr. *Martin*, the second Member for the District of *Yale*, do preside at this meeting of the House as Speaker, and the Question being put by the Clerk of the House, was unanimously *Resolved* in the affirmative.

Pursuant to Order, the House resolved itself into a Committee of the Whole, with Mr. *Hunter* in the Chair, to consider the Message of His Honour the Lieutenant-Governor with Bill (No. 76) intituled "An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company."

(IN THE COMMITTEE).

Resolved, That the Committee rise and report to the House "An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company."

The Committee reported the Resolution and the Bill.

Report adopted.

On the motion of the Hon. Mr. *Davie*, Bill (No. 76) intituled "An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company," was read a first time.

Ordered to be read a second time to-morrow.

The Hon. Mr. *Robson* moved—That Bill (No. 77) intituled "An Act to authorize the granting of a certain Land Subsidy for and in aid of the Upper Columbia Navigation and Tramway Company," be read a second time now.

Mr. *Sword* moved in amendment to leave out the word "now" and insert in lieu thereof the words "this day six months."

The amendment was negatived.

Bill read a second time.

Ordered to be committed to-morrow.

The Report on Bill (No. 40) intituled "An Act to amend the 'County Courts Act,'" was considered.

The Hon. Mr. *Davie* moved to amend section 9 by striking out of line seven all the words and figures after the word "section" where it first occurs, and substitute in lieu thereof the figure "5."

Carried.

The further consideration of the Report was adjourned until to-morrow.

Bill (No. 75) intituled "An Act to confirm to the Crown all unrecorded and unappropriated water and water power in the Province, and for other purposes," was committed, with Mr. Kellie in the Chair.

The Committee reported the Bill complete with amendments.

Report *Ordered* to be considered to-morrow.

Mr. Speaker Higgins gave the following decision:—

My ruling of the 17th March as to the constitutionality of Bill No. 6 was referred back to me, on motion of the Hon. Attorney-General, who pointed out that I had failed to rule whether or not the proprietorship of the waters of Goldstream was vested in the Crown or in private individuals. I have bestowed much time and thought on the subject, and while I scarcely think that a matter which involves so much that is intricate and complex, and which is essentially a legal question, ought to be entrusted to a layman for judgment, I have had recourse to the best available authorities, and now present my ruling for the discretion of the House.

In the celebrated case of *The Queen vs. Robertson* (Canada Supreme Court Decisions), the Crown sought to exercise proprietorship over an unnavigable stream in New Brunswick, the land on either side of said stream having been alienated by the Crown without reference in the grant to the stream. Mr. Justice Gwynne, of the Exchequer Court, held that "the established rule of law is that *prima facie* the proprietor of each bank of a stream is the proprietor of half the land covered by the stream. * * * In all such cases the grant covers the bed of the stream, unless there be some expression in the terms of the grant, or something in the terms of the grant taken in connection with the situation and condition of the land granted, which clearly indicates an intention that the grant should stop at the edge or margin of the river, and should exclude the river from its operations. There must be a reservation or restriction, expressed or necessarily implied, to control the general presumption of law, and to make the particular grant an exception from the general rule. This is the established doctrine, not only in England, but in the Courts of the United States of America also." Judgment was given by Mr. Justice Gwynne for the defendant, and his judgment was afterwards affirmed on appeal by the Supreme Court of Canada.

Hale and Kent, in their Commentaries, clearly state that "grants of land bounded on rivers, or upon the margin of the same, or along the same above tide-water, carry the exclusive right and title of the grantee to the centre of the stream, unless the terms of the grant clearly denote the intention to stop at the edge or margin of the river."

The lands through which flows the water proposed to be conveyed to the Esquimalt Water Works Company by Bill No. 6 were conveyed in 1883 to the Esquimalt and Nanaimo Railway Company, and have since passed from that Company to private proprietors. In the Crown grant that conveyed the lands to the Railway Company there is no reservation or restriction to indicate an intention that the grant should stop at the edge or margin of the river, and should exclude the river from its operation.

It follows, therefore, that unless it be shewn that the Victoria Water Works Act of 1873 conveyed the waters of Goldstream to the City of Victoria, or that sub-sec. (36) of sec. 8 of the "Interpretation Act, 1872," as cited by the Hon. Member for Victoria City (Mr. Beaven), is binding, the waters of Goldstream within the railway belt, not having been excepted, went to the Esquimalt and Nanaimo Railway Company with the grant of the belt, and is not now and has not been, since the issue of the Crown grant, Crown property. The solution of this difficult problem must be left to the legal advisers of the Crown; but I think sufficient has been developed in the Supreme Court case quoted to demonstrate the importance, nay, the necessity, of precautionary legislation, that will place the proprietorship of water covered by Crown grants beyond a doubt.

For the information of the House I transmit with this ruling the report in the case of *The Queen v. Robertson*; also a letter from Hon. A. N. Richards, whose advice I sought in the dilemma.

D. W. HIGGINS,
Speaker.

VICTORIA, 7th April, 1892.

D. W. Higgins, Esq.,
Speaker, Legislative Assembly.

MY DEAR SIR,—The question you put to me is as to the legality of your ruling with regard to the constitutionality of Bill (No. 6) intituled “An Act to amend the ‘Esquimalt Water Works Act, 1885,’” such ruling being published with the Votes and Proceedings of 17th March.

I cannot understand that any objection could be raised to the Bill on the ground of the Crown being interested and not having assented to the Bill, as it does not profess to deal with the interest of the Crown, the latter not being named, and therefore not bound; so that the promoters, if the Bill passes, take their Act subject to any interest the Crown may have. (See *Maxwell* on Stats., 161 *et seq.*, 2nd ed. See also sub-sec. (36) of sec. 8 of the “Interpretation Act, 1872,” as cited by Mr. Beaven on the 18th ult.) Nor can I see how the Crown could be interested, as I understand from your letter that the land adjoining the Goldstream is part of the Island Railway Belt conveyed to the Crown in right of the Dominion by an Act passed 19th December, 1883, and is now owned by the Island Railway Company. All private parties are bound, and have to go to arbitration for damages arising from the exercise by the Company of the law of Eminent Domain.

With respect to water, it is, so long as it is in the running stream, the property of no one, like air and light. The owner of the banks of a stream, as a riparian proprietor, can take the water for a reasonable use as it is passing his property, but he has no property in it before it comes to his land nor after it leaves, nor while opposite his land, but only when he reduces it to possession, as by filling a tank, &c. Should the Crown own land on the banks of the stream, and the Act be construed so as to bind the Crown, then the Crown is interested and must assent to the Bill, which, when done, is at the third reading (*May's Par. Prac.*, 786, 7th ed.), and is given in the name of the Crown by a Minister (*May*, 453, *et seq.*). A riparian proprietor has the right to have the water flow to and past his property in its natural state; and should any party withdraw it by tapping the stream above, so as to inflict damage, the proprietor below has a right of action, and the Crown, if a riparian owner, would be in the same position. The Act amended, however, as I have already mentioned, takes away the action of private parties and compels them to go to arbitration, but not so with the Crown, as the arbitration proceedings would not be applicable. You will see in *May*, 456, the practice of requiring the assent of the Crown as the Bill is going through the House is to obviate the necessity of a refusal of the royal assent after the Bill has passed the House.

Yours, &c.,

A. N. RICHARDS.

Ruling of 17th March, above referred to :—

The point referred to me affects the constitutionality of Bill (No. 6) entitled “An Act to amend the ‘Esquimalt Water Works Act, 1885.’”

The point, which was raised by the Hon. second Member for Victoria City (Mr. *Beaven*), is as follows :—

“*That the sanction of the Crown must be obtained before the Bill can be read a second time, because we are asked to deal with the property of the Crown.*”

In considering this point I must be largely guided by precedent and the practice of this House in dealing with similar Bills—that is, Bills which deal with water and riparian rights. Referring to the Journals of the House since Confederation, I find that in no instance where water rights were affected, or where it was proposed to deal with water that covered or ran through land which belonged to the Crown, has the Crown intervened to assert its rights.

While this point was under discussion it was stated that the Act which conveyed to the City of Victoria the right to the waters within twenty miles of said city was introduced as a public measure.

Referring to the Journals of 1873, page 6, I find that a petition was received and read from “The Mayor and Corporation of Victoria, praying that a Bill may be passed enabling them to bring in water.” On page 16, same Journals, it is recorded :—“Mr. McCreight presented a Report from the Select Committee on Private Bills and Standing Orders, in favour of a Bill for the purpose of introducing water into Victoria by the Municipal Council of Victoria. The Report was received.”

On page 18 it is further recorded:—"Mr. McCreight asked leave to introduce a Bill "intituled 'An Act to authorize the Corporation of the City of Victoria to construct Water Works for the City of Victoria.' *Ordered*, That leave be granted. Bill presented.

"On motion of Mr. Creight, Mr. Duck seconding,—*Ordered*, That the Bill be now read a "first time. Bill read a first time accordingly. Referred to the Select Committee on Private "Bills and Standing Orders."

On page 75 it is shown that the Act was read a second time and committed forthwith.

On page 76 progress was reported, and the Bill ordered to be committed again in the evening, when the Bill was reported complete without amendment. The Report was adopted, the Bill read a third time and passed.

I have been circumstantial in quoting the proceedings on the Victoria Water Works Act, because a part of the rights conveyed by that Act is sought to be acquired by the Esquimalt Water Works Company in Bill No. 6, now before the House. The Bill, it will be seen, was introduced as a private measure and passed as such, the Crown assenting by its silence to the alienation of the water. The Act makes it lawful for the City of Victoria, through its agents, servants, or workmen, to enter into and upon the land of any person or persons, bodies politic or corporate, in the City of Victoria, or *within twenty miles of said city*, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water works; and also to divert and appropriate any springs, streams, lakes, or bodies of water, as they shall judge suitable and proper. The head waters of Goldstream, from which the Esquimalt Company propose to draw a supply, are "within twenty miles of Victoria."

In 1885 the Esquimalt Water Works Company had a private Bill introduced and passed, conferring upon them power to acquire certain waters within twenty miles of Victoria, and neither the Corporation of the City of Victoria nor the Government offered any objection.

In 1886 the Vancouver Water Works Co. secured the passage of a private Bill through this House—the Government not intervening—conveying to the company the privilege of taking water from Capilano Creek and its tributaries. At the last Session another private Bill dealing with the water rights of the same company was passed, the Government again not intervening.

In 1880 the Quesnelle River Ditch Company secured by private Bill extensive water privileges from this House.

In 1886 the Coquitlam Water Works Company's Act, the Quesnelle Lake and Dam Company's Act, and the Quesnelle River Ditch Company's Act, all of which conveyed public water rights to private parties, were passed without a murmur of dissent. In point of fact members of the Government assisted in the passage of each Bill.

In 1888 the South Fork Quesnelle River Flume Co. were accorded similar rights under similar circumstances.

Had the Crown intervened in either case, I think that the Bill must have fallen to the ground.

In the matter of the Bill under consideration, I am of opinion that the Crown not having interposed, and so waived its rights, the Bill is properly before the House and may be proceeded with on the lines already laid down.

D. W. HIGGINS, *Speaker*.

The Report on Bill (No. 30A) intituled "An Act to amend the 'Corporation of Victoria Water Works Act, 1873,'" was again considered.

The House took a recess until 2:30 o'clock p. m.

HALF-PAST TWO O'CLOCK, P. M.

The further consideration of the Report on Bill (No. 30A) intituled "An Act to amend the 'Corporation of Victoria Water Works Act, 1873,'" was resumed.

Mr. *Croft* moved to insert the following as clause 14:—

"Notwithstanding anything contained in this Act, or in the 'Corporation of Victoria Water Works Act, 1873,' the Corporation of Victoria shall not distribute water within the areas where the Esquimalt Water Works Company have the right to distribute water under their Act, unless the said Company shall fail to furnish an adequate supply, or shall demand rates in excess of those charged by the Corporation of the City of Victoria."

The motion was carried on the following division :—

YEAS :

Messieurs

<i>Grant,</i>	<i>Robson,</i>	<i>Nason,</i>	<i>Hunter,</i>
<i>Kellie,</i>	<i>Davie,</i>	<i>Pooley,</i>	<i>Rogers,</i>
<i>Smith,</i>	<i>Vernon,</i>	<i>Turner,</i>	<i>Anderson,</i>
<i>Keith,</i>	<i>Stoddart,</i>	<i>Martin,</i>	<i>Fletcher—19.</i>
<i>Baker,</i>	<i>Booth,</i>	<i>Croft,</i>	

NAYS :

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Milne,</i>	<i>Brown,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Beaven,</i>	<i>Forster—9.</i>
<i>Sword,</i>			

The further consideration of the Report was adjourned until to-morrow.

Bill (No. 55) intituled “An Act to amend the ‘Provincial Land Surveyors’ Act, 1891,” was committed, with Mr. *Forster* in the Chair.

The Bill was reported complete with amendments.

Report *Ordered* to be considered to-morrow.

Mr. *Kellie* moved—That Bill (No. 9) intituled “An Act respecting the incorporation of Railway, Tramway, and Telephone Companies,” be read a second time now.

The motion was negatived on the following division :—

YEAS :

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Milne,</i>	<i>Forster,</i>
<i>Grant,</i>	<i>Punch,</i>	<i>Beaven,</i>	<i>Keith,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Rogers—14.</i>
<i>Sword,</i>	<i>Kellie,</i>		

NAYS :

Messieurs

<i>Horne,</i>	<i>Vernon,</i>	<i>Nason,</i>	<i>Croft,</i>
<i>Smith,</i>	<i>Eberts,</i>	<i>Pooley,</i>	<i>Hunter,</i>
<i>Baker,</i>	<i>Stoddart,</i>	<i>Turner,</i>	<i>Fletcher</i>
<i>Robson,</i>	<i>Booth,</i>	<i>Martin,</i>	<i>Anderson—18.</i>
<i>Davie,</i>	<i>Hall,</i>		

The Report on Bill (No. 69) intituled “An Act to amend the ‘Breeding Stock Act,’” was considered and adopted.

Bill read a third time and passed.

The Report on Bill (No. 63) intituled “An Act to amend the ‘Drainage, Dyking, and Irrigation Act,’” was considered.

Mr. *Eberts* moved to insert the following as a new clause :—

“Section 13 of the principal Act is hereby amended by adding at the end thereof the following :—“And the Commissioners may, in respect of the moneys so borrowed, issue debentures, payable to bearer, at such time and place, and for such amounts and bearing such rate of interest as the Commissioners may determine, collateral to which said debentures the Commissioners may execute a deed in trust in favour of such person or persons, corporation or corporations, as may be agreed upon by the Commissioner and the lender, which said deed shall specify the objects for which the money is alleged to be borrowed, the terms of repayment, the lands in respect of which the fines, rates and assessments given as security may be recoverable, the extent to which such lands shall be separately charged in respect of such loan, and otherwise subject to and contain such powers, conditions, and agreements as the Commissioner and the lender may mutually agree upon.”

Carried.

Mr. *Eberts* moved the following:—

To amend section 9 by inserting the following words between the words "provided" and "and," in the fourth line, the words "and by inserting the words 'first' between 'a' and 'charge';" and by inserting after the word "provided," in fourth line, the words "by striking out all the words after 'respectively,' in the fifth line, down to and including the word 'respectively,' in the seventh line."

Carried.

Report as amended adopted.

Bill read a third time and passed.

Bill (No. 32) intituled "An Act to Incorporate the Coquitlam Electric Company, Limited," was again committed, with Mr. *Croft* in the Chair.

The Bill was reported complete with amendments.

Report ordered to be considered to-morrow.

The Honourable Mr. *Davie* moved, seconded by the Honourable Mr. *Robson*,—

Be it Resolved, that *James M. Kennedy* and *Robert Kennedy*, having been summoned to attend this House this day, and not attending in obedience to such summons, are guilty of a contempt, and that they be sent for in the custody of the Sergeant-at-Arms, and that Mr. Speaker do issue his Warrant accordingly.

Mr. *Martin* moved the "Previous Question," which was carried.

The motion was then Resolved in the affirmative on the following division:—

YEAS:

Messieurs

<i>Milne,</i>	<i>Davie,</i>	<i>Hall</i>	<i>Croft,</i>
<i>Horne,</i>	<i>Vernon,</i>	<i>Nason,</i>	<i>Hunter,</i>
<i>Smith,</i>	<i>Eberts,</i>	<i>Pooley,</i>	<i>Rogers,</i>
<i>Baker,</i>	<i>Stoddart,</i>	<i>Turner,</i>	<i>Anderson,</i>
<i>Robson,</i>	<i>Booth,</i>	<i>Martin,</i>	<i>Fletcher—20.</i>

NAYS:

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Beaven,</i>	<i>Forster,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Keith—10.</i>
<i>Sword,</i>	<i>Kellie,</i>		

Bill (No. 42) intituled "An Act to amend the 'Columbia and Kootenay Railway and Navigation Company Act, 1890,'" was committed, with Mr. *Sword* in the Chair.

The Bill was reported complete with amendments.

Report Ordered to be considered to-morrow.

✓ The Report on Bill (No. 44) intituled "An Act to Incorporate the Sumas Reclamation Company," was considered.

Mr. *Martin* moved to amend clause 36 by striking out "one month," in the first line, and inserting "three months."

Also to amend sub-section (5), section 11, by striking out on line 15 the words "and Coquapilt Slough closed up by a dam."

Carried.

Report as amended adopted.

Bill read a third time and passed.

The Report on Bill (No. 33) intituled "An Act to Incorporate the North Vancouver Electric Company, Limited," was considered.

Mr. *Cotton* moved to strike out the word "Company," in the last line of section 42, and substitute the word "House"; also to strike out the word "appropriated," in line two of section 24, and substitute the word "acquired" therefor.

Carried.

The further consideration of the Report was adjourned until Tuesday next.

Resolved, That the House, at its rising, do stand adjourned until two o'clock on Tuesday next.

The Hon. Mr. *Davie* asked leave to introduce a Bill (No. 78) intituled "An Act to amend the 'Companies' Act.'"

Leave granted.

Bill introduced and read a first time.

Ordered to be read a second time on Tuesday next.

The Hon. Mr. *Davie* asked leave to introduce a Bill (No. 79) intituled "An Act to amend the 'Land Registry Act.'"

Leave granted.

Bill introduced and read a first time.

Ordered to be read a second time on Tuesday next.

And then the House adjourned at 5:45 o'clock, p. m.

Tuesday, 19th April, 1892.

TWO O'CLOCK, P. M.

Mr. *Beaven* asked leave to introduce a Bill (No. 80) intituled "The Municipal Act, 1892."

Leave granted.

Bill introduced and read a first time.

Ordered to be read a second time on Friday next.

Bill (No. 79) intituled "An Act to amend the 'Land Registry Act,'" was read a second time.

Ordered to be committed to-morrow.

Bill (No. 77) intituled "An Act to authorize the granting of a certain Land Subsidy for and in aid of the Upper Columbia Navigation and Tramway Company," was committed, with Mr. *Grant* in the Chair.

The Committee reported the Bill complete with amendments.

Report *Ordered* to be considered to-morrow.

The Report on Bill (No. 40) intituled "An Act to amend the 'County Courts Act,'" was adopted.

Bill read a third time and passed.

The Report on Bill (No. 75) intituled "An Act to confirm to the Crown all unrecorded and unappropriated water and water power in the Province, and for other purposes," was considered.

Mr. *Cotton* moved to insert after the word "constructed," in the second line of section 9, the words "the quantity of water to be diverted or utilized, or the amount of horse-power to be developed."

Carried.

Mr. *Sword* moved to add as a new section:—

"Wherever any company heretofore incorporated by any special Act, in which special Act the right to expropriate water or water privileges to such company, applies to the Judge to exercise in favour of such company the powers conferred by this Act, the special Act of this company shall be read as if the following clause was inserted therein:—

"The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future

legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt, and the provisions of any such future legislation shall not be deemed to be in derogation of privileges conferred by this Act."

Negatived.

The further consideration of the Report was adjourned until to-morrow.

Bill (No. 76) intituled "An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company," was read a second time on the following division:—

YEAS:

Messieurs

<i>Smith,</i>	<i>Vernon,</i>	<i>Hall,</i>	<i>Martin,</i>
<i>Baker,</i>	<i>Eberts,</i>	<i>Nason,</i>	<i>Hunter,</i>
<i>Robson,</i>	<i>Stoddart,</i>	<i>Pooley,</i>	<i>Rogers,</i>
<i>Davie,</i>	<i>Booth,</i>	<i>Turner,</i>	<i>Anderson—16.</i>

NAYS:

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Kellie,</i>	<i>Brown,</i>
<i>Grant,</i>	<i>Punch,</i>	<i>Milne,</i>	<i>Forster,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Beaven,</i>	<i>Keith—13.</i>
<i>Sword,</i>			

Ordered to be committed to-morrow.

✓ The Honourable Mr. *Turner* presented to Mr. Speaker a Message from His Honour the Lieutenant-Governor, signed by His Honour.

The said Message was read by Mr. Speaker, and is as follows:—

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor transmits Schedule A, unprovided items of Expenditure for the fiscal year ending 30th June, 1891; Supplementary Estimates of Expenditure for the year ending 30th June, 1892; and Supplementary Estimates for the fiscal year ending 30th June, 1893, and recommends the same to the Legislative Assembly.

Government House,
12th April, 1892.

Ordered, That the said Message, and the Supplementary Estimates accompanying the same, be forthwith referred to a Committee of the Whole.

The House accordingly resolved itself into a Committee of the Whole, with Mr. *Martin* in the Chair

(IN THE COMMITTEE.)

On the motion of the Honourable Mr. *Turner*, seconded by the Honourable Mr. *Robson*, it was Resolved,—

That the said Message, together with the Supplementary Estimates accompanying the same, be reported to the House.

The Chairman reported the resolution.

Report adopted.

Ordered, That the said Message, together with the enclosures accompanying the same, be referred to the Committee of Supply.

Bill (No. 55) intituled "An Act to amend the 'Provincial Land Surveyors' Act, 1891,'" was read a third time and passed.

The Report on Bill (No. 32) intituled "An Act to Incorporate the Coquitlam Electric Company, Limited," was considered.

Mr. *Sword* moved to amend section 20 by inserting at the end thereof the following words:—

“Provided, however, that the powers by this section conferred shall not extend to enable the company to locate more than one site on each river, and that such site or sites shall be located, and notice of such location published for at least three weeks in the British Columbia Gazette, which notice shall specify the length of stream and the extent of fall that will be affected, within one year after the passage of this Act.”

Negatived.

The Hon. Mr. *Davie* moved to strike out the following provision wherever it occurs:—

“The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt, and the provisions of any such future legislation shall not be deemed to be in derogation of privileges conferred by this Act.”

And to insert the following in lieu thereof:—

“The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c., fixed by any such Order in Council, shall be made within the space of five years from the passage of the Order in Council fixing the same.”

Carried.

Mr. *Brown* moved to amend sub-section (e) of section 35 by substituting the word “any” for the first “the” in the second line; and the word “such” for the words “the said,” in the 5th, 7th and 8th lines; and by striking out the words “of Vancouver,” wherever they occur in the said sub-section.

Carried.

Report as amended adopted.

Bill read a third time and passed.

The Report on Bill (No. 42) intituled “An Act to amend the ‘Columbia and Kootenay Railway and Navigation Company’s Act, 1890,’” was considered.

Report adopted.

Bill read a third time and passed.

The Report on Bill (No. 21) intituled “An Act to amend the ‘Municipal Act, 1891,’” and Bill (No. 27) intituled “An Act to amend the ‘Municipal Act, 1891,’” was further considered.

The Hon. Mr. *Davie* moved the following section:—

“Sec. . Notwithstanding anything contained in the ‘New Westminster Act, 1888,’ or amending Acts, the following persons shall be entitled to vote in the City of New Westminster for Mayor, Aldermen, or Commissioners, in any ward in which they may be registered; but it shall not be lawful for any person to vote for Mayor or Commissioners at more than one polling place at one and the same election:—

“(1.) Any male or female of the full age of twenty-one years, being a British subject and not otherwise disqualified, who is assessed for real property within the municipality to the value of not less than fifty dollars:

“(2.) Any male or female of the full age of twenty-one years, being a British subject and not otherwise disqualified, who has resided and been a householder in the municipality for the six months immediately preceding the first Monday in December in each year, and who pays as such householder a rental or rental value of not less than one hundred dollars a year, and who shall have paid, on or before the first day of

August next preceding the date of the annual election in each year, all taxes due by him or her (exclusive of water or lighting rates or charges), and who shall have, at the time of making such payment, applied to the City Clerk to have his or her name entered as a voter in the ward in which he or she is a resident householder, and at the same time produced such evidence as to satisfy the said Clerk that he or she is a bonâ fide resident householder, entitled to be entered on the voters' list by virtue of this section, and who shall have, between the fifteenth day of November next after the date of such payment and the first day of December following, personally delivered to the City Clerk a statutory declaration, made and subscribed before a Judge, Magistrate, or Notary Public, in the form and to the effect following:—

"I (*name in full*) do solemnly declare that I am a British subject, and of the full age of twenty-one years, and that I am the person who applied to have my name as above written entered as a voter in Ward No. , on payment by me of \$ for , on or before the 1st day of August last, and that I have been continuously since the said date and now am a resident of the City of New Westminster, and that I have paid all municipal rates and taxes (exclusive of water or lighting rates or charges), payable by me to the municipality; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act passed in the 37th year of Her Majesty's reign, intituled 'An Act for the suppression of voluntary and extra-judicial oaths.'

"Declared at the City of New Westminster on }
the day of _____, 18 , before me, } (Signature.)
J. P. or N. P. }

"(3.) It shall be lawful for the Council of the Corporation of the City of New Westminster, by by-law, to make, alter and amend, from time to time, such regulations as shall be necessary for the effectual carrying out of the provisions of the preceding sub-section."

Carried.

Mr. Brown moved to add to sub-section (2) the following as sub-section (a):—

"(a) The word 'householder' in this section shall extend to and include persons renting a store or place of business, and persons occupying as a residence any portion of a building."

Negatived.

The Hon. Mr. Davie moved to strike out sections 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, and 134.

Carried.

Mr. Beaven moved to strike out sections 250, 251, and 252, of the "Municipal Act, 1891."

Carried.

Mr. Beaven moved to insert as sub-section (a) of section 139:—

"In the event of the Council of any city municipality exercising any of the powers conferred upon them by sections 138 and 139 of this Act, the provisions of sub-section (111) of section 96 of the "Municipal Act, 1891," shall not apply to the particular undertaking authorized by the by-law in that behalf."

Carried.

The Hon. Mr. Davie moved to insert as a sub-section to sub-section (8) of section 104:—

"(a.) Where the Council of a municipality has passed a by-law under any of the provisions of the first seven sub-sections of section 104 of this Act, or under provisions of a like character in any other Municipal Act, for granting aid in any of the matters provided by said sub-sections, and for any of the objects therein specified, and the said by-law has received the assent of the electors; and where terms, restrictions, or conditions, as to when the enterprise aided should be commenced or be in running order or be operated are either expressly imposed by such by-law, or by reference to the preamble or provisions thereof manifestly appears; or where it appears upon the face of such by-law, either by reference to the preamble or otherwise howsoever, that the work or enterprise intended to be aided thereby was to be proceeded with expeditiously; and where, contrary to the terms or intention of such by-law, the work has not been duly proceeded with, such by-law may be repealed by the Council, and shall thereafter become void and of none effect."

Carried.

The Hon. Mr. *Davie* moved as a new section:—

“320. Notwithstanding anything in any law or statute relating to mining and the rights of miners, no person shall have the right (without the consent of the owner first had and obtained) to enter upon any land within the limits of any city or town municipality for the purpose of locating a mineral or placer claim, or of prospecting or mining for gold, silver, or other metal, precious or base, whether the right to so enter, locate, prospect and mine has been reserved to the Crown and its licensees, or not.”

Carried.

The further consideration of the Report was adjourned until to-morrow.

Mr. Speaker left the Chair at 6 o'clock, p. m

HALF-PAST SEVEN O'CLOCK, P. M.

The Honourable Mr. *Robson* presented to Mr. Speaker a Message from His Honour the Lieutenant-Governor, signed by His Honour.

The said Message was read by Mr. Speaker, and is as follows:—

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor transmits herewith a Bill intituled “An Act in aid of the Victoria and Sidney Railway Company,” and recommends the same to the Legislative Assembly.

Government House,
19th April, 1892.

Ordered, That the said Message, and the Bill accompanying the same, be forthwith referred to a Committee of the Whole.

The House accordingly resolved itself into a Committee of the Whole, with Mr. *Stoddart* in the Chair.

(IN THE COMMITTEE.)

On the motion of the Hon. Mr. *Robson*, seconded by the Hon. Mr. *Turner*, it was *Resolved*,—

That a Bill intituled “An Act in aid of the Victoria and Sidney Railway Company,” be reported to the House.

The Chairman reported the resolution.
Report adopted.

On the motion of the Hon. Mr. *Robson*, Bill (No. 81) intituled “An Act in aid of the Victoria and Sidney Railway Company,” was read a first time.

Ordered to be read a second time to-morrow.

The Honourable Mr. *Robson* presented to Mr. Speaker a Message from His Honour the Lieutenant-Governor, signed by His Honour.

The said Message was read by Mr. Speaker, and is as follows:—

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor transmits herewith a Bill intituled “An Act to authorize the granting of a certain Land Subsidy for and in aid of the Kaslo and Slocan Railway,” and recommends the same to the Legislative Assembly.

Government House,
19th April, 1892.

Ordered, That the said Message, and the Bill accompanying the same, be forthwith referred to a Committee of the Whole.

The House accordingly resolved itself into a Committee of the Whole, with Mr. *Stoddart* in the Chair.

(IN THE COMMITTEE).

On the motion of the Hon. Mr. *Robson*, seconded by the Hon. Mr. *Turner*, it was *Resolved*,—

That a Bill intituled “An Act to authorize the granting of a certain Land Subsidy for and in aid of the Kaslo and Slocan Railway,” be reported to the House

The Chairman report the resolution.

Report adopted.

On the motion of the Hon. Mr. *Robson*, Bill (No. 82) intituled “An Act to authorize the granting of a certain Land Subsidy for and in aid of the Kaslo and Slocan Railway,” was read a first time.

Ordered to be read a second time to-morrow.

Resolved, That the House go into Committee of Supply on the Supplementary Estimates to-morrow.

The Report on Bill (No. 33) intituled “An Act to Incorporate the North Vancouver Electric Company, Limited,” was considered.

The Hon. Mr. *Davie* moved to strike out the following provision:—

“The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding any subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt, and the provisions of any such future legislation shall not be deemed to be in derogation of privileges conferred by this Act.”

And to insert the following in lieu thereof:—

“The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown in right of the Province, such rents, royalties, tolls, and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c., fixed by any such Order in Council, shall be made within the space of five years from the passage of the Order in Council fixing the same.”

Carried.

Mr. *Brown* moved to amend sub-section (e) of section 35 by substituting the word “any” for the first “the” in the second line, and the word “such” for the words “the said” on the 5th, 7th and 8th lines, and by striking out the words “of Vancouver” wherever they occur in the sub-section.

Carried.

Report as amended, adopted.

Bill read third time and passed.

Bill (No. 78) intituled “An Act to amend the ‘Companies Act,’” was read a second time.

Ordered to be committed to-morrow.

Mr. *Hall* asked the Honourable the Attorney-General the following question:—

Is clause 7 of Bill No. 35 (Game Bill) constitutional?

Is the prohibition therein contained, which prevents the exportation of deer skins (of which this Province has exported at least \$20,000 worth annually) an interference with trade and commerce?

Mr. Speaker *Higgins* ruled the question out of order, as involving an expression of a legal opinion.

On the motion of Mr. *Beaven*, seconded by Mr. *Semlin*, it was *Resolved*,—

That the addition to Rule 64, as printed on page 67 of the Journals of the House for the year 1884, be added as sub-section (b) of Rule 74, as reported from the Select Committee on 19th February, 1892, and that the Report as thus amended be now adopted.

Resolved, That the House, at its rising, do stand adjourned until two o'clock to-morrow.

And then the House adjourned at 9:15 o'clock.

Wednesday, 20th April, 1892.

TWO O'CLOCK, P. M.

Pursuant to Order, the Hon. Mr. *Turner* moved—"That Mr. Speaker do now leave the Chair," for the House to resolve itself into the Committee of Supply.

Mr. *Sword* moved in amendment, seconded by Mr. *Punch*,—

"To strike out all the words after "That" and insert "in the opinion of this House a fairer system of representation should be introduced by the Government."

The amendment was negatived on the following division:—

YEAS:

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Kellie,</i>	<i>Brown,</i>
<i>McKenzie,</i>	<i>Punch,</i>	<i>Milne,</i>	<i>Keith—11.</i>
<i>Sword,</i>	<i>Cotton,</i>	<i>Beaven,</i>	

NAYS:

Messieurs

<i>Horne.</i>	<i>Eberts,</i>	<i>Pooley,</i>	<i>Hunter,</i>
<i>Smith,</i>	<i>Stoddart,</i>	<i>Turner,</i>	<i>Rogers,</i>
<i>Robson,</i>	<i>Booth,</i>	<i>Martin,</i>	<i>Fletcher,</i>
<i>Davie,</i>	<i>Hall,</i>	<i>Baker</i>]	<i>Anderson—18.</i>
<i>Vernon,</i>	<i>Nason,</i>		

The original motion was *Resolved* in the affirmative on the following division:—

YEAS:

Messieurs

<i>Horne,</i>	<i>Vernon,</i>	<i>Nason,</i>	<i>Hunter,</i>
<i>Smith,</i>	<i>Eberts,</i>	<i>Pooley,</i>	<i>Rogers,</i>
<i>Baker,</i>	<i>Stoddart,</i>	<i>Turner,</i>	<i>Anderson,</i>
<i>Robson,</i>	<i>Booth,</i>	<i>Martin,</i>	<i>Fletcher—18.</i>
<i>Davie,</i>	<i>Hall,</i>		

NAYS:

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Kellie,</i>	<i>Brown,</i>
<i>Grant,</i>	<i>Punch,</i>	<i>Milne,</i>	<i>Forster,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Beaven,</i>	<i>Keith—13.</i>
<i>Sword,</i>			

The House then went into Committee of Supply, with Mr. *Martin* in the Chair.

(IN THE COMMITTEE.)

1. *Resolved*, That a sum not exceeding \$29,100 be granted to Her Majesty to defray the expenses of Public Debt, Interest, to 30th June, 1892.

2. *Resolved*, That a sum not exceeding \$9,700 be granted to Her Majesty to defray the expenses of Public Debt, Sinking Fund, to 30th June, 1892.

3. *Resolved*, That a sum not exceeding \$5,217.08 be granted to Her Majesty to defray the expenses of Public Debt, Premium and Exchange, to 30th June, 1892.

4. *Resolved*, That a sum not exceeding \$34,454.64 be granted to Her Majesty to defray the expenses of Public Debt, Discount and Commission, to 30th June, 1892.

4A. *Resolved*, That a sum not exceeding \$3,528.68 be granted to Her Majesty to defray the expenses of Public Debt, Incidental Expenses ("Loan and Consolidation Act, 1891"), to 30th June, 1892.

5A. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Premier of the Province, to 30th June, 1892.

6. *Resolved*, That a sum not exceeding \$2,420 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Provincial Secretary's Department, to 30th June, 1892.

7. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Treasury Department, to 30th June, 1892.

8. *Resolved*, That a sum not exceeding \$1,400 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Lands and Works Department, to 30th June, 1892.

9. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Attorney-General's Department, to 30th June, 1892.

10. *Resolved*, That a sum not exceeding \$3,786.66 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Land Registry Offices, to 30th June, 1892.

14. *Resolved*, That a sum not exceeding \$1,410 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Revenue Services, to 30th June, 1892.

17. *Resolved*, That a sum not exceeding \$350 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Provincial Museum, to 30th June, 1892.

19. *Resolved*, That a sum not exceeding \$1,440 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Supreme Courts and County Courts, to 30th June, 1892.

29. *Resolved*, That a sum not exceeding \$375 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, West Kootenay District, to 30th June, 1892.

31. *Resolved*, That a sum not exceeding \$720 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, Cassiar District, to 30th June, 1892.

33. *Resolved*, That a sum not exceeding \$952 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, Kamloops, to 30th June, 1892.

34. *Resolved*, That a sum not exceeding \$820 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, Okanagan, to 30th June, 1892.

46. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Institutions (Maintenance), Printing Office, Victoria, to 30th June, 1892.

49. *Resolved*, That a sum not exceeding \$2,000 be granted to Her Majesty to defray the expenses of Public Institutions (Maintenance), Asylum for the Insane, to 30th June, 1892.

59. *Resolved*, That a sum not exceeding \$935.50 be granted to Her Majesty to defray the expenses of Hospitals and Charities, in aid of destitute poor and sick, to 30th June, 1892.

68. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Administration of Justice (other than Salaries), Expenses of Inquests (additional to \$1,500 voted), to 30th June, 1892.

75. *Resolved*, That a sum not exceeding \$700 be granted to Her Majesty to defray the expenses of Administration of Justice (other than Salaries), Miscellaneous (additional to \$1,000 voted), to 30th June, 1892.

77. *Resolved*, That a sum not exceeding \$1,600 be granted to Her Majesty to defray the expenses of Education, Victoria City District, to 30th June, 1892.

80. *Resolved*, That a sum not exceeding \$180 be granted to Her Majesty to defray the expenses of Education, Cowichan District, to 30th June, 1892.

82. *Resolved*, That a sum not exceeding \$150 be granted to Her Majesty to defray the expenses of Education, Nanaimo District, to 30th June, 1892.

86. *Resolved*, That a sum not exceeding \$40 be granted to Her Majesty to defray the expenses of Education, New Westminster City District, to 30th June, 1892.

87. *Resolved*, That a sum not exceeding \$1,100 be granted to Her Majesty to defray the expenses of Education, Vancouver City District, to 30th June, 1892.

88. *Resolved*, That a sum not exceeding \$360 be granted to Her Majesty to defray the expenses of Education, New Westminster District, to 30th June, 1892.

90. *Resolved*, That a sum not exceeding \$580 be granted to Her Majesty to defray the expenses of Education, West Kootenay District, to 30th June, 1892.

100. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Repairs to Government Buildings, Victoria (additional to \$1,000 voted), to 30th June, 1892.

100A. *Resolved*, That a sum not exceeding \$1,500 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Addition to Government Buildings (Legislative Assembly), to 30th June, 1892.

106. *Resolved*, That a sum not exceeding \$100 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Repairs to Government Buildings, East Kootenay (additional to \$500 voted), to 30th June, 1892.

108. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Asylum for the Insane (laying on water), to 30th June, 1892.

112. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Court House, Ashcroft (construction, additional to \$1,000 voted), to 30th June, 1892.

115A. *Resolved*, That a sum not exceeding \$11,528 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Court House, New Westminster (construction), to 30th June, 1892.

115B. *Resolved*, That a sum not exceeding \$7,000 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Court House, New Westminster (furniture and fittings), to 30th June, 1892.

115C. *Resolved*, That a sum not exceeding \$600 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Court House, Vancouver, furniture for Registry Office, to 30th June, 1892.

116. *Resolved*, That a sum not exceeding \$135 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Gaol, Donald, construction (additional to \$1,000 voted), to 30th June, 1892.

117. *Resolved*, That a sum not exceeding \$300 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Gaol, Nelson, construction, including fencing (additional to \$1,000 voted), to 30th June, 1892.

119. *Resolved*, That a sum not exceeding \$200 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Lock-up, Ainsworth (additional to \$800 voted), the whole for purchase of site, to 30th June, 1892.

121. *Resolved*, That a sum not exceeding \$125 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Lock-up, Wellington, construction, (additional to \$500 voted), to 30th June, 1892.

121A. *Resolved*, That a sum not exceeding \$600 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Lock-up, Osoyoos (construction), to 30th June, 1892.

122. *Resolved*, That a sum not exceeding \$1,200 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Furniture for Government Offices (additional to \$2,000 voted), to 30th June, 1892.

126. *Resolved*, That a sum not exceeding \$2,124 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, New Westminster (construction, additional to \$17,500 voted), to 30th June, 1892.

128. *Resolved*, That a sum not exceeding \$87 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Moodyville (construction, additional to \$1,500 voted), to 30th June, 1892.

136. *Resolved*, That a sum not exceeding \$120 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Lansdowne (construction, additional to \$700 voted), to 30th June, 1892.

143. *Resolved*, That a sum not exceeding \$86 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Parksville (construction, additional to \$700 voted), to 30th June, 1892.

144. *Resolved*, That a sum not exceeding \$86 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Nanoose (construction, additional to \$700 voted), to 30th June, 1892.

145. *Resolved*, That a sum not exceeding \$90 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Southfield (construction, additional to \$700 voted), to 30th June, 1892.

146. *Resolved*, That a sum not exceeding \$86 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, North Oyster (construction, additional to \$700 voted), to 30th June, 1892.

149. *Resolved*, That a sum not exceeding \$38 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Gordon Head (construction, additional to \$700 voted), to 30th June, 1892.

153A. *Resolved*, That a sum not exceeding \$700 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, St. Mary's Mission (construction), to 30th June, 1892.

153B. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Coldstream (construction), to 30th June, 1892.

155. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Boring Artesian Wells (additional to \$3,000 voted), to 30th June, 1892.

Upon Mr. Speaker resuming the Chair, Mr. *Martin*, Chairman of the Committee, reported that the Committee had come to several Resolutions, and asked leave to sit again.

Ordered, That the Report be received to-morrow.

Resolved, That the House will, this evening, again resolve itself into the said Committee.

Mr. Speaker left the Chair at 6 o'clock, p. m.

HALF-PAST SEVEN O'CLOCK, P. M.

Pursuant to Order, the House again resolved itself into Committee of Supply.

(IN THE COMMITTEE.)

158A. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), rebuilding dam at Mission Creek, Okanagan, to 30th June, 1892.

167. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Victoria District (additional to \$11,000 voted), to 30th June, 1892.

169. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Esquimalt District (additional to \$7,000 voted), to 30th June, 1892.

170. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Cowichan District (additional to \$12,000 voted), to 30th June, 1892.

172. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Nanaino District (additional to \$10,000 voted), to 30th June, 1892.

173. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Alberni District (additional to \$5,000 voted), to 30th June, 1892.

174. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Comox District (additional to \$15,000 voted), to 30th June, 1892.

175. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), New Westminster District (Stave River Valley Road and road to head of Port Moody), to 30th June, 1892.

176. *Resolved*, That a sum not exceeding \$8,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Yale District (additional to \$20,000 voted), to 30th June, 1892.

177. *Resolved*, That a sum not exceeding \$2,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Lillooet District (additional to \$7,000 voted), to 30th June, 1892.

181. *Resolved*, That a sum not exceeding \$4,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), West Kootenay District (including Nakusp Trail, \$1,500, additional to \$28,000 voted), to 30th June, 1892.

184. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Nanaimo and Alberni Trunk Road (additional to \$2,000 voted), to 30th June, 1892.

198. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Bridge, Vedder Creek (additional to \$2,000 voted), to 30th June, 1892.

202. *Resolved*, That a sum not exceeding \$982 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Wharf at Comox, repairs (additional to \$1,500 voted), to 30th June, 1892.

204. *Resolved*, That a sum not exceeding \$84 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Wharf at Galiano Island (additional to \$500 voted), to 30th June, 1892.

205. *Resolved*, That a sum not exceeding \$700 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Wharf at Salt Spring Island (additional to \$500 voted), to 30th June, 1892.

206. *Resolved*, That a sum not exceeding \$200 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Wharf at Kuper Island (additional to \$500 voted), to 30th June, 1892.

207. *Resolved*, That a sum not exceeding \$120 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Wharf at Hornby Island, extension (additional to \$500 voted), to 30th June, 1892.

211. *Resolved*, That a sum not exceeding \$100 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Chimney Creek Ferry Subsidy (additional to \$500 voted), to 30th June, 1892.

213. *Resolved*, That a sum not exceeding \$100 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Thompson River Ferry Subsidy (additional to \$300 voted), to 30th June, 1892.

214A. *Resolved*, That a sum not exceeding \$1,681 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Helmcken Road (Victoria and Esquimalt District), to 30th June, 1892.

215. *Resolved*, That a sum not exceeding \$17,000 be granted to Her Majesty to defray the expenses of Public Works (Surveys), throughout the Province (additional to \$30,000 voted), to 30th June, 1892.

217. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Miscellaneous, Stationery (additional to \$6,000 voted), to 30th June, 1892.

222. *Resolved*, That a sum not exceeding \$250 be granted to Her Majesty to defray the expenses of Miscellaneous, Library, Attorney-General's Department (additional to \$250 voted), to 30th June, 1892.

223. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Miscellaneous, Refunds (additional to \$2,500 voted), to 30th June, 1892.

230. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Miscellaneous, Fire Department, Kamloops (re-vote of lapsed appropriation for 1891), to 30th June, 1892.

246. *Resolved*, That a sum not exceeding \$1,200 be granted to Her Majesty to defray the expenses of Miscellaneous, collecting and reporting on the agricultural, mining, and other industries of the Province (additional to \$1,000 voted), to 30th June, 1892.

246A. *Resolved*, That a sum not exceeding \$250 be granted to Her Majesty to defray the expenses of Miscellaneous, Provincial Exhibit Association, in aid of Exhibition at Toronto (additional to \$500 voted), to 30th June, 1892.

246C. *Resolved*, That a sum not exceeding \$3,000 be granted to Her Majesty to defray the expenses of Miscellaneous, Lithographing Maps (additional to \$1,000 voted), to 30th June, 1892.

246D. *Resolved*, That a sum not exceeding \$2,335 be granted to Her Majesty to defray the expenses of Miscellaneous, Consolidation of Statutes (balance due Commissioners awarded by Arbitrator, \$2,000; expenses of arbitration, &c., \$335), to 30th June, 1892.

246E. *Resolved*, That a sum not exceeding \$700 be granted to Her Majesty to defray the expenses of Miscellaneous, Subscription to Provincial Directory, to 30th June, 1892.

246F. *Resolved*, That a sum not exceeding \$240 be granted to Her Majesty to defray the expenses of Miscellaneous, gratuity to the wife of the late W. H. Edwards, Convict Guard, to 30th June 1892.

246G. *Resolved*, That a sum not exceeding \$450 be granted to Her Majesty to defray the expenses of Miscellaneous, gratuity to the wife of the late Walter Dewdney, Government Agent, to 30th June, 1892.

246H. *Resolved*, That a sum not exceeding \$300 be granted to Her Majesty to defray the expenses of Miscellaneous, gratuity to the wife of the late William Angus, to 30th June, 1892.

246I. *Resolved*, That a sum not exceeding \$1,286 be granted to Her Majesty to defray the expenses of Miscellaneous, expenses of Royal Commission, Victoria City Corporation, to 30th June, 1892.

246J. *Resolved*, That a sum not exceeding \$10,477.50 be granted to Her Majesty to defray the expenses of Miscellaneous, refund of proportion of the Provincial Revenue Tax for the calendar year 1891, to cities affected by a change in the "Public School Act, 1891," viz.: Victoria, \$5,937; Vancouver, \$2,500.50; New Westminster, \$747; Nanaimo, \$1,293; to 30th June, 1892.

246K. *Resolved*, That a sum not exceeding \$300 be granted to Her Majesty to defray the expenses of Miscellaneous, compensation to J. Flewin for loss of property by fire at Metlakahla, to 30th June, 1892.

246L. *Resolved*, That a sum not exceeding \$400 be granted to Her Majesty to defray the expenses of Miscellaneous, Board of Examiners, "Land Surveyors' Act," to 30th June, 1892.

247. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Miscellaneous, Immigration (miscellaneous requirements), to 30th June, 1892.

5A. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Premier of the Province, to 30th June, 1893.

6. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Provincial Secretary's Department, to 30th June, 1893.

7. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Treasury Department, to 30th June, 1893.

8. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Lands and Works Department, to 30th June, 1893.

9. *Resolved*, That a sum not exceeding \$3,340 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Attorney-General's Department, to 30th June, 1893.

9A. *Resolved*, That a sum not exceeding \$4,000 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Education and Immigration Department, to 30th June, 1893.

10. *Resolved*, That a sum not exceeding \$1,680 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Land Registry Office, New Westminster, to 30th June, 1893.

13. *Resolved*, That a sum not exceeding \$840 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Revenue Service, to 30th June, 1893.

14. *Resolved*, That a sum not exceeding \$1,500 be granted to Her Majesty to defray the expenses of Civil Government (Salaries), Assay Offices, to 30th June, 1893.

20. *Resolved*, That a sum not exceeding \$1,560 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Supreme and County Courts, to 30th June, 1893.

23. *Resolved*, That a sum not exceeding \$480 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Superintendence of Police and Gaols, to 30th June, 1893.

25. *Resolved*, That a sum not exceeding \$60 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, Victoria, to 30th June, 1893.

27. *Resolved*, That a sum not exceeding \$1,080 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, New Westminster, to 30th June, 1893.

29. *Resolved*, That a sum not exceeding \$2,400 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, East Kootenay District, to 30th June, 1893.

32. *Resolved*, That a sum not exceeding \$1,140 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, Cassiar, to 30th June, 1893.

34. *Resolved*, That a sum not exceeding \$60 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, Kamloops, to 30th June, 1893.

41. *Resolved*, That a sum not exceeding \$960 be granted to Her Majesty to defray the expenses of Administration of Justice (Salaries), Police and Gaols, Lillooet District, to 30th June, 1893.

62A. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Hospitals and Charities, Hospital, Vernon, to 30th June, 1893.

67. *Resolved*, That a sum not exceeding \$250 be granted to Her Majesty to defray the expenses of Hospitals and Charities, in aid of a Resident Physician at Nicola (additional to \$500 voted), to 30th June, 1893.

90. *Resolved*, That a sum not exceeding \$700 be granted to Her Majesty to defray the expenses of Education, Nanaimo District, to 30th June, 1893.

95. *Resolved*, That a sum not exceeding \$680 be granted to Her Majesty to defray the expenses of Education, New Westminster District, to 30th June, 1893.

117A. *Resolved*, That a sum not exceeding \$20,000 be granted to Her Majesty to defray the expenses of Public Works (Work and Buildings), Court House, Vancouver, to 30th June, 1893.

144A. *Resolved*, That a sum not exceeding \$800 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Achelitz (construction), to 30th June, 1893.

144B. *Resolved*, That a sum not exceeding \$800 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Fairfield (construction), to 30th June, 1893.

144C. *Resolved*, That a sum not exceeding \$900 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Public School, Union Mines (addition), to 30th June, 1893.

144D. *Resolved*, That a sum not exceeding \$600 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Lock-up, Naas River, to 30th June, 1893.

144E. *Resolved*, That a sum not exceeding \$2,000 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Plant for Assay Office at Nelson, to 30th June, 1893.

144F. *Resolved*, That a sum not exceeding \$30,000 be granted to Her Majesty to defray the expenses of Public Works (Works and Buildings), Expropriation of lands for public purposes, to 30th June, 1893.

167. *Resolved*, That a sum not exceeding \$1,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Cassiar District (additional to \$2,000 voted), to 30th June, 1893.

186A. *Resolved*, That a sum not exceeding \$4,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Road, Nicola to Granite Creek, to 30th June, 1893.

186B. *Resolved*, That a sum not exceeding \$3,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Waggon Road, Osoyoos, Rock Creek, and Kettle River, to 30th June, 1893.

186c. *Resolved*, That a sum not exceeding \$1,500 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Wharf at Ainsworth, to 30th June, 1893.

186d. *Resolved*, That a sum not exceeding \$5,000 be granted to Her Majesty to defray the expenses of Public Works (Roads, Streets, Bridges, and Wharves), Trail, Hazelton, Bulkely River, Cassiar District, to 30th June, 1893.

204A. *Resolved*, That a sum not exceeding \$250 be granted to Her Majesty to defray the expenses of Miscellaneous, Fire Department, Revelstoke, to 30th June, 1893.

224A. *Resolved*, That a sum not exceeding \$500 be granted to Her Majesty to defray the expenses of Miscellaneous, Provincial Rifle Team, expenses to Ottawa, to 30th June, 1893.

Schedule A. *Resolved*, That a sum not exceeding \$44,629.83 be granted to Her Majesty to make good certain sums expended for the Public Service, for the year ended 30th June, 1891, and to indemnify the several officers and persons for making such expenditures.

Upon Mr. Speaker resuming the Chair, Mr. *Martin*, Chairman of the Committee, reported that the Committee had come to several resolutions, and asked leave to sit again.

Ordered, That the Report be received to-morrow.

Resolved, That the House will again resolve itself into the said Committee to-morrow.

Resolved, That the House, at its rising, do stand adjourned until 11 o'clock a.m. to-morrow.

And then the House adjourned at 10:45 o'clock, p. m.

Thursday, 21st April, 1892.

ELEVEN O'CLOCK, A. M.

Pursuant to Order, Resolutions 1, 2, 3, 4, 4A, 5A, 6, 7, 8, 9, 10, 14, 17, 19, 29, 31, 33, 34, 46, 49, 59, 68, 75, 77, 80, 82, 86, 87, 88, 90, 100, 100A, 106, 108, 112, 115A, 115B, 115C, 116, 117, 119, 121, 121A, 122, 126, 128, 136, 143, 144, 145, 146, 149, 153A, 153B, 155, 158A, 167, 169, 170, 172, 173, 174, 175, 176, 177, 181, 184, 198, 202, 204, 205, 206, 207, 211, 213, 214A, 215, 217, 222, 223, 230, 246, 246A, 246C, 246D, 246E, 246F, 246G, 246H, 246I, 246J, 246K, 246L, 247 for the year ending 30th June, 1892, and numbers 5A, 6, 7, 8, 9, 9A, 10, 13, 14, 20, 23, 25, 27, 29, 32, 34, 41, 62A, 67, 90, 95, 117A, 144A, 144B, 144C, 144D, 144E, 144F, 167, 186A, 186B, 186C, 186D, 204A, and 224A, for the year ending 30th June, 1893, and Schedule A, for the year ended 30th June, 1891, adopted in Committee of Supply on Wednesday, the 20th inst., were reported and received.

The Resolutions were read a first time, read a second time, taken as read, and agreed to.

Pursuant to Order, the House resolved itself into the Committee of Ways and Means.

(IN THE COMMITTEE.)

Resolved, That towards making good the Supply granted to Her Majesty, the following sums be granted out of the Consolidated Revenue Fund of the Province of British Columbia:—

\$	44,629.83	for the financial year ending 30th June, 1891.
	204,679.56	for the financial year ending 30th June, 1892.
	1,369,634.05	for the financial year ending 30th June, 1893.

\$1,618,943.44

Upon Mr. Speaker resuming the Chair, Mr. *Martin*, Chairman of the Committee, reported the Resolution.

Report received and adopted.

The Honourable Mr. *Turner* presented a Bill (No. 84) intituled "An Act for granting certain sums of Money for the Public Service of the Province of British Columbia."

Ordered, That the said Bill be forthwith referred to a Committee of the Whole.

The Bill was then committed, with Mr. *Martin* in the Chair.

(IN THE COMMITTEE.)

Resolved, That Bill (No. 84) intituled "An Act for granting certain sums of Money for the Public Service of the Province of British Columbia," be reported to the House.

The Chairman reported the Resolution and the Bill.

Report adopted.

Bill read a first time.

Bill read a second time.

Ordered to be committed to-morrow.

Mr. Speaker gave the following ruling:—

The objections raised by the Hon. Senior Member for Vancouver (Mr. *Cotton*) to Bill (No. 76) might prevail had the Bill been introduced by a private member, or had it sought to alter the time or enlarge the area of the land grant of the Canadian Western Company acquired under the Act of 1889. But Bill (No. 76) only proposes to extend the time limit for the commencement of construction work imposed by the Act of 1889, and does not disturb any other of the conditions of that Act. Moreover, the Bill came down by Message from the Lieutenant-Governor, and being a Government measure is not assailable on the grounds stated by the Hon. Member. (Precedent quoted, Bill introduced Session 1879 to amend the "Sumas Dyking Act, 1878." The Dyking Act, 1878, was a private Act. The Bill to amend was a public one.)

D. W. HIGGINS,
Speaker.

Mr. *Eberts* moved, seconded by Mr. *Stoddart*,—

That the House do resolve itself into a Committee of the Whole to consider Bill (No. 34) intituled "An Act to amend the 'British Columbia University Amendment Act, 1891.'"

The motion was negatived on the following division:—

YEAS:

Messieurs

<i>Grant,</i>	<i>Robson,</i>	<i>Eberts,</i>	<i>Anderson,</i>
<i>Beaven,</i>	<i>Vernon,</i>	<i>Hunter</i>	<i>Fletcher—9.</i>
<i>Smith,</i>			

NAYS:

Messieurs

<i>Semlin,</i>	<i>Punch,</i>	<i>Horne,</i>	<i>Keith,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Stoddart,</i>
<i>Sword,</i>	<i>Milne,</i>	<i>Forster,</i>	<i>Booth—14.</i>
<i>Kitchen,</i>	<i>Rogers,</i>		

On the motion of Mr. *Fletcher*, seconded by Mr. *Milne*, it was *Resolved*,—

That whereas the rich and important District of *Alberni* is practically isolated from the rest of the Province;

And whereas a contract, to which the Dominion Government is a party, has been entered into for the extension of the *Victoria-Wellington* telegraph line to *Comox*, passing within easy distance of *Alberni*;

And whereas extensive milling and manufacturing interests are now being established in the said district;

And whereas it is believed that the construction of a branch of this line to the head of *Alberni Canal*, in the said district, could be accomplished for the moderate sum of fourteen hundred dollars;

And whereas such further extension would be of immense benefit to said interests, as well as to the whole of the west coast of *Vancouver Island*;

Therefore, be it Resolved, That an humble address be presented to His Honour the Lieutenant-Governor, praying that he may be pleased to move the Dominion Government to take such steps as may be necessary to secure the speedy construction of the work referred to.

The House took a recess until 2:30 o'clock, p. m.

HALF-PAST TWO O'CLOCK, P. M.

Pursuant to Order, the House went into Committee on Bill (No. 78) intituled "An Act to amend the 'Companies Act,'" with Mr. *Cotton* in the Chair.

The Bill was reported complete with amendments.

Report adopted.

Bill read a third time and passed.

Pursuant to Order, the House went into Committee on Bill (No. 79) intituled "An Act to amend the 'Land Registry Act,'" with Mr. *Smith* in the Chair.

The Bill was reported complete with amendments.

Report *Ordered* to be considered to-morrow.

The Report on Bill (No. 77) intituled "An Act to authorize the granting of a certain Land Subsidy for and in aid of the Upper Columbia Navigation and Tramway Company," was considered.

Mr. *Sword* moved to amend section 4 by adding the following:—

"Royalty on coal and timber shall not be included in such grant, and all rents for timber shall only be granted to the Company for a term of seven years."

Negatived.

Mr. *Beaven* moved to add the following sections to the Bill:—

"Sec. . This Act is passed upon the express understanding that no Chinese, either directly or indirectly, shall be employed in or about, or concerning any work or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable, upon summary conviction before any two Justices of the Peace or functionary having the power of two Justices of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, to a penalty not exceeding twenty-five dollars, nor less than ten dollars, for every Chinese employed; and in default of immediate payment of the penalty, the same may be levied by distress and sale of the goods and chattels of the Company. And in the event of any Chinese being employed by any of the Company's contractors or sub-contractors, contrary to the provisions of this Act, then any such contractor or sub-contractor shall be liable, upon summary conviction as aforesaid, to a penalty not exceeding twenty-five dollars, nor less than ten dollars, for every Chinese employed; and in case of default in immediate payment of such last-mentioned penalty, the same may be recovered by distress and sale of the goods and chattels of the offender; and in default of sufficient distress, the offender may be committed to any gaol or place of confinement situate within the territorial jurisdiction of the convicting Justices, and there imprisoned for any term not exceeding thirty days; and any director or officer of the Company who causes or procures any Chinese to be employed, contrary to the provisions of this Act, or permits or connives at such employment, shall be liable, upon summary conviction as aforesaid, to the like penalties as hereinbefore in this section provided, recoverable in manner secondly hereinbefore mentioned.

"Sec. . The offender shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed.

"Sec. . The term 'Chinese,' wherever used in this Act, shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

"Sec. . Upon any prosecution under section of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed contrary to the provisions of this Act is a Chinese, shall be *prima facie* evidence that such person is a Chinese within the meaning of this Act, and shall cast upon the defendant the

burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

"Sec. . . No conviction or warrant for enforcing the same, or any other process or proceeding under this Act, shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process, or proceeding, that the same was made for an offence against some provisions of this Act, and provided there is evidence to prove such an offence, and that it can be understood from such conviction, warrant, or process that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. Upon any application to quash any such conviction, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon habeas corpus, or by way of certiorari or otherwise, the Court or Judge to which such appeal is made, or to which such application has been made upon habeas corpus, or by way of certiorari or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defects as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process, or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded."

Colonel *Baker* moved the "Previous Question," which was carried.

The amendment was negatived on the following division:—

YEAS :

Messieurs

<i>Semlin,</i>	<i>McKenzie,</i>	<i>Kitchen,</i>	<i>Cotton,</i>
<i>Kellie,</i>	<i>Milne,</i>	<i>Beaven,</i>	<i>Horne—11.</i>
<i>Forster,</i>	<i>Keith,</i>	<i>Fletcher,</i>	

NAYS :

Messieurs

<i>Grant,</i>	<i>Sword,</i>	<i>Smith,</i>	<i>Baker,</i>
<i>Robson,</i>	<i>Davie,</i>	<i>Vernon,</i>	<i>Eberts,</i>
<i>Stoddart,</i>	<i>Booth,</i>	<i>Hall,</i>	<i>Nason,</i>
<i>Pooley,</i>	<i>Turner,</i>	<i>Martin,</i>	<i>Hunter—18.</i>
<i>Rogers,</i>	<i>Anderson,</i>		

Report adopted.

Bill read a third time and passed.

The Report on Bill (No. 75) intituled "An Act to confirm to the Crown all unrecorded and unappropriated water and water power in the Province, and for other purposes," was considered.

The Hon. Mr. *Davie* moved to amend section 4 by striking out all the words up to and inclusive of "empowered," in line two, and insert—"Any Company empowered under a special Act of the Province."

Carried.

Report as amended adopted.

Bill read a third time and passed.

Bill (No. 76) intituled "An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company," was committed, with Mr. *Horne* in the Chair.

The Committee reported progress and asked leave to sit again.

Ordered, That leave be granted for this evening.

HALF-PAST FOUR O'CLOCK, P. M.

The Sergeant-at-Arms having reported to Mr. Speaker that *James M. Kennedy* and *Robert Kennedy* were in attendance at the Bar of the House, by virtue of Mr. Speaker's Warrant,

The Clerk of the House read the Resolution of 12th April, as follows:—

“Be it resolved, That *James M. Kennedy* and *Robert Kennedy*, having been summoned to attend this House this day, and not attending in obedience to such summons, are guilty of a contempt, and that they be sent for in the custody of the Sergeant-at-Arms, and that Mr. Speaker do issue his Warrant accordingly.”

Mr. Speaker then asked *James M. Kennedy* and *Robert Kennedy* the following question:—

What reason do you give for your disobedience to the Summons of the House of the 9th April, 1892?

The said *James M. Kennedy* and *Robert Kennedy* replied as follows:—

THE ANSWER OF JAMES M. KENNEDY AND ROBERT KENNEDY, (HEREIN CALLED
MESSRS. KENNEDY.)

MESSRS. KENNEDY respectfully submit:—

1. That previous to the 7th day of April, A. D. 1892, the Legislative Assembly of the Province of British Columbia did not possess the power of arrest with a view to adjudicate on a complaint of contempt committed out of doors.

2. That the alleged offence (if any) was committed (if at all) previous to the 7th day of April, A. D. 1892, to wit, on the 17th day of March, A. D. 1892, at the City of New Westminster.

3. That they have not been guilty of any contempt against your Honourable House, or against any Committee thereof, or against any Honourable or any member thereof, touching any of its privileges.

4. That they did not attend at the Bar of your Honourable House on the 29th day of March last past, as directed in the summons firstly issued on the 22nd day of March, A. D. 1892, acting under the advice of Counsel, who advised that your Honourable Body had no jurisdiction to punish as for contempt for the publication of an alleged libel committed out of doors.

5. That although sufficient notice of the granting of an injunction may be given by telegram, yet service of any process issued by or with the sanction of your Honourable House, directed to or against any party or parties whom it is sought to affect, disobedience to which would be followed by punishment as for contempt, must be personal, and the original of any such process must be shown by the party serving.

6. That at the time of the alleged service of the summons issued after the passing of the “Legislative Assembly Privileges Act, 1892,” the original summons or process was not in the possession of the party effecting such service, nor was it in the City of New Westminster, where the alleged service was attempted to be effected.

7. That the said Act, viz., “Legislative Assembly Privileges Act, 1892,” does not give to your Honourable House jurisdiction to entertain any application in the nature of process for contempt in respect of the matter complained of herein, inasmuch as the alleged contempt was committed (if at all) before the passing of the said Act.

8. That the said Act itself is *ultra vires* so far as punishing for libel alleged to have been published out of doors.

9. That the said Act is not expressed to be retrospective, yet in the proposed application of it against Messrs. Kennedy it is construed so as to be retrospective.

10. That should it be attempted to punish, as for non-attendance or disobedience to any summons, subpoena, or warrant, Messrs. Kennedy contend that it must be and is in respect of a summons, subpoena, or warrant issued in a matter which this Honourable House has no jurisdiction to enquire into.

11. That they *bona fide* believed that no summons, subpoena, or warrant had been issued and the alleged notice by telegraph of an alleged summons was not genuine, as the circumstances surrounding the proceedings in this matter, from its very inception, will prove that their belief was not unreasonable.

12. That the editorial published in the "Columbian" of the 24th March last past explains the article published in the said newspaper on the 17th day of March last past (being the alleged libel constituting the contempt herein), and clearly demonstrates the fact that Messrs. Kennedy did not make any personal charges against any of your Committee, or any members thereof, or against any member of your Honourable House.

13. That Messrs. Kennedy believed at the time, and still do believe, that the public interests would have been better served by the granting of the Charter referred to in the said article, so that the carrying passengers between the two cities should not be a monopoly.

14. That they believed, and still do believe, that it was their duty, as public journalists, to criticize the action of the Committee in reporting against the said Bill.

The article published in the "Daily Columbian" on 24th March last, referred to in the said answer, having been read by the Clerk of the House,

Mr. Speaker asked the said *James M. Kennedy* and *Robert Kennedy* if the said article was offered by them as an apology? and received the reply—"We offer it as an explanation."

Mr. Speaker—"Have you anything further to say?"

Answer—"No."

Mr. Speaker then ordered the said *James M. Kennedy* and *Robert Kennedy* to withdraw from the Bar of the House in custody of the Sergeant-at-Arms, pending the expression of the pleasure of the House.

The Hon. Mr. *Davie* moved, seconded by the Hon. Mr. *Robson*,—

That *James M. Kennedy* and *Robert Kennedy* having been guilty of a contempt of this House, they be committed to the custody of the Sergeant-at-Arms of the Legislative Assembly, and be brought to the Bar of the House to-morrow, Friday, the 22nd April, 1892, at 11 o'clock a. m.

Mr. *Beaven* moved in amendment, seconded by Mr. *Semlin*, to strike out all the words after "That" and insert in lieu thereof, "the House proceed no further in this matter and that *James M. Kennedy* and *Robert Kennedy* be now discharged from custody."

Mr. Speaker left the Chair at 6 o'clock, p. m.

EIGHT O'CLOCK, P. M.

The House continued to sit after midnight.

Question proposed—"Shall the words proposed to be struck out stand part of the question?" and *Resolved* in the affirmative on the following division:—

YEAS :

Messieurs

<i>Grant,</i>	<i>Punch,</i>	<i>Horne,</i>	<i>Smith,</i>
<i>Baker,</i>	<i>Robson,</i>	<i>Davie,</i>	<i>Vernon,</i>
<i>Eberts,</i>	<i>Stoddart,</i>	<i>Booth,</i>	<i>Hall,</i>
<i>Nason,</i>	<i>Pooley,</i>	<i>Turner,</i>	<i>Martin,</i>
<i>Hunter,</i>	<i>Rogers,</i>	<i>Anderson,</i>	<i>Fletcher—20.</i>

NAYS :

Messieurs

<i>Semlin,</i>	<i>McKenzie,</i>	<i>Sword,</i>	<i>Kitchen,</i>
<i>Cotton,</i>	<i>Kellie,</i>	<i>Beaven,</i>	<i>Brown—10.</i>
<i>Forster,</i>	<i>Keith,</i>		

The debate on the original question was resumed.

Mr. *McKenzie* moved, seconded Mr. *Kellie*,—

To add at end of resolution "to be then discharged from custody."

Question proposed "Shall the words proposed to be added stand part of the question?" and *Resolved* in the negative on the following division:—

YEAS:

Messieurs

<i>Semlin,</i>	<i>McKenzie,</i>	<i>Sword,</i>	<i>Kitchen,</i>
<i>Cotton,</i>	<i>Kellie,</i>	<i>Beaven,</i>	<i>Brown—10.</i>
<i>Forster,</i>	<i>Keith,</i>		

NAYS:

Messieurs

<i>Punch,</i>	<i>Horne,</i>	<i>Smith,</i>	<i>Baker,</i>
<i>Robson,</i>	<i>Davie,</i>	<i>Vernon,</i>	<i>Eberts,</i>
<i>Stoddart,</i>	<i>Booth,</i>	<i>Hall,</i>	<i>Nason,</i>
<i>Pooley,</i>	<i>Turner,</i>	<i>Martin,</i>	<i>Hunter,—19.</i>
<i>Rogers,</i>	<i>Anderson,</i>	<i>Fletcher,</i>	

Original motion put and carried upon the following division:—

YEAS:

Messieurs

<i>Punch,</i>	<i>Horne,</i>	<i>Smith,</i>	<i>Baker,</i>
<i>Robson,</i>	<i>Davie,</i>	<i>Vernon,</i>	<i>Eberts,</i>
<i>Stoddart,</i>	<i>Booth,</i>	<i>Hall,</i>	<i>Nason,</i>
<i>Pooley,</i>	<i>Turner,</i>	<i>Martin,</i>	<i>Hunter—19.</i>
<i>Rogers,</i>	<i>Anderson,</i>	<i>Fletcher,</i>	

NAYS:

Messieurs

<i>Semlin,</i>	<i>McKenzie,</i>	<i>Sword,</i>	<i>Kitchen,</i>
<i>Cotton,</i>	<i>Kellie,</i>	<i>Beaven,</i>	<i>Brown—10.</i>
<i>Forster,</i>	<i>Keith,</i>		

Resolved, That the House, at its rising, do stand adjourned until eleven o'clock on Friday, 22nd April.

And then the House adjourned at 1 o'clock, a. m., 22nd April.

Friday, 22nd April, 1892.

ELEVEN O'CLOCK, A. M.

The Hon. Mr. *Davie* moved, seconded by Mr. *Martin*,—

That the following resolution of this House, passed on the 19th April, 1892, viz.: "That the addition to Rule 64, as printed on page 67 of the Journals of the House for the year 1884, be added as sub-section (b) of Rule 74, as reported from the Select Committee on 19th February, 1892, and that the Report as thus amended be now adopted," be amended by striking out the words "and that the Report as thus amended be now adopted."

The motion was withdrawn.

11:20 O'CLOCK, A. M.

The Sergeant-at-Arms having reported to Mr. Speaker that *James M. Kennedy* and *Robert Kennedy* were in attendance at the Bar of the House,

The Clerk of the House read the Resolution of 21st April, as follows:—

“Resolved, That *James M. Kennedy* and *Robert Kennedy* having been guilty of a contempt of this House, they be committed to the custody of the Sergeant-at-Arms of the Legislative Assembly, and be brought to the Bar of the House to-morrow, Friday, the 22nd April, 1892, at 11 o'clock, a. m.”

Mr. Speaker then asked the said *James M. Kennedy* and *Robert Kennedy* if they had any thing further to add to their statement made yesterday, or whether they had any apology to make to the House for their conduct?

Answer—“We have nothing further to say.”

Mr. Speaker then ordered the said *James M. Kennedy* and *Robert Kennedy* to withdraw from the Bar of the House in custody of the Sergeant-at-Arms, pending the expression of the pleasure of the House.

The Hon. Mr. *Davie* moved, seconded by the Hon. Mr. *Vernon*,—

That *James M. Kennedy* and *Robert Kennedy* having been guilty of a contempt of this House, and being brought to the Bar in custody of the Sergeant-at-Arms, be for their said offence committed to the custody of the Sergeant-at-Arms attending the Legislative Assembly, and that Mr. Speaker do issue his Warrant accordingly.

Mr. *Booth* moved the “Previous Question,” which was Resolved in the affirmative upon the following division:—

YEAS :

Messieurs

<i>Punch,</i>	<i>Robson,</i>	<i>Booth,</i>	<i>Hunter,</i>
<i>Milne,</i>	<i>Davie,</i>	<i>Nason,</i>	<i>Rogers,</i>
<i>Horne,</i>	<i>Vernon,</i>	<i>Pooley,</i>	<i>Anderson,</i>
<i>Smith,</i>	<i>Eberts,</i>	<i>Turner,</i>	<i>Fletcher—19.</i>
<i>Baker,</i>	<i>Stoddart,</i>	<i>Martin,</i>	

NAYS :

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Beaven,</i>	<i>Forster,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Keith—10.</i>
<i>Sword,</i>	<i>Kellie,</i>		

Original question proposed, and Resolved in the affirmative on the following division: --

YEAS :

Messieurs

<i>Grant,</i>	<i>Robson,</i>	<i>Booth,</i>	<i>Martin,</i>
<i>Punch,</i>	<i>Davie,</i>	<i>Hall,</i>	<i>Hunter,</i>
<i>Milne,</i>	<i>Vernon,</i>	<i>Nason,</i>	<i>Rogers,</i>
<i>Horne,</i>	<i>Eberts,</i>	<i>Pooley,</i>	<i>Anderson,</i>
<i>Smith,</i>	<i>Stoddart,</i>	<i>Turner,</i>	<i>Fletcher—21.</i>
<i>Baker,</i>			

NAYS :

Messieurs

<i>Semlin,</i>	<i>Kitchen,</i>	<i>Beaven,</i>	<i>Forster,</i>
<i>McKenzie,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Keith—10.</i>
<i>Sword,</i>	<i>Kellie,</i>		

Bill (No. 84) intituled “An Act for granting certain sums of Money for the Public Service of the Province of British Columbia,” was committed, with Mr. *Martin* in the Chair.

The Bill was reported complete without amendment.

Report adopted.

Bill read a third time and passed.

The Report on Bill (No. 79) intituled "An Act to amend the 'Land Registry Act,'" was considered.

Report adopted.

Bill read third time and passed.

Bill (No. 76) intituled "An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company," was again committed, with Mr. *Horne* in the Chair.

The Bill was reported complete with amendments.

Report *Ordered* to be considered this evening.

The House took a recess from 1 p. m. until 3 o'clock p. m.

THREE O'CLOCK, P. M.

Bill (No. 81) intituled "An Act in aid of the Victoria and Sidney Railway Company," was read a second time, and forthwith committed, with Mr. *Sword* in the Chair.

The Bill was reported complete with amendments.

Report *Ordered* to be considered this evening.

Bill (No. 82) intituled "An Act to authorize the granting of a certain Land Subsidy for and in aid of the Kaslo and Slocan Railway," was read a second time, and forthwith committed, with Mr. *Fletcher* in the Chair.

The Bill was reported complete without amendment.

Report adopted.

Bill read a third time and passed.

The Report on Bill (No. 27) intituled "An Act to amend the 'Municipal Act, 1891,'" was considered.

Mr. *Grant* moved to strike out section 107, with sub-sections, and insert in lieu thereof the following:—

"Notwithstanding anything contained in the 'Municipal Act, 1891,' or any amendments thereto, any applicant for a license to sell wines, spirits, beer, or other fermented or intoxicating liquor in any hotel, or building intended for an hotel, containing not less than thirty rooms, used or to be used for hotel purposes, shall not be required to obtain a petition or requisition signed by lot owners or householders, or the wives of either, for the granting of such license, but application for such license shall be made direct to the Board of Licensing Commissioners not less than thirty days before the sitting of said Board, through the Clerk of the said Board; notice of such application shall be published in some newspaper circulating in the municipality where such application is made for a space of at least thirty days before the sitting of said Board, and the Board of Licensing Commissioners shall have power to grant such license for the term of one year, or to renew the same upon the expiration thereof, if, in the opinion of a majority of the Board then present, such grant or renewal is in the public interest."

The Hon. Mr. *Turner* moved to amend Mr. *Grant's* motion by inserting, in the 9th line, between the word "made" and "for" the words "and posted up in a conspicuous place upon the outside of the premises sought to be licensed, in such a manner as to be readily perceived by the public."

Amendment put and carried.

Original question proposed as amended, and *Resolved* in the affirmative on the following division:—

YEAS:

Messieurs

Grant,
McKenzie,
Sword,
Punch,

Horne,
Smith,
Davie,
Vernon,

Eberts,
Stoddart,
Nason,
Turner,

Martin,
Rogers,
Anderson,
Fletcher—16.

NAYS:

Messieurs

Semlin,
Kitchen,
Cotton,

Milne,
Beaven,
Brown,

Forster,
Keith,

Booth,
Hunter—10.

Mr. *Beaven* moved to add the following as a new section:—

“Where the election of a Municipal Council, or of any member thereof, has been avoided by the Courts, no by-law, contract, or other proceeding entered into, passed, or taken by the Council prior to such avoidance of its election, or of the election of a member thereof, shall, if otherwise within the jurisdiction and powers of such Council, be invalidated or in any manner attacked by reason only of such avoidance of an election as aforesaid.”

Carried.

Mr. *Kitchen* moved to insert as section 146A:—

“When debentures have been issued by a Municipal Council under a by-law, and such by-law has not been questioned in a Court of competent jurisdiction for a period of six months next after the passage of the same, the by-law and the debentures issued thereunder, or such thereof as may yet be unpaid, shall be valid and binding on the Corporation, and shall not be quashed or set aside on any ground whatever.”

Carried.

Report ~~as~~ amended adopted.

The Order for the second reading of Bill (No. 80) intituled “The Municipal Act, 1892,” was discharged.

The Standing Rules and Orders were suspended, and then on the motion of Mr. *Beaven*, Bill (No. 86) intituled “The Municipal Act, 1892,” was introduced and read a first time.

Bill read a second time and forthwith committed, with Mr. *McKenzie* in the Chair.

The Committee reported the Bill complete with amendments.

Report adopted.

Bill read a third time and passed.

The Order for the consideration of the Report on Bills (Nos. 21 & 27) intituled “An Act to amend the ‘Municipal Act, 1891,’” was discharged.

Mr. Speaker left the Chair at 6 o'clock, p. m

HALF-PAST SEVEN O'CLOCK P. M.

Mr. *Grant* asked the Honourable the Premier the following question:—

“If the Dominion House of Commons refuse to grant a charter, during this Session, to the ‘Nelson and Fort Sheppard Railway Company,’ will this Government protect the rights conferred upon said Company by this Legislature during the present sitting of this House?”

The Honourable Mr. *Robson* replied as follows:—

“Certainly; the Government will, in every legitimate way, protect the rights acquired by the Company under their charter granted by this Legislature.”

The Report on Bill (No. 30A) intituled “An Act to amend the ‘Corporation of Victoria Water Works Act, 1873,’” was considered.

The Hon. Mr. *Davie* moved to add to section 14, the following:—

“And it shall also be incumbent upon the Esquimalt Water Works Company as a condition, in default of which the Corporation of Victoria shall be at liberty to distribute water within the areas aforesaid, that the Esquimalt Water Works Company shall from time to time furnish and place and maintain in position in the said areas, in such places as may be designated by the Council, and supply with a sufficient quantity of water such number of suitable fire hydrants as may, by resolution of the Council from time to time, be required for use in case of fire, the Corporation of Victoria paying the said Company for such hydrants at the rate of four dollars per month for each hydrant without any charge for the supply of water.”

Carried.

Mr. *Beaven* moved to leave out clause 14, as inserted in the Bill on 12th April, 1892, on the motion of the Honourable Member for *Cowichan*, Mr. *Croft*.

Negatived.

Mr. *Beaven* moved to strike out in section 1, line 1, the figures "1891" and insert "1892."
Carried.

Report as amended adopted.

Bill read a third time and passed.

The Report on Bill (No. 76) intituled "An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company," was considered.

Mr. *Beaven* moved to add the following sections to the Act:—

"Sec. . . This Act is passed upon the express understanding that no Chinese, either directly or indirectly, shall be employed in or about, or concerning any work or services authorized by this Act, or the Acts incorporating the said Companies, or required by either Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable, upon summary conviction before any two Justices of the Peace or functionary having the power of two Justices of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, to a penalty not exceeding twenty-five dollars, or less than ten dollars, for every Chinese employed; and in default of immediate payment of the penalty, the same may be levied by distress and sale of the goods and chattels of the Company. And in the event of any Chinese being employed by any of the Company's contractors or sub-contractors contrary to the provisions of this Act, then any such contractor or sub-contractor shall be liable upon summary conviction as aforesaid, to a penalty not exceeding twenty-five dollars, nor less than ten dollars, for every Chinese employed; and in case of default in immediate payment of such last-mentioned penalty, the same may be recovered by distress and sale of the goods and chattels of the offender; and in default of sufficient distress, the offender may be committed to any gaol or place of confinement situate within the territorial jurisdiction of the convicting Justices, and there imprisoned for any term not exceeding thirty days; and any director or officer of the Company who causes or procures any Chinese to be employed, contrary to the provisions of this Act, or permits or connives at such employment, shall be liable, upon summary conviction as aforesaid, to the like penalties as hereinbefore in this section provided, recoverable in manner secondly hereinbefore mentioned.

"Sec. . . The offender shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed.

"Sec. . . The term "Chinese" wherever used in this Act shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

"Sec. . . Upon any prosecution under section . . . of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed contrary to the provisions of this Act is a Chinese, shall be prima facie evidence that such person is a Chinese within the meaning of this Act, and shall cast upon the defendant the burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

"Sec. . . No conviction or warrant for enforcing the same, or any other process or proceeding under this Act, shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process, or proceeding that the same was made for an offence against some provisions of this Act, and provided there is evidence to prove such an offence, and that it can be understood from such conviction, warrant, or process that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. Upon any application to quash any such conviction, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon habeas corpus, or by way or certiorari or otherwise, the Court or Judge to which such appeal is made, or to which such application has been made upon habeas corpus, or by way of certiorari, or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defects as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall

not be quashed (as the case may be); and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process, or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded."

The motion was negatived on the following division:—

YEAS:

Messieurs

<i>Semlin,</i>	<i>Cotton,</i>	<i>Brown,</i>	<i>Stoddart,</i>
<i>McKenzie,</i>	<i>Milne,</i>	<i>Forster,</i>	<i>Fletcher—10</i>
<i>Kitchen,</i>	<i>Beaven,</i>		

NAYS:

Messieurs

<i>Grant,</i>	<i>Robson,</i>	<i>Booth,</i>	<i>Martin,</i>
<i>Sword,</i>	<i>Davie,</i>	<i>Nason,</i>	<i>Hunter,</i>
<i>Smith,</i>	<i>Vernon,</i>	<i>Pooley,</i>	<i>Rogers,</i>
<i>Baker,</i>	<i>Eberts,</i>	<i>Turner,</i>	<i>Anderson—16.</i>

Report adopted.

Bill read a third time and passed.

✓ The Honourable Mr. *Davie* presented to Mr. Speaker the following Messages from His Honour the Lieutenant-Governor, signed by His Honour.

The said Messages were read by Mr. Speaker, and are as follows:—

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor returns to the Legislative Assembly for reconsideration Bill (No. 78) intituled "An Act to amend the 'Companies' Act, 1890," and suggests its amendment in accordance with the enclosure.

Government House,
22nd April, 1892.

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor returns to the Legislative Assembly for reconsideration Bill (No. 58) intituled "An Act to amend the 'Coal Mines Act,'" and suggests the following amendments:—

1. The elimination of the figure "1," in the first line of section 1, and the substitution therefor of the figure "2;" also, the elimination of all the words after the word "repealed," in the third line of the said section.

2. The insertion before the word "publication," in the second line of section 3 of the said Bill, the word "first."

3. The addition as a new section of the words, "This Act may be cited as the 'Coal Mines Amendment Act, 1892.'"

Government House,
22nd April, 1892.

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor returns to the Legislative Assembly for reconsideration Bill (No. 12) intituled "An Act to incorporate the Nelson Electric Light Company, Limited," and suggests the following amendment:—

By striking out section 21 of the said Bill and inserting the following in lieu thereof:—

"The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby

conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c., fixed by any such Order in Council, shall be made within the space of five years from the passage of the Order in Council fixing the same."

*Government House,
22nd April, 1892.*

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor returns to the Legislative Assembly for reconsideration Bill (No. 67) intituled "An Act to amend the Jurors' Act," and suggests the following amendments:—

1. The elimination of the words "Forbes Bay at," in the 19th line of section 3 of the said Bill, and the insertion after the word "thereof," in the said 19th line, of the words "at Forbes Bay, Desolation Sound."

2. The addition at the end of section 4 of the words: "Provided that until a Sheriff for the County of Vancouver is appointed, the Sheriff for the County of Westminster shall perform the duties by the said Act as amended, hereby allotted to the Sheriff for the County of Vancouver."

*Government House,
22nd April, 1892.*

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor returns to the Legislative Assembly for reconsideration Bill (No. 11) intituled "An Act to incorporate the Consumers' Water Works Company, Limited," and suggests the following amendments:—

1. The insertion of the words "consent and" in the fifth line of section 19 of the said Bill.

2. By striking out section 52 of the said Bill and inserting the following in lieu thereof:—
"The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown in right of the Province, such rents, royalties, tolls, and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c., fixed by any such Order in Council, shall be made within the space of five years from the passage of the Order in Council fixing the same."

*Government House,
22nd April, 1892.*

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor returns to the Legislative Assembly for reconsideration Bill (No. 52) intituled "An Act to further amend the 'British Columbia Railway Act,'" and suggests to the Assembly the advisability of amending the same by inserting the following as a new clause, after clause 7:—

“Section 3 of this Act shall not come into operation until a day to be fixed by Order of the Lieutenant-Governor in Council, notice of which shall be published in the British Columbia Gazette.”

*Government House,
22nd April, 1892.*

The Honourable Mr. *Davie* presented to Mr. Speaker a Message from His Honour the Lieutenant-Governor, signed by His Honour.

The said Message was read by Mr. Speaker, and is as follows:—

HUGH NELSON,
Lieutenant-Governor.

The Lieutenant-Governor transmits herewith a Bill intituled “An Act to grant certain lands to the Corporation of the City of Victoria,” and recommends the same to the Legislative Assembly.

*Government House,
22nd April, 1892.*

Ordered, That the said Message, and the Bill accompanying the same, be forthwith referred to a Committee of the Whole.

The House accordingly resolved itself into a Committee of the Whole, with Mr. *Martin* in the Chair.

(IN THE COMMITTEE).

Resolved, That the Committee rise and report to the House “An Act to grant certain Lands to the Corporation of the City of Victoria.”

The Committee reported the Resolution.
Report received and adopted.

On the motion of the Hon. Mr. *Davie*, Bill (83) intituled “An Act to grant certain Lands to the Corporation of the City of Victoria,” was read a first time.

Bill read a second time and committed, with Mr. *Martin* in the Chair.

The Bill was reported complete without amendment.

Report adopted.

Bill read a third time and passed.

On the motion of the Honourable Mr. *Davie* the third reading of Bill (No. 78) intituled “An Act to amend the ‘Companies Act, 1890,’” was discharged, for the purpose of making the amendments recommended in the Message of His Honour the Lieutenant-Governor.

Section 3 was amended by inserting in line twelve, between “Company” and “and,” the following:—“and by the same or another resolution may confirm any Act within the corporate powers of the Company, done by them as such Trustees or Directors, although in excess of the usual powers of Trustees.”

Section 3 was amended by inserting in line seventeen, between “acts” and “shall,” the words “as aforesaid.”

Bill, as amended, read a third time and passed.

On the motion of the Honourable Mr. *Davie* the third reading of Bill (No. 52) intituled “An Act to further amend the ‘British Columbia Railway Act, 1890,’” was discharged, for the purpose of making the amendments recommended in the Message of His Honour the Lieutenant-Governor.

The following was added as a new clause, to be inserted between clauses 7 and 8:—

“Section 3 of this Act shall not come into operation until a day to be fixed by Order of the Lieutenant-Governor in Council, notice of which shall be published in the British Columbia Gazette.”

Bill, as amended, read a third time and passed.

On the motion of the Hon. Mr. *Davie*, the third reading of Bill (No. 11) intituled “An Act to incorporate the Consumers’ Water Works Company, Limited,” was discharged, for the purpose of making the amendments recommended by His Honour the Lieutenant-Governor.

Section 19 was amended by inserting in line 5 the words “consent and” before the word “supervision.”

Also, by striking out section 52 and inserting the following :—

“The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown in right of the Province, such rents, royalties, tolls, and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c., fixed by any such Order in Council, shall be made within the space of five years from the passage of the Order in Council fixing the same.”

Bill, as amended, read a third time and passed.

On the motion of the Honourable Mr. *Davie*, the third reading of Bill (No. 67) intituled “An Act to amend the ‘Jurors’ Act,” was discharged, for the purpose of making the amendments recommended by His Honour the Lieutenant-Governor.

Section 3 was amended by inserting after the word “thereof,” in line 19, the words “at Forbes Bay, Desolation Sound.”

And by adding at the end of section 4 the words—“Provided that until a Sheriff for the County of Vancouver is appointed, the Sheriff for the County of Westminster shall perform the duties by the said Act as amended, hereby allotted to the Sheriff for the County of Vancouver.”

Bill, as amended, read a third time and passed.

On the motion of the Honourable Mr. *Davie*, the third reading of Bill (No. 12) intituled “An Act to Incorporate the Nelson Electric Light Company, Limited,” was discharged, for the purpose of making the amendments recommended by His Honour the Lieutenant-Governor.

Section 21 was struck out and the following inserted in lieu thereof:—

“The powers and privileges conferred by this Act, and the provisions hereof, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper, and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, &c., fixed by any such Order in Council, shall be made within the space of five years from the passage of the Order in Council fixing the same.”

Carried.

Bill, as amended, read a third time and passed.

The Report on Bill (No. 81) intituled “An Act in aid of the Victoria and Sidney Railway Company,” was considered.

On the motion of the Honourable Mr. *Turner*, and with the approval of His Honour the Lieutenant-Governor, the following was added as a new clause:—

“4. The Lieutenant-Governor in Council may, by Order in Council, exempt the property, real and personal, and the capital stock of the Company, from Provincial taxation for a period not exceeding ten years from the completion of the railway.”

Report as amended adopted.

Bill read a third time and passed.

On the motion of the Honourable Mr. *Davie* the third reading of Bill (No. 58) intituled “An Act to amend the “Coal Mines Act,” was discharged for the purpose of making the amendments recommended by His Honour the Lieutenant-Governor.

The following was added as clause 6 :—

“6. This Act may be cited as the “Coal Mines Amendment Act, 1892.”

Section 3 was amended in line two by inserting the word “first” before the word “publication.”

Section 1 was amended by striking out figure “1,” and substituting therefor the figure “2”; and by striking out all the words following “repealed,” in the third line of said section. Bill, as amended, read a third time and passed.

Resolved, That the House, at its rising, do stand adjourned until three o'clock to-morrow.

And then the House adjourned at 10:05 o'clock, p. m.

Saturday, 23rd April, 1892.

THREE O'CLOCK, P. M.

✓ Prayers by the Right Rev. Bishop *Cridge*.

His Honour the Lieutenant-Governor of the Province having entered the House, and being seated in the Chair,

Mr. *Fell*, the Clerk of the House read the titles to the following Bills :—

(No. 4) An Act respecting the unauthorized use of the Provincial Coat of Arms.

(No. 6) An Act to amend the “Esquimalt Water Works Act, 1885.”

(No. 8) An Act to regulate the law with regard to Conditional Sales of Goods and Chattels.

(No. 11) An Act to incorporate the Consumers' Water Works Company, Limited.

(No. 12) An Act to incorporate the Nelson Electric Light Company, Limited.

(No. 14) An Act to amend the “Public School Act, 1891.”

(No. 16) An Act to incorporate the Kaslo and Slocan Railway Company.

(No. 17) An Act to amend the “Pharmacy Act, 1891.”

(No. 18) An Act to amend the “Victoria and Esquimalt Telephone Company Act, 1880.”

(No. 20) An Act to incorporate the Association of the Sisters of Charity of Providence in British Columbia.

(No. 22) An Act to incorporate the Sisters of St. Ann in the Province of British Columbia.

(No. 23) An Act to create the Roman Catholic Bishop of Vancouver Island, and his successors in office, a Corporation Sole.

(No. 25) An Act to amend the “Cattle Ranges Act” and the “Cattle Ranges Amendment Act, 1890.”

(No. 29) An Act to authorize the Kootenay Power Company, Limited, to construct Tramways and Electrical and other works in the vicinity of Nelson.

(No. 30) An Act to enable the Corporation of the City of Victoria to borrow certain sums of money, and for other purposes.

(No. 30A) An Act to amend the “Corporation of Victoria Water Works Act, 1873.”

(No. 31) An Act to incorporate the Victoria and Sidney Railway Company.

(No. 32) An Act to incorporate the Coquitlam Electric Company, Limited.

(No. 33) An Act to incorporate the North Vancouver Electric Company, Limited.

(No. 35) An Act to amend and consolidate the Acts for the protection of certain Animals, Birds, and Fishes.

(No. 38) An Act to amend the “Mineral Act, 1891.”

(No. 39) An Act to amend the “Agricultural Societies' Incorporation Act.”

(No. 40) An Act to amend the “County Courts Act.”

(No. 41) An Act to limit the operations of the “Inferior Courts Practitioners' Act.”

- (No. 42) An Act to amend the "Columbia and Kootenay Railway and Navigation Company Act, 1890."
- (No. 43) An Act to amend the "Westminster and Vancouver Short Line Railway Act."
- (No. 44) An Act to incorporate the Sumas Reclamation Company.
- (No. 45) An Act relating to certain Public Works in the District of Surrey.
- (No. 48) An Act to amend the "Vancouver Incorporation Act, 1886," and amendments thereto.
- (No. 49) An Act to amend and consolidate the Law with respect to Affidavits and Declarations.
- (No. 50) An Act to incorporate the Canadian Northern Railway Company.
- (No. 51) An Act to amend "An Act to provide an Official Stenographer for the Supreme and County Courts."
- (No. 52) An Act to further amend the "British Columbia Railway Act, 1890."
- (No. 54) An Act respecting the Cowichan and Salt Spring Island Agricultural Society.
- (No. 55) An Act to amend the "Provincial Land Surveyors' Act, 1891."
- (No. 57) An Act to amend the "Marriage Act."
- (No. 58) An Act to amend the "Coal Mines Act."
- (No. 59) An Act to create a Provincial Board of Horticulture.
- (No. 60) An Act to amend the "Bills of Sale Act."
- (No. 63) An Act to amend the "Drainage, Dyking, and Irrigation Act."
- (No. 65) An Act to amend the "Supreme Court Act."
- (No. 66) An Act to amend the "Sheriffs' Act."
- (No. 67) An Act to amend the "Jurors' Act."
- (No. 68) An Act to regulate travelling on Public Highways and Bridges.
- (No. 69) An Act to amend the "Breeding Stock Act."
- (No. 70) An Act to provide for a grant to the Corporation of the City of New Westminster of certain lands in the City of New Westminster.
- (No. 72) An Act to amend the "Employers' Liability Act, 1891."
- (No. 73) An Act to amend the "Execution Act."
- (No. 75) An Act to confirm to the Crown all unrecorded and unappropriated Water and Water Power in the Province, and for other purposes.
- (No. 76) An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company.
- (No. 77) An Act to authorize the granting of a certain Land Subsidy for and in aid of the Upper Columbia Navigation and Tramway Company.
- (No. 78) An Act to amend the "Companies Act, 1890."
- (No. 79) An Act to amend the "Land Registry Act."
- (No. 81) An Act in aid of the Victoria and Sidney Railway Company.
- (No. 82) An Act to authorize the granting of a certain Land Subsidy for and in aid of the Kaslo and Slocan Railway.
- (No. 83) An Act to grant certain lands to the Corporation of the City of Victoria.
- (No. 86) The Municipal Act, 1892.

His Honour was pleased, in Her Majesty's name, to give assent to these Bills.

The same was announced by the Clerk of the House, in the following words:—

"In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these Bills."

Then the Honourable Mr. Speaker addressed His Honour the Lieutenant-Governor, as follows:—

MAY IT PLEASE YOUR HONOUR:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of the Province of British Columbia, in Session assembled, approach Your Honour at the close of our labours with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and humbly beg to present for Your Honour's acceptance a Bill intituled "An Act for granting certain sums of Money for the Public Service of the Province of British Columbia."

To this Bill the Clerk of the Legislative Assembly, by His Honour's command, did thereupon say:—

“In Her Majesty's name His Honour the Lieutenant-Governor doth thank Her Majesty's loyal subjects, accept their benevolence, and assent to this Bill.”

Then His Honour the Lieutenant-Governor was pleased to deliver the following Speech:—

Mr. Speaker and Gentlemen of the Legislative Assembly:

It affords me pleasure to relieve you from further attendance upon your legislative duties and to thank you for the patient zeal with which you have devoted yourselves to the public service during the Session now closing.

Amongst the numerous measures which you have passed, I regard as of especial importance those having reference to the development of the Deep-Sea Fisheries of the Province; and the people will doubtless watch with interest the various steps necessary to carry out these schemes—which I hope will meet with success.

The result of the legislation of last Session for the consolidation and conversion of the Public Debt has been most satisfactory, having placed the credit of the Province in a favourable position in the English money market.

It is to be hoped that the liberal assistance you have offered will result in the early opening up of important sections of the Province by railway construction.

I thank you for the liberal grants made for the service of the ensuing year, which will, I assure you, be expended with due regard to economy and the public interest.

In now taking leave of you, I desire to assure you of my best wishes for your welfare; and I congratulate you upon retiring from the arduous labours of a protracted Session with a consciousness of having, at great personal sacrifice, rendered valuable service to your country.

The Honourable Mr. *Robson*, Provincial Secretary, then said,—

Mr. Speaker and Gentlemen of the Legislative Assembly:

It is His Honour the Lieutenant-Governor's will and pleasure that the Legislative Assembly be prorogued until it shall please His Honour to summon the same for dispatch of business, and this Provincial Legislative Assembly is hereby prorogued accordingly.

D. W. HIGGINS, *Speaker*.