
Thursday, the 21st day of December, 1865

Present: His Honor The Officer Administering the Govt. and The Honorables The Acting Colonial Secretary, The Attorney General, The Chief Commr. of Lands &c., The Collector of Customs.

The Honorable The Treasurer was absent by Leave.

The minutes of the preceding meeting were read and confirmed.

His Honor laid before the Council the following proposals and letters relating to the grant of a subsidy for building and running a Steamer on Shuswap Lake, for the transport of merchandize and passengers to the mines on the Columbia River.

1. Proposal from the Hudson Bay Company,
2. Proposal from Mr. W. Woodcock,
3. Proposal from Messrs. Moore & Millard,
4. Proposal from Messrs. Smith & Ladner,
5. Proposal from Mr. G. B. Wright,
6. Proposal from Captain W. Irving.

It was decided that the proposal of Captain Irving should be accepted.

Tenders for the construction of a waggon Road from Cache Creek to Savona's Ferry were also brought before the Council.

It was decided unanimously that the Tender of Mr. G. B. Wright should be accepted.

The subject of the Interior postal Service for the ensuing year was discussed.

It was proposed that Tenders should be asked for as to the cost of a weekly and a bi-weekly service for one or two years.

The Pilot System of the Colony was generally discussed by the Council.

The Council here adjourned.

Read and Confirmed.

Saturday 23rd December 1865

(signed) H. M. Ball
Acting Colonial Secy. and
Clerk to the Council

Saturday, the 23rd day of December, 1865

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Treasurer, The Chief Commissioner of Lands &c., The Collector of Customs.

The Honorable The Attorney General was absent by Leave.

The minutes of the last meeting (21st December 1865) were read and confirmed.

The subject of direct steam Communication between San Francisco and New Westminster viâ Victoria was brought before the Council by His Honor and after discussion was deferred for future consideration.

The expediency of the abolition of the Gold Export Tax was generally discussed.

The Council being fully impressed with the justice of the Export Tax, is however of opinion that it should be abolished, in consequence of the impracticability of collecting the Tax on such an extensive frontier line as bounds British Columbia, and the extreme unpopularity of the Tax as there is no similar Tax in the neighbouring American States.

The Council here adjourned.

Read and Confirmed.

Wednesday, 10th January 1866

(signed) H. M. Ball
Acting Colonial Secy. &
Clerk to the Council

Wednesday, the 10th day of January, 1866

Present: His Honor The Officer Administering The Govt. and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Collector of Customs.

The minutes of the preceding meeting were read over and confirmed.

His Honor laid before the Council a letter from the Hope Silver Mining Company requesting a suspension of the works for a period of twelve months without forfeiture of their privileges.

It was proposed to accede to the request.

A Petition from the inhabitants of Yale asking for a road from the town to the burial ground was read.

The matter was proposed to be referred to the Surveyor General for his report.

An application for a mining Lease on "Salmon River" was read.

It was proposed to grant it.

The subject of direct steam communication between San Francisco and New Westminster was again discussed.

The Council were of opinion that it was essential there should be direct Steam Communication whether in connection with Vancouver Island or not.

His Honor laid before the Council a letter from Mr. Justice Begbie respecting the appointment of Captain G. W. Holmes as Registrar of the Supreme Court.

The majority of the Council were of opinion that the Appointment should not be gazetted until His Honor had conferred further with Capt. Holmes.

The Council here adjourned.

Read & Confirmed.

Thursday, 18th January 1866

(sd.) H. M. Ball
Acting Col. Secy. & Clerk
of Council

Thursday, the 18th day of January, 1866

Present: His Honor The Officer Administering The Govt. and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meeting were read over and confirmed.

His Honor laid before the Council Despatches from the Secretary of State respecting the validity of the convention of the Legislative Council by Governor Seymour on 13th [12th] Decr. 1864, and consequently embracing the validity of the Ordinances passed by the Council during the Session.¹⁶

The Council discussed the various points referred to in the despatches but not agreeing as to the advisability or legality of convening another Council without a second Proclamation being issued by His Honor.

It was proposed to defer the matter until the Attorney General had laid before the Council his opinion as to the legality of such a proceeding.

The Council here adjourned until 11 o'clock A.M. on the 19th Inst.

Friday, the 19th day of January, 1866

The Council met pursuant to Order.

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The Despatches from the Secretary of State relative to the validity of the convention of the Legislative Council by Governor Seymour, 13th [12th] Decr. 1864 were again laid before the Council and in pursuance of the opinion of the Attorney General, it was unanimously proposed that a Notice should be issued re-appointing the several members and convening the Council to meet on the 22nd January 1866.¹⁷

A Letter from Mr. Frontin applying for an exclusive Reserve on Queen Charlotte's Island to search for Cannel Coal was read.

It was proposed to reserve two thousand acres for that purpose for one year.

A Report from the Chief Commissioner of Lands and Works respecting a claim made by the manager of the Bank of British Columbia for the payment of the 4th Instalment of the price of the contract awarded to Mr. Smith was read over.

¹⁶ Cardwell to Seymour, 3 March 1865 and 7 October 1865, Separate, CO 398/2, pp. 299-302, 365-73. See also Seymour to Cardwell, 18 May 1865, and 12 June 1865, Confidential, enclosing Crease to Seymour, 7 July 1865 (Secret), CO 60/21, pp. 508-18, and CO 60/22, pp. 107-25.

¹⁷ *Ibid*: Crease to Birch, 18 January 1866, Secret and Confidential, Attorney General, Correspondence Outward, F67, Colonial Correspondence, PABC.

The matter was deferred to enable the Attorney General to furnish a Report thereon.

The Council here adjourned.

Read and Confirmed.

Monday, 29th January 1866

(signed) H. M. Ball
Clerk of the Council &
acting Colonial Secretary

Monday, the 29th day of January, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meetings (January 18th & 19th) were read over and confirmed.

His Honor laid before the Council a Letter from Mr. Oliver Hare, Acting Registrar of the Supreme Court, respecting the sudden loss of his appointment and asking for a gratuity from the government.

The general opinion of the Council was, that as soon as an opportunity offered, another appointment equivalent in Salary to the half pay of the Registrarship, should be offered to him, and in the event of his non acceptance of the offer, that a gratuity of either two or three months pay should be granted in order to enable him to procure employment elsewhere.

A Tender for the carriage of the mails in the interior of British Columbia was read.

The advice of the Council was that the Tender should be laid before the Legislative Council.

The subject of direct steam communication with San Francisco was again discussed.

An offer for the conveyance of the British Columbian Mails from New Westminster to San Francisco and back, made by Captain Thorne of the Steamer "Active" was communicated to the Council by His Honor.

The Council advised that it should be accepted.

A circular despatch from the Secretary of State respecting the advisability of insuring Stores shipped from any ports for the Colony was read.

The majority of the Council were of opinion that in the present State of the Colony it would be more advisable to insure them.

A Despatch from the Secretary of State, together with a Letter from the Lords of the Treasury respecting the repurchase of Debentures in accordance with the British Columbian Loan Act 1864, was read.¹⁸

¹⁸ Cardwell to Birch, 16 November 1865, CO 398/2, pp. 387-88.

The Council advised that the Debentures when at a Discount should be repurchased by the Trustees who should hold the same uncanceled and invest the Interest arising from these Debentures either in the repurchase of more Debentures or in other securities.

The Council here adjourned.

Read and Confirmed.

Tuesday, 6th February 1866

(signed) H. M. Ball

Clerk & Acting Colonial Secretary.

Tuesday, the 6th day of February, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meeting were read over and confirmed.

The opinion of the Attorney General respecting a claim made by the Bank of British Columbia on the fourth instalment of Mr. Smith's waggon Road contract price was read over.

The Council considered that the Bank had no legal claim on the government for the payment of the Amount as the contract had been forfeited, but as the money had been expended in the construction of the road and in payment of labourer's wages, advised that it should be allowed as a matter of equity.

The opinion of the Chief Commr. of Lands and Works on the rules to be adopted in Leasing Silver Leads, and the different rents & royalties to be charged, was read.

The matter was generally discussed by the Council, but was deferred for further consideration and the written opinion of respective members of the Executive Council.

The subject of the inland Postal Service was discussed. As no satisfactory arrangement had been arrived at by the issue of Tenders to perform the Service by contract the Council advised that the Government should prepare to take the Service under their own management.

The Council here adjourned.

Read and Confirmed.

Friday, 23rd February 1866

(signed) H. M. Ball

Clerk & Acting Colonial Secretary

Friday, the 23rd day of February, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meeting were read over and confirmed.

A Petition from the Ladies of New Westminster for the remission of a part of the sentence of Imprisonment passed on a Kanaka was read.

The Collector of Customs was of opinion that the sentence should be remitted on grounds of charity.

The Attorney General and Chief Commissioner saw no grounds for the petition being granted.

The Treasurer was opposed to the petition being granted but considered the recommendation of the Chief Inspector of Police should be respected, and would prefer that the case should be referred to Mr. Justice Begbie.

The Acting Colonial Secretary was in favour of remitting the sentence on grounds of charity.

A Letter from the Warden of the gaol to the Chief Inspector of Police, soliciting the clemency of his Honor in favor of a prisoner named Charles Evans in consequence of good behaviour was read.

The council unanimously advised the remission of the remainder of the Sentence.

A letter was read from the Municipal Council of New Westminster respecting the appropriation of the sum previously promised for the repairs of Front Street.

The Council advised that the amount should be at once placed in the hands of the Municipal Council to be expended solely on the proposed works.

A Letter from the British Columbia Coal Company applying for six hundred Acres of Lands was read.

The matter was deferred for production of some former papers.

A Letter from the British Columbian Mill Company applying for a Lease of ten thousand acres of Timber land was read.

The matter was deferred for maps of the proposed locality to be furnished.

A Petition from the inhabitants of Yale & Lytton praying for the abolition of the Road Tolls was laid before the Council.

A discussion ensued thereon and the matter was deferred until the next meeting of the Council.

The Council here adjourned.

Read and confirmed.

Tuesday, 13th March 1866

(signed) H. M. Ball

Clerk and Acting Colonial
Secretary

Tuesday, the 13th day of March, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meeting were read over and confirmed.

His Honor brought before the Council the question, whether the mining claims at Big Bend should be laid over until 1st June in accordance with the miners meeting, or until 1st May, as announced by the Acting Gold Commissioner.

The Council advised that the date named by the miners at the meeting, namely, 1st June should be adhered to.

His Honor laid before the Council the route of the circuit of Mr. Justice Begbie for the ensuing year and the dates of the Assizes at each place.

The Council deemed it advisable not to alter the proposed routine with the exception of Williams Creek where it was considered necessary for the term to be extended a fortnight longer.

A Letter from Mr. Sanders, Stipendiary Magistrate at Yale, respecting the Appointment of a constable near Kamloops was read.

The Council thought it advisable that one should be appointed, leaving it to the discretion of Mr. Sanders as to the time.

A Petition from several inhabitants in the neighbourhood of New Westminster for the reconstruction of the Bridge at Coquitlam was read.

The Council advised that it should be rebuilt.

A Letter from the Harbour Master claiming compensation for acting as Pilot was read.

The Council considered that there were no grounds for the claim.

A second letter from the Harbour Master was read respecting the change of channel at the Sand Heads, and the necessity for the Licensed Pilots acquiring an accurate knowledge of the altered channel.

The Council considered the Pilots should be instructed to qualify themselves in order to be competent to Pilot vessels into Fraser River.

His Honor laid before the Council Letters from Messrs. Smith & Ladner asking for a reimbursement of monies expended on a contract which was afterwards forfeited.

The Council advised that the claim should not be entertained.

A Despatch from the Secretary of State respecting the investment of surplus funds not immediately required for the service of the government was read to the Council.¹⁹

The Council here adjourned.

Read & confirmed.

Wednesday, 21st March 1866

(signed) H. M. Ball

Clerk and Acting Colonial Secretary

¹⁹ Cardwell to Birch, 10 January 1866. CO 398/2, pp. 394-95.

Wednesday, the 21st day of March, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the previous meeting were read, and confirmed.

The following letters were laid before the Council and read.

A Letter from the Assistant Engineer of the Western Union Telegraph Company respecting a Report of an infringement of the privileges granted to the Company by the government of British Columbia.

The Council proposed that a letter should be written to the Company on the subject, but no other steps could be taken towards the investigation of the report.

A Letter from Constable Deas respecting a claim for three month's Salary and travelling Expenses in consequence of the loss of his office, his services being no longer required.

The Council decided that the amount claimed for travelling expenses should be allowed but that he had no grounds for any further claim.

A Letter from Messrs. Smith and Ladner applying for a charter to collect Tolls on a Trail leading from Shuswap Lake to the Columbia River.

The Council were unanimously of opinion that the charter should not be granted.

A Letter from the Chief Commissioner of Lands and works with enclosures from the manager of the Hudson Bay Company in Vancouver Island, respecting the Government Reserve at the North-East end of Shuswap Lake a portion of which the Company claims as a pre-emption right.

The Council unanimously expressed their opinion that the dates of the Public Notices of the reserve which were posted on the ground and advertised in the government gazette were prior to the date of the record of the claim of the Hudson Bay Company.

His Honor brought before the Council the question, whether it was advisable to make another offer to Messrs. Brown & Gillis respecting their claim for compensation at Quesnelmouth, or not.

The Council advised that for the present the government should abide by their first offer, and await until further Action had been taken by Messrs. Brown and Gillis in the matter.

The Supplementary Estimates for the year 1865 were laid before the Council by His Honor and read over to the members, previous to their introduction into the Legislative Council.

The Council Adjourned.

Read & Confirmed.

Tuesday, 10th April 1866

(signed) H. M. Ball

Clerk & Acting Colonial Secretary

Tuesday, the 10th day of April, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meeting—March 21st—were read over and confirmed.

His Honor laid before the Council the following letters:

A Letter from the Chief Commr. of Lands &c. with an enclosure respecting the pre-emption claim of Captain Mouatt.

The Council was unanimous in opinion that Captain Mouatt had no right to the claim.

A Letter from Captain Stamp respecting the Road to Burrard Inlet via False Creek.

The Council advised that the Line of Road should be marked out and Tenders asked for afterwards.

A Letter from the Harbour Master, enclosing a petition from the Lumbers at Burrard's Inlet asking for the replacement of two Buoys at the entrance of the Inlet.

The Council recommended that the Buoys should be replaced, and that the work should be performed by H.M. Surveying ship "Beaver."

His Honor laid before the Council the contract made by the Government for direct steam communication with San Francisco, with the view of taking the opinion of the Council as to whether the Bonds should be escheated for a breach of the conditions or not.

The Council advised that the Government should communicate with the contractor respecting the breach of the terms and await his explanations.

On the written application of the Treasurer the accompanying correspondence²⁰ was read in Council, and the subject being thus brought before the Council Mr. Franks proceeded to give a verbal explanation of the matter.

The Council considered it advisable that a written explanation should be handed in before the subject was further discussed.

On the urgent representations of Mr. Franks that the question should proceed without delay, the Council adjourned for a few hours to enable Mr. Franks to prepare a written statement.

The Council met pursuant to adjournment.

²⁰ Franks to Acting Colonial Secretary Ball, 28 March 1866, and Ball to Franks, 9 April 1866, CO 62/2. When the Bank of British Columbia refused to permit Franks to overdraw his personal account, he was obliged to draw on his salary due to that date, March 27. Franks then wrote to Ball for the necessary authority, but Birch, the Officer Administering the Government, refused to countenance such behaviour. In his reply, Ball therefore requested Franks to show cause why he should not be suspended from office. Franks' response is appended below, p. 56, as Statement A.

The Treasurer handed in the Statement which is annexed to these proceedings, marked A.

The Auditor General was summoned before the Council and produced the instructions of the Lords Commissioners of the Treasury.

In reply to enquiries put to the Auditor General, he stated that the course taken by the Treasurer was unusual, contrary to instructions, and likely to lead to confusion of Accounts. He was only aware of one or two instances in which it had occurred and then on Public Grounds alone, but not without the previous sanction of the Executive.

Mr. Franks proceeded to explain that he had taken the step in order to meet a payment which he had promised to make on the 27th March and which he found no other means of accomplishing than by drawing Salary for which he had performed duties and considered himself entitled to appropriate under the peculiar circumstances.

Mr. Franks having withdrawn the remaining members of the Council proceeded to discuss the question of the suspension of Mr. Franks from his office.

The Council were unanimously of opinion that the Treasurer had exceeded his powers and authority, and without recommending that Mr. Franks should be suspended from his office, considered the position taken by Mr. Franks in the matter as one calling for a very strong censure from the Executive, and were also of opinion that such censure should appear in the minutes.

The Treasurer is therefore to be informed that the Executive Council approve in every way of the terms of the letter addressed to the Treasurer by the Colonial Secretary and further that in the opinion of the Council the reasons for the irregularity of the transaction given by the Treasurer are far from satisfactory.

At the same time, the circumstances of the short period that Mr. Franks had been in the Public Service, and the belief that the cheque was drawn without previous thought, enable the Council to recommend that the suspension be not proceeded with.

The Council here adjourned.

I see nothing to object to in the minute.

(signed) W. Hamley.

Approved (signed) H. P. P. Crease

Approved (signed) J. W. Trutch

Approved (signed) H. M. Ball

(signed) A. N. Birch

Read and confirmed.

28th April 1866

(signed) H. M. Ball
Clerk & Acting Colonial
Secy.

STATEMENT MADE BY THE TREASURER MARKED "A"

Sir,

In reply to your letter of the 9th Instant regarding a cheque drawn on my own responsibility for the Salary due to me on the 27th Ultimo, I have the honor to make the following Statement.

When that cheque was drawn, it was not my intention to apply for any authority from the Officer Administering the Government.

I consider that under the Crown Officers Salaries Ordinance, taken together with the Annual Schedule, I have ample Authority for paying the Salaries falling under their operation. The letter dated 28th March was drafted on the 29th in consequence of some conversation with Mr. Ker in the first instance and with Mr. Ball in the second instance.—Mr. Ker having as I understood, suggested that as a Matter of form, such authority might be advisable for the issue of Salary in the Middle of a Month—Mr. Ball having as I understood consented so far as he was concerned to furnish it on my application. When I was speaking to Mr. Ball I remember particularly making use of the expression—"It is no use raising ghosts unless we are prepared to lay them"—by which I meant to convey to him the impression then existing in my own mind, that, while I considered there was a want of substance in the difficulty started in my own mind by my conversation with Mr. Ker, it still might be advisable to provide myself with further authority if such could be procured. I believe I stated fully to Mr. Ball that unless he was prepared to give the Authority no application would be made for it, and I should leave the matter on my own responsibility.

In any case that seemed to require the exercise of such responsibility, I should not hesitate to assume it. If for instance an officer were leaving New Westminster in the middle of a month, on leave or on Service I should not fear to give him his Salary (if otherwise authorized) up to the term of his actual Service—Further authority might or might not seem necessary to the Auditor, and if he called for it, I should apply for it,—but I should no more dream of its being refused, if I could show sufficient reason for having assumed the responsibility than I should dream of any other apparently impossible thing.

While the Instructions certainly prescribe as a rule that Salaries shall be paid on the first of each month, or as soon after as may be convenient there is nothing repugnant to them in payments for broken periods—so that in some sense, it may be alleged that payments for broken periods are contemplated—not by the letter of the Treasury Instructions but by the Regulations of the Comms. of audit.

It must be borne in mind that in drawing my Salary up to the 27th on the 28th I was merely taking at an unusual time that which was as much mine as my coat or any other thing belonging to me.

In the event of my death the Salary would have gone to my legal representatives, & I should not have been obliged to wait to die till the end of the month in order to establish my right to it.

The emergency under which I drew the Salary—and I certainly should not have drawn it under ordinary circumstances—was a very peculiar one.

The House had been in the habit of meeting my overdrafts. On this occasion, *without any notice*, they sent back a cheque for \$500 which I had only \$488.97 to my credit. I was bound in honor to pay that money, and I had no other available means of doing so except by drawing some at least of my Salary. The whole sum due from me was \$700 but by drawing one cheque dated 27 March for \$500, and another dated 2nd April for \$200 I had hoped to arrange the matter being obliged to draw some of my Salary. I considered it only right to carry out my earlier engagement and pay the \$700 at once. I profited in no degree, directly or indirectly by the transaction,—but I kept faith with the party to whom I was pledged.

I signed a proper pay sheet—duly entered the matter in the cash book, had it copied into the weekly Statement &c. as would happen with any ordinary payment. There was not the smallest concealment about the matter.

I consider that it was far more important that I should keep my word than that I should leave my Salary undrawn until the ordinary period. I should have done, in another man's case precisely what I have done in my own.

(signed)

Charles W. Franks.

Wednesday, the 25th day of April, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secy., The Attorney General, The Treasurer, The Collector of Customs.

The Chief Commissioner of Lands and Works was absent on special duties.

The minutes of the previous meeting were read over.

The Treasurer having made a request that the confirmation of the minutes might be post-poned until the next meeting, the Council unanimously consented to defer their opinions and the final confirmation until the return of the Chief Commr. of Lands &c. in order that the minutes might be read over in the presence of all the members of the Executive.

His Honor laid before the Council:

A Letter from the Hudson Bay Company respecting an extension of time being allowed for Building the "Marten" on the Shuswap Lake.

The Council were unanimously of opinion that no extension of time should be allowed.

A Letter from the High Sheriff requesting to be allowed to appoint the Chief Constable at Yale temporarily to the office of Deputy Sheriff.

The Council considered it unadvisable to grant the request.

A Letter from the British Columbian Coal Company respecting the purchase of six hundred Acres of Land at Burrards Inlet.

The Council advised that that as no Coal Seam had yet been discovered that the Land in question should be reserved for twelve months longer, and that a grant of the Land could not at present be made.

A Letter from the British Columbian Mill Company respecting a Lease of Timber Land.

The matter was referred to the Chief Commr. of Lands &c. with the view of ascertaining if the grant of the Lease would cause an infringement of any existing rights.

A Letter from the Harbour Master respecting the Hire of Steamers for placing Buoys at the Sand Heads.

The Council advised that H. M. Gunboat "Forward" should be procured for the service.

The subject of the claim of Mr. G. B. Wright to compensation for the surrender of his right to a portion of the Road Tolls at Lillooet was brought before the Council and discussed.

The Council were unanimous in the opinion that as no pecuniary benefit could accrue to Mr. Wright from his agreement with the Govt. being continued until the end of the period specified that there were no grounds for

entertaining a claim for compensation, if he consented to remove the place of collection from Lillooet to Clinton.

The Council here adjourned.

Read & confirmed.

Saturday, 28th April 1866

(signed) H. M. Ball
Clerk & Acting
Colonial Secretary

Saturday, the 28th day of April, 1866

Present: His Honor the Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the Council on 10th April were read over.

The Chief Commr. of Lands &c. expressed a wish to make some remarks on those portions relating to the Treasurer and requested that the Treasurer might be allowed to withdraw.

The Treasurer having left the Council Room, the Chief Commr. of Lands &c. proceeded to comment on some of the terms of the censure conveyed to the Treasurer.

A discussion ensued, and the Council consented to alter the term "strongest" to "very strong", and in lieu of the words "the explanations of the transaction" to substitute the words "the reasons for the irregularity of the transaction".

The Treasurer having rejoined the Council, the minutes as altered, were re-read, and unanimously confirmed by the members of the Council who had to decide on the question.

The minutes of the preceding meeting were read and confirmed.

His Honor laid before the Council a Letter from Mr. G. B. Wright, respecting a claim for compensation in case of the surrender of his right to the ¼th of the Lillooet Road Tolls.

The matter having been discussed it was considered advisable to postpone it for further consideration.

The Council here adjourned.

Read and Confirmed.

Tuesday, 22nd May 1866

(signed) H. M. Ball
Clerk & Acting
Colonial Secretary

Tuesday, the 22nd day of May, 1866

Present: His Honor The Office Administering The Government and The Honorables The Acting Colonial Secretary, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The Attorney General was absent on leave.

The minutes of the previous meeting were read over and confirmed.

His Honor laid before the Council the following letters.

A Letter from the Magistrate at Lillooet respecting the remission of a portion of the rent of the Lillooet Ferry.

The Council advised that the remission should be made, if the proprietors would accept a charter for two years in lieu of the present one.

A letter from the Hudson Bay Company, with extracts, relative to the forfeiture of their Bonds, for the non-completion of the Steamer "Marten."

The Council were of opinion that no decision should be made until after the Steamer was completed, and that if it could then be proved that all due diligence had been used by the Company towards the completion of their agreement, it would not be advisable to escheat the Bonds.

A Report from the Chief Commr. of Lands and Works respecting the claim of Messrs. Smith & Ladner for compensation for keeping open the trail across the Columbia divide during the winter.

The Council were unanimous in opinion that the applicants had no claim for remuneration.

Letters from the Harbour Master applying for an allowance, when employed piloting the mail steamers into Fraser River.

The Council were of opinion that the Harbour Master had no claim for a personal allowance, when employed on this duty, but that a certain sum might be given him as a remuneration in consequence of the service being special and the satisfactory manner in which he had performed it.

A Letter from the Harbour Master respecting the payment by government of an extra man on Board the Light ship during the temporary absence of any of her crew.

The Council considered the crew sufficient to admit of one man at a time receiving leave of Absence, without a substitute being provided.

A Letter from the Post Master General respecting the salary of the clerk at the Post Office.

The Council was of opinion that the increase of salary voted in the Estimates, should commence from the 1st January.

A Letter from the British Columbian Mill Company respecting a Lease of Timber Land.

The Council advised that the plot of Land now applied for should be reserved, until the Company was prepared to mark out the different pieces, to the extent of the amount previously applied for, so that they might be embodied in one Lease.

The Report on the Bridge River Trail by Mr. Dewdney was read.

It was not considered advisable to incur any further expenditure in extending this trail further up the River.

The Council here adjourned.

Read and Confirmed.

Monday 28th May 1866

(signed) H. M. Ball
Clerk & Acting
Colonial Secretary

Monday, the 28th day of May, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secretary, The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meeting were read over & confirmed.

A Letter was read from Mr. Mortimer Robinson applying for a reserve & Lease of Land on Shuswap Lake for the purpose of prospecting and working a Silver Lead.

The Council advised that a reserve should be made of a portion of the Land till 1st October and a lease granted afterwards of half a mile.

A Letter from the Antler Creek Bed Rock Flume Company was read applying for a remission of their Rent for three years and other concessions.

It was the opinion of the Council that the Company, in order to enable them to hold the ground must pay the arrears of rent, but that the condition of the agreement obliging the Company to lay fifteen hundred feet of Flume this year need not be complied with.

His Honor laid before the Council certain Rules and Regulations for the guidance of Pilots, for adoption.

The Council considered it Advisable that a Pilot Board should be formed at once and that portions of the rules should be published.

The question of the Lease of Mr. Holbrook's water Frontages was discussed.

The Council was of opinion that Mr. Holbrook should be informed through the Attorney General that the terms of the arbitration must be strictly complied with.

The Council here adjourned.

Read and Confirmed.

Tuesday, 19th June 1866

(signed) H. M. Ball
Clerk & Acting
Colonial Secretary

Tuesday, the 19th day of June, 1866

Present: His Honor The Officer Administering The Government and The Honorables The Acting Colonial Secy., The Attorney General, The Treasurer, The Chief Commr. of Lands &c., The Collector of Customs.

The minutes of the preceding meeting were read over and confirmed.

Mr. Justice Begbie's notes of evidence²¹ on the trial of the Indian "Chilpakin" charged with murder were read over.

The Council considered the nature of the evidence (resting as it did principally on the confession of the prisoner) not sufficient to justify the extreme penalty of Death being carried out.

The Collector of Customs and the Acting Colonial Secretary recommended that the suggestions of Mr. Justice Begbie should be carried out and the sentence commuted to penal servitude as the evidence of the prisoner might be instrumental in convicting the principal aggressor when captured.

The Chief Commr. of Lands &c., The Treasurer and The Attorney General were of opinion that the prisoner had had a fair trial and was very properly convicted, but wishing to carry out the recommendation of Mr. Justice Begbie and to make use of the prisoner's evidence against his comrade in the murder, who appears to be the more guilty party of the two, should advise that he be respited for a period of four months, & if within that period the accomplice should not be captured that the sentence of death should be commuted to penal servitude.

His Honor brought before the Council the question of the forfeiture of the Bonds for the non-completion of the Steamer "Marten" by the Hudson's Bay Company according to agreement.

The Council was of opinion that the Company had used every effort to complete the Boat by the specified time and that as the Public interests had not suffered no penalty should be inflicted.

A Petition from the inhabitants of Yale for the remission of the remainder of the sentence on a Chinaman, convicted of theft, was laid before the Council.

The Council was of opinion, unanimously, that under the circumstances of the case no remission should be granted.

An Application from Constable Sullivan for an allowance for the board of an assistant during his recovery from Wounds received in the service was read.

The Council advised that he should receive one hundred dollars for this purpose.

The Council here adjourned.

Read and confirmed with certain amendments added.

25th June 1866

(signed) H. M. Ball
Clerk & Acting
Colonial Secretary

²¹ These notes are appended to the minutes transmitted to the Colonial Office, CO 62/2.