
Friday, the 7th day of January, 1870

The Council met at the Government Buildings at 11.30 o'clock.

Present: The Honbles. The Col. Secy. (Presiding Member), The Attorney General, Chief Commissr. of Lands & Works, Collector of Customs.

The Presiding Member informed the Council he had been directed by the Governor, who was, through illness, unavoidably absent, to summon a meeting of the Council, to advise His Excellency, whether the extreme penalty of the Law should be carried into effect in the case of the Indian Meshek, condemned to death at the late assizes, held at Victoria, by Chief Justice Needham, for the murder of Archibald Campbell.

The notes of the Chief Justice were then read by the Council, also a letter from the Police Magistrate Enclosing a confession made by the Prisoner, subsequent to his conviction.

The Chief Justice was then introduced into the Council, and asked if he knew of any reason why the extreme sentence of the Law should not be carried into effect in the case of the Indian Meshek, for the murder of Archibald Campbell, when he replied, that, notwithstanding, the verdict of the Jury, he thought the evidence as it stood, at the Trial, did not remove the case sufficiently beyond doubt to justify the sentence of death being carried out, and that in passing the sentence he had told the Prisoner Meshek, that his life would probably be spared.

The Chief Justice was then shewn a full confession made by Meshek of his guilt, subsequent to the passing of sentence.

When he informed the Council, it was unprecedented in British Criminal Jurisprudence that any subsequent discovery of evidence should increase the severity of the sentence actually passed, and that the Confession he had just seen made no difference in his opinion.

The Chief Justice then retired.

On the question being put by the Presiding Member as to the advisability of recommending the Governor to carry out the extreme penalty of the Law; the Council were all clearly of opinion that the guilt of Meshek was unquestionable and, that from the evidence taken at the Trial, irrespective of his subsequent confession, he deserves death, but that, as the Chief Justice in passing sentence on him, stated that his life would probably be spared, they regret very much that the sentence of death cannot be carried out, believing, after the explanation, and as advised by the Attorney General, that with a qualification of that nature, forming part of the sentence, the infliction of the extreme penalty of the Law, would be inconsistent with British Jurisprudence.

The Council then adjourned.

The foregoing Minute having been submitted to the Governor, His Excellency expressed his concurrence in the opinion formed by the Board, and his intention to commute the sentence passed upon the Prisoner Meshek to penal servitude for Life.

Read & Confirmed this 10th day of Jany. 1870.

Approved.

A. Musgrave
Governor

Monday, the 10th day of January, 1870

Council met at Noon [at Government House].

Present: His Excellency the Governor and The Honbles. The Col. Secy., The Attorney General, The Chief Comr. of Lands & Works, The Collector of Customs.

The minutes of the last meeting were read and confirmed.

The Governor informed the Council he had received his Commission from England, as Governor of British Columbia, (he, hitherto having acted under a Lieutt. Governor's Commission).

The Honble. J. S. Helmcken, a member of the Legislative Council was introduced, duly sworn as a member of the Executive Council, and took his seat.

The Customary oath of office was then administered to the Governor by the Senior Member.

The Governor's instructions, & Commission were then read by the Clerk of the Council.

A letter from Mrs. Ogilvy, dated Dec. 6th 1869 was next read, requesting the continuation of her Pension of \$485 a year, which was granted her in consequence of her husband having been killed while in the Execution of his duty.

It was agreed that the Legislature be asked to vote a continuation of the Pension, and that the same be placed on the Estimates.

After some general discussion on the subject of the Estimates for 1870, and an understanding at the Governor's request, that the members would meet at an early day, for further discussion of the same.

The Council adjourned.

Read & Confirmed that 17th day of Jany./70.

A. Musgrave
Governor

Wednesday, the 26th day of January, 1870

Council met at Govt. House.

Present: His Excellency the Governor and The Honbles. The Colonial Secretary, The Attorney General, The Collector of Customs, J. S. Helmcken.

An application from the Chairman of the Local Board of Cedar Hill School District, dated October 22nd was first read, requesting the approval of Mr. Colin Campbell McKenzie as teacher for the School. Appointment approved.

An application from the same Board was read requesting a grant of \$500 to assist in Building a suitable School House. Application declined.

A letter was then read of November 10th from Mr. Manson secretary to the Local Board of Lake District School requesting approval of the appointment of Mr. Harrison as teacher. Appointment approved.

Letter of 4th January was read from the Mayor of Victoria Enclosing a ByLaw to levy a tax of \$2 per head for the support of Victoria School. ByLaw approved & signed.

Letter of 5th January was read from Mr. Jackson Enclosing ByLaw for Cedar Hill School District.

By-Law approved and signed.

Letter of September 1st was read from Mr. Manson Enclosing ByLaw for Lake School District. ByLaw approved and signed.

A letter of 12th Jany. was then read, from the President of the Municipal Council of New Westminster, making a return shewing the average attendance at the School. Receipt to be acknowledged.

A letter was read from the Secy. of the School Board at Salt Spring Island submitting the name of Mr. Jones as Teacher for the School, and requesting a grant in aid of \$500.

Mr. Jones approved of as Teacher, and usual grant of \$480 allowed.

Some discussion then took place as to the amount which should be allowed to Each School District when it was decided that the Colonial Secretary be instructed to write to the various School Boards in the different Districts, informing them that a sum of \$480 would be given by the Govt. in aid of the support of the Schools in each District for the year 1870, subject to the provisions of the Common School Ordinance 1869, and the following districts were informed accordingly—Victoria, Nanaimo, Saanich, Lake, New Westminster, Yale, Lytton, Cedar Hill, and Salt Spring.

A Letter of 6th January was then read from the Mayor of Victoria, Enclosing the Municipal Estimates for the present year, and requesting the Victoria City $\frac{1}{2}$ per cent tax Act be amended, so as to Enable the City Council to tax Wharf Property, not exceeding the sum of one dollar per foot frontage.

The Govr. in Council could not see the necessity of amending the Ordinance, and it was directed the Mayor be informed accordingly.

A letter of 15th November was then read from Mr. O'Reilly, forwarding a letter from Messrs. Cornwall, proposing to lease from the Govt. a tract of Land situate in Hat Creek Valley. Application granted at $3\frac{1}{3}$ cents per acre for the quantity of Land applied for in Hat Creek Valley, in accordance with the suggestions of the Chief Commissioner of Lands & Works.

The Council then adjourned.

Read and confirmed this 28th day of January 1870.

A. Musgrave
Governor

Friday, the 28th day of January, 1870

Council met at Government House.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, Chief Comr. of Lands & Works, Collector of Customs, J. S. Helmcken.

Minutes of the last meeting were read and confirmed.

The Estimates for 1870 were then laid before the Council, were discussed, & finally agreed to.

A letter of 6th December from the Chairman of the Pilot Board, Enclosing for approval Copy of a Resolution passed by the Pilot Board.

Decision deferred.

The Honble. Robert William Weir Carrall was then introduced into the Council, and having taken the necessary oaths of office, took his seat as a member of the Executive Council.

The Governor then laid before the Council a despatch dated [14 August 1869] from the Secretary of State for the Colonies on the subject of the Confederation of British Columbia with the Dominion of Canada. Discussion on the terms which it was proposed this Colony should enter the Dominion then took place.

The Council then adjourned.

Approved.

Governor

Jany. 31st³⁷

Febr. 1st

Febr. 3

Feb. 4

Feb. 5

do 7

do 9

do 11

do 12

During the above days the Council met at *Government* House for the discussion of Confederation.

P.J.H.

³⁷ Unfortunately the only minutes of these meetings appear to be those of February 9 and 12 below, which contain the draft terms of confederation agreed to by the Executive Council. From the original Minute Book, PABC, it seems unlikely that any other official record of these meetings was kept.

Wednesday, the 9th day of February, 1870

Council met at Noon.

Present: His Excellency the Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Comr. of L. & W., The Collector of Customs, J. S. Helmcken, R. W. Carrall.

The question of confederation being again brought before the Council, discussion took place thereon when it was agreed The following terms should be proposed for the acceptance of the Legislative Council.

Resolved That it is Expedient the Colony of British Columbia should be confederated with Canada on the following terms, and conditions, That is to say,

1. Canada shall be liable for the debts, and liabilities of British Columbia, existing at the time of the Union.

2. The Population of British Columbia, shall, for the purpose of Financial arrangements be estimated at 120,000. British Columbia not having incurred debts equal to those of the other provinces now constituting the Dominion shall be entitled to receive by half yearly payments in advance from the General Government, Interest, at the rate of 5 per centum per annum on the difference between the actual amount of its indebtedness at the date of Union, and the proportion of the Public debt of Canada, for 120,000 of the population of Canada, at the time of Union.

3. The following sums shall be annually paid by Canada to British Columbia, for the support of the Local Government, and Legislature, to wit, An annual grant of \$35,000, and a further sum equal to 80 cents a head per annum of the population, both payable half yearly in advance, the population of British Columbia being estimated as aforesaid at 120,000.

Such grant equal to 80 cents a head to be augmented in proportion to the increase of population, when such may be shewn, until the population amounts to 400,000, at which rate such grant shall thereafter remain.

4. The Dominion shall guarantee Interest at the rate of 5 per centum per annum on such sum not exceeding £100,000 as may be required for the construction of a first class graving Dock at Esquimalt.

5. In addition to the other provisions of this resolution, Canada shall assume, and defray the charges of the following services.

(a) Salary, and allowances of Lieutenant Governor.

(b) Salaries, and allowances of the Judges, & Officers of the Supreme Court, and of the County Courts.

(c.) The charges in respect of the Department of Customs.

(d) The Postal department.

(e) Light Houses, Buoys, Beacons, and Lightship, and such further charges as may be incident to, and connected with the Services, which, by the British North America Act 1867, appertain to the General Government, and as are, or may be allowed to the other provinces.

6. Suitable Pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's Servants in the Colony, whose position, and emoluments derived therefrom would be affected by Political changes on the admission of this Colony into the Dominion of Canada.

7. The Dominion Government shall supply an efficient, and regular fortnightly steam Communication between Victoria, and San Francisco by Steamers adapted, and giving facilities for the conveyance of passengers, & Cargo.

8. Inasmuch as no real Union can subsist without the speedy Establishment of Railway Communication connecting the Sea-Coast of British Columbia with Canada, The Govt. of the Dominion shall engage to use all means in her power to complete such communication at the earliest practicable date, and that surveys to determine the proper line for such Communication shall be at once commenced, and a sum of not less than one million dollars expended, in every year from, and after three years from the date of Union, in actually constructing the Initial Sections of such line from the sea-board of British Columbia to connect with the Railway system of Canada.

9. The Dominion shall erect, and maintain at Victoria, a Marine Hospital, and a Lunatic Asylum, either attached to the Hospital, or separate as may be considered most convenient. The Dominion shall also erect, and maintain a Penitentiary, or other principal Prison at such place in the Colony as she may Consider most suitable for that purpose.

10. Efficient Coast Mail Steam service in Connection with the Post office shall be established and maintained by the Govt. of the Dominion between Victoria, and New Westminster, Nanaimo, and such other places as may require such services.

11. Whatever Encouragement, advantages, & protection are afforded by the Dominion Government to the Fisheries of any of its Provinces, shall be extended in similar proportion to British Columbia, according to its requirements for the time being.

12. British Columbia shall participate in fair proportion in any measures which may be adopted, and funds which may be appropriated by The Dominion for the encouragement of Immigration.

13. British Columbia shall be entitled to be represented in the Senate by four members, and by eight members in the House of Commons until the year 18—, and thereafter, the representation in the Senate and the House of Commons shall be increased, subject to the Provisions of the British North America Act 1867.

14. The Union shall take effect on such day as Her Majesty by Order in Council (on an Address to that effect in terms of the 146th Section of the British North America Act 1867) may direct, and British Columbia may in such address specify the Districts, Counties, or Divisions, if any, for which any of the Four Senators to whom the Colony shall be entitled, shall be named,—The Electoral Districts for which, and the time within which, the

first Election of Members to serve in the House of Commons of Canada shall take place.

15. The constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of The British North America Act 1867, continue as existing at the time of Union until altered under the authority of the said Act.

16. The provisions in The British North America Act 1867 shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be, specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same way be varied by this Resolution) be applicable to British Columbia in the same way and to the like extent as they apply to the other provinces of The Dominion and as if The Colony of British Columbia had been one of the Provinces originally united by the said Act.

With reference to the subject of defences, it was agreed as follows:

(a). That it shall be an understanding with the Dominion that their influence will be used to the fullest extent to procure the continued maintenance of the Naval Station at Esquimalt.

(b). Encouragement to be given to develop the efficiency and organization of The Volunteer Force in British Columbia.

The Council then adjourned.

Read & Confirmed this 11th day of Feby. 1870.

A. Musgrave
Governor

Saturday, the 12th day of February, 1870

The Council met at Noon.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Comr. of L. & W., The Collector of Customs, The Police Magistrate at N.W., J. S. Helmcken, R. W. Carrall.

Minutes of the last meeting were read and confirmed.

A letter of 2nd Nov. 1869 was read, from the Chief Comr. of Lands & Works, relative to the disposal of certain Govt. Stores at Sapperton, and suggesting those which should be retained for the use of the Lands & Work's department, when it was decided the matter should be placed in the hands of the Chief Commissioner to be disposed of for the benefit of the Govt., retaining those articles which would be useful for the Public Service.

A letter of the 8th of Feby. was read from the Chairman of the Pilot Board, stating, that the Board entirely agree with the view expressed by the Governor in Council as to the special exemption from Pilotage charges of Steam vessels, plying regularly once a week, or oftener, between Victoria, and Ports on the Sound.

Ordered accordingly.

A letter was next read, dated 19th November 1869, from the President of the Municipal Council at New Westminster, enclosing a health Bye-Law for approval.

Assent thereto deferred.

A letter of the 6th December 1869, was then read from the Chairman of the Pilot Board, which was deferred from last meeting, enclosing for approval a copy of a resolution passed by the Board, and requesting its insertion in the Govt. Gazette.

When it was resolved, That it did not appear expedient to agree to the proposed alteration.

A letter was next read, dated 22nd January, from the President of the Municipal Council at New Westminster, enclosing copy of a report, which was laid before the Municipal Council at New Westminster, by a Committee of that body, appointed to consider the proposals contained in a letter from the Colonial Secretary of the 9th of December 1869, regarding Front Street, & the Municipal Debentures.

Decision deferred.

A letter of the 9th Feby. was read, from the President of the Municipal Council at New Westminster, enclosing School tax bye-Law 1870 for approval.

Ordered to be referred to the Atty. General for report.

A letter of the same date was also read from the President of the Municipal Council at New Weststr., stating that unless the proposed yearly grant of \$480 be given to each School, the Council would be under the necessity of closing them, when it was decided that the President of the Council be informed, that, having due regard to the provision for other Schools, The Govr. in Council would be unable to increase the proposed yearly grant of \$480.

Upon discussion of the minutes of the 9th February, the following amendment was made, That in lieu of Paragraph 8, of the Confederation Resolutions of that date, the following Resolution was adopted, & ordered to be substituted.

8. Inasmuch as no Real Union can subsist between this Colony, and Canada, without the speedy establishment of communication across the Rocky Mountains by Coach Road, & Railway; the Dominion shall within three years from the date of Union, Construct, and open for Traffic, such Coach Road from some point on the line of the Main Trunk Road of this Colony, to Fort Garry, of similar character to the said Main Trunk Road, and shall further engage to use all means in her power, to complete such Railway communication at the earliest practicable date and that surveys to determine the proper line, for such Railway, be at once commenced, and that a sum of not less than one million dollars should be expended in every year from, and after three years from the date of Union, in actually constructing the initial sections of such Railway from the Sea-board of B.C. to connect with the Railway system of Canada.

The Council then adjourned.

Approved.

A. Musgrave
Governor.

Friday, the 1st day of April, 1870

Council met at Noon at Government House.

Present: His Excellency The Governor and The Honbles. The Attorney General, The Chief Comr. of Lands & Works, The Collector of Customs, The Police Magistrate N.W., J. S. Helmcken, R. W. Carrall.

A letter was read from the Police Mag. at Victoria, relative to the Sanitary Condition of the Indians, when it was decided that the Consideration of the subject be deferred, until some questions connected with Indians affairs have been settled.

A letter, dated March 1st, was then read from the President of the Municipal Council at N.W. stating they would not be responsible for any damage, or accident which may occur, from the unsafe state of Front Street. Consideration deferred.

A letter was then read of the 19th of Nov. from the President of the Municipal Council at New Westr., enclosing a health Bye Law for approval. After some discussion, the Council recommended that Action should be deferred until circumstances called for such a measure.

A Petition was then read from the inhabitants of Sapperton, requesting that Sapperton may be declared a School district, when the Governor in Council decided the prayer of the Petition could not be granted, as Sapperton was included in the New Westr. district, for which a grant of \$480 a year had been already made.

A letter dated 16th Feby. was next read from the Secy. to the Local Board of South Saanich School, forwarding a Bye Law for approval.
Approved & Signed.

A letter of 1st March was read from the President of the Municipal Council at New Westr., enclosing School Bye Law for approval. District named including Sapperton, two miles up, and two miles down from Lytton Square & ½ mile back from the Left Bank.
Bye Law approved and signed.

A letter of 5th March was read from Mr. de Cosmos [De Cosmos], enclosing a Petition requesting the creation of Cowichan as a School district.
Deferred for statistical information.

A letter of 25th of Feby. was read, enclosing a Bye Law for Langley School for approval.
Approved, and signed.

The following Limits, were assigned to the Langley School district.

Three miles from the School House at Langley, up the Fraser River, on both Banks, and 3 miles down in a right [perpendicular] line back from the River at each extremity, so as to include the Prairie Settlement.

His Excellency submitted the propriety of providing a Delegation to Canada to carry, and explain the B.C. terms, & to ascertain exactly the views of the Dominion Govt. on the subject.

Resolved unanimously to recommend the Governor to transmit a message to the Legislative Council, requesting them to empower him to incur such expenses for the above purposes as might hereafter be found necessary on behalf of the interests of the Colony.

The advisability of consolidating the Land Laws of the Colony, so far as circumstances admitted was discussed, when it was resolved that a Bill similar to that last introduced by the Govt. of B.C. to the Legislative Council, with personal residence as the test of pre-emption should be introduced this Session, & supported by the whole Council.

The Badge, or Provincial Symbol of British Columbia (on the flag of the Colony) was next adverted to, and the Executive Council consulted upon the choice of a Suitable Emblem.

After some discussion, and various suggestions, the consideration of the subject was deferred, until His Excellency had seen several designs.

The Resolution of the Legislative Council upon the subject of Road Tolls, and the proposed remission of all tolls, on home grown flour, bran, & shorts, coupled with amalgamation of Road toll Laws into one Statute were taken up.

Resolved, that the matter could not be dealt with during this session, as the Estimates for the year could not well be disturbed, or re-arranged, so as to meet the proposed remission of toll.

The vote of the Legislative Council to pay arrears of Claims of School Teachers in V.I. under a previous administration was considered.

Resolved, that, after the statements made by the Govt. to the Legislative Council, their recommendations should be complied with, with the exception therein named, But, that as there was no money to meet the vote, The reply should be sent, that such amount would be paid, as soon as the Govt. were in sufficient funds for the purpose.

The Council then adjourned.

Read and confirmed this 18th day of April 1870.

A. Musgrave
Governor

Monday, the 18th day of April, 1870

Council met at Noon.

Present: His Excellency the Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Comr. of Lands & Works, The Collector of Customs, The Police Magistrate at New West., J. S. Helmcken, R. W. Carrall.

Minutes of the last meeting were read and confirmed.

A letter dated 12th April from Mr. Judson Young was read, requesting six months leave of absence, three of which to be on full pay.

Leave granted accordingly.

A letter was next read, dated 10th March from the Secretary of the Emigrant and Colonist aid Corporation requesting, that Land upon the Lower Fraser should be granted to that Corporation upon the terms of a Prospectus which accompanied the application of 10th March, and referring to a letter dated 25th January, which had not been received for the necessary details of their offer, when the Council recommended the Governor to telegraph to the Secretary of the Society, stating that their previous letter of 25th January, which was referred to, had not been received.

His Excellency then brought before the Executive Council, the case of Mr. Thos. B. Humphreys', the member for Lillooet, and the recommendation of the Legislative Council, requesting Mr. Humphreys might be dismissed [from] the Council, when the Governor was recommended, as being important for the interests of the Public Service, to suspend Mr. Humphreys' forthwith, from his duties as a Legislative Councillor, until Her Majesty's pleasure in the matter should be known.

The Governor then brought before the Council the matter of the ways, and means for keeping up the Telegraph system on the mainland; after some discussion, the Governor was advised to send down to the Legislative Council, a Bill imposing an additional tax, of half a dollar a Gallon on spirits, which if adopted, it was understood should be substituted for the 2 per cent Bill before sent down.

The Council then adjourned.

Approved April 29th 1870.

A. Musgrave
Governor

Friday, the 29th day of April, 1870

Council met at Noon.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Collector of Customs, The Chief Comr. of Lands & Works, J. S. Helmcken, R. W. Carrall.

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

A letter of 28th April was read from Mr. Jessup [Jessop] making application for the office of School Inspector. Application refused.

A letter was read, dated April 25th from Mr. Williams (Government Printer) applying for six months leave of absence, Leave granted on half Salary, Mr. Williams having served more than six years continuously.

A letter of 5th March was read from Mr. de Cosmos [De Cosmos] (which was deferred from a previous meeting), Enclosing a Petition from the inhabitants of Cowichan, praying for the creation of a School District, in the Kokesilah Distt. when it was decided that as sufficient funds remained at the disposal of the Govr. from the School Grant, the prayer of the Petition be Complied with.

The Governor then brought before the Council for their consideration, the question of the maintenance of the Telegraph System on the Main Land, when it was decided the Chief Comr. of Lands & Works should telegraph to Mr. Lamb, the Company's Agent now in Washington Territory, requesting him to come to Victoria as soon as possible, for the purpose of completing the necessary arrangements for the transfer of the Telegraph line from Victoria to Cariboo, to the Government of British Columbia, and requesting him to come armed with all necessary powers.

The question of reviewing Barnard's Mail Contract for carrying the Mails between Yale, and Cariboo, was then discussed, when it was decided Tenders should be at once called for, for the performance of the work, to be sent in to the Col. Secy. office, by the 1st August.

A Circular letter of 23rd March was then read from the Secy. of State for the Colonies, requesting steps may be taken for preparing a General Census throughout the Colony, simultaneously, with that which will be taken in Great Britain, and Ireland in 1871. Consideration deferred.

The Governor read a despatch dated 16th March from the Secy. of State for the Colonies, relative to the School Ordinance 1869, and recommending for consideration, the amendment of the ordinance by the introduction of a Conscience clause.

The Governor also read a despatch from the Secy. of State for the Colonies, dated 23rd of Feby. transmitting a statement from the Crown Agents shewing the result of a proposed consolidation of the Public Debts of the Govt. of B.C.

A discussion then took place as to the appt. of a School Inspector, under the common School Amendment Ordinance, when it was decided that Mr. Alston be requested to perform that duty in Victoria, and the Magistrates in the different districts where Schools existed.

A letter was then read dated March 31st from the Secy. of the Local School Board at Comox submitting the name of Robert Coleman as teacher in the Common School.

Mr. Coleman approved subject to the approval of the School Inspector.

The Council then adjourned.

Read & Confirmed this 19th day of May 1870.

A. Musgrave
Governor

Thursday, the 19th day of May, 1870

Council met at Noon.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Atty. General, Chief Comr. of Lands & Works.

The minutes of the last meeting were read and confirmed.

Mr. Phillippo, Attorney General was then introduced, and having been duly sworn as an Executive Councillor, took his seat at the Council Board.

A letter dated 10th May was first read from the President of the Municipal Council at New Westminster, drawing attention to a former letter, enclosing a Health Bye Law, and requesting approval of the same, when it was ordered the Bye Law should be referred to the Attorney General for report.

A letter dated 14th May was then read from the Inspector General of Schools, submitting for the Consideration of the Governor in Council certain Rules, and Regulations, for the management of the Common Schools.

The same were read and approved.

A letter, dated May 6th was then read from the Chairman of a Public Meeting, held at the City Chambers Victoria, making application for a Government Grant of \$1500, for the Vic. Dist. Schools for the year 1870.

When it was decided that a grant of \$480, in addition to that previously granted, should be given, when it shall be proved to the satisfaction of the Governor in Council, that an amount Equal to the sum granted by Government, shall have been raised by the people themselves.

The Council then adjourned.

A. Musgrave
Governor

Saturday, the 9th day of July, 1870

Council met at Government House at 11.30 a.m.

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

Minutes of the last meeting were read and confirmed.

A letter was first read dated 24th June from Mr. Justice Crease, enclosing Calendar of the Assize, just concluded at New Westminster, and his notes in the case of Regina vs. Hahammsek, who was found guilty of Wilful Murder, and sentenced to death, when it appeared there was no reason why the extreme sentence of the Law should not be carried into effect.

A letter dated 1st July was read from the Inspector of Schools submitting for approval the name of Mr. Alexander Peers, as Teacher for the School at

Chilliwack, and recommending a grant of \$200 be given towards the erection of a School House in that District when it was decided, that, as the inhabitants of Chilliwack had subscribed among themselves the sum of \$200 towards the erection of a School House, a like sum should be granted by the Government, and the name of Mr. Peers was approved as Teacher.

The Council then adjourned.

Tuesday, the 11th day of October, 1870

The Council met at Government House at 11.30 a.m.

Present: His Excellency the Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner of Lands & Works, The Collector of Customs, J. S. Helmcken.

A Despatch from the Secretary of State for the Colonies was first read dated 22nd August 1870, relative to the re-constitution of the Legislative Council, and enclosing an Order-in-Council, and an Act to make further provision for the Government of British Columbia.³⁸ The Order was then read passed by the Queen in Council for constituting a Legislative Council for the Colony of British Columbia.

A discussion then took place as the arrangements to be made for securing the orderly and effective conduct of the new election under the Order in Council, when the Attorney General was requested to draft the necessary Proclamation referring to the new Constitution.

The Council then adjourned.

Confirmed 12 October 1870.

(Signed) A. Musgrave

Wednesday, the 12th day of October, 1870

Council met at 3 P.M. at Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Chief Commissioner of Lands & Works, The Collector of Customs, J. S. Helmcken.

Minutes of the last meeting read and confirmed.

The Proclamation relative to the new Constitution which the Attorney General had been instructed to prepare was then read to the Council, some discussion took place, several alterations were made, and it was then approved and adopted.

The Council then adjourned.

Confirmed 14th October 1870.

(Signed) A. Musgrave

³⁸ British Columbia, *Government Gazette Extraordinary*, 13 October 1870, pp. 1-3.

Friday, the 14th day of October, 1870

The Council met at 11.30 at Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Chief Commissioner of Lands & Works, The Collector of Customs, J. S. Helmcken.

Minutes of the last meeting were read and confirmed.

A letter of 12th September was first read from the Inspector General of Schools, enclosing a Petition from the Inhabitants of Lillooet, praying a School might be established in that place.

Petition granted.

A letter was then read dated 19th September, from the Chairman of the Local Board of the Craigflower School District, requesting some assistance towards repairing the Craigflower School House. On the recommendation of the Inspector General of Schools a grant of \$75 was allowed towards the repair of the School.

A letter was next read dated 20th September from the Inspector General of Schools, enclosing copy of the minutes of two public Meetings held at Esquimalt, for the purpose of establishing a School there, and requesting they might be allowed the usual yearly grant of \$480, when it was decided on the recommendation of the Inspector of Schools that the usual grant of \$480 towards the salary of a Teacher be allowed and that the necessary steps be taken for the Election of a Local Board in accordance with the Common School Ordinance.

A letter of 12th September was then read from the Inspector of Schools, enclosing a letter from the Langley School Board, requesting assistance towards completing their School House. On the recommendation of the Inspector of Schools, a grant of \$130 was allowed, and the attention of the School Board was to be called to the necessity of their obtaining a proper title for the Land on which the School House is built.

Several Postal tenders for the conveyance of Mails between Yale and Cariboo were then opened and read.

The first from Mr. F. J. Barnard dated October 1st offering to carry a weekly Mail by Coaches drawn by Patent India rubber tire Road Steamers, on consideration of a Subsidy being granted him of Thirty two thousand dollars per annum, when after some discussion on the subject the Governor was advised not to submit to the Legislature an estimate for so large a subsidy; The offer was therefore declined.

The next Tender read was from E. Pearson & Bros., offering to convey the Mails by a Two Horse team for 3 years for the sum of \$40,000.

The third was from Mr. F. J. Barnard offering to perform the same service by 4 horse Coach for 3 years for \$48,000.

The next read was from Messrs. Gerow & Johnson offering to perform the same service for one year for \$13,000.

This being the lowest Tender, and the sureties being considered responsible parties, it was decided that the Tender made by Messrs. Gerow and Johnson be accepted, and the Colonial Secretary was instructed to write to them accordingly, and to cause the Contract for the due performance of the work to be prepared and signed with as little delay as possible.

A discussion then took place in reference to the repairs of Front Street New Westminster and a letter of 10th May from the President of the Municipal Council was read when it was decided that the Municipal Council be informed the Government were not in a position to comply with their request by transferring to them the Water frontages, and the Colonial Secretary was instructed to write to the President to that effect, stating that the former proposal made to them by letter of the 9th December must be considered final.

The Governor then read a despatch dated 11th July from the Secretary of State relative to the suspension of Mr. Humphreys Member of the Legislative Council stating that if the Council were still unwilling to accept the apology tendered by him, Her Majesty's Government would have no hesitation in confirming his suspension.

The Council then adjourned.

Confirmed this 18th Oct. 1870.

(Signed) A. Musgrave
Governor

Monday, the 17th day of October, 1870

Council met at Noon at the Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Chief Commissioner of Lands & Works, The Collector of Customs, J. S. Helmcken.

Minutes of the last Meeting read and confirmed.

The Governor brought before the Council the desirability of accepting a proposition made by the Manager of the Bank of British Columbia to advance to the Government One hundred thousand Dollars at 10 per Cent Interest for the purpose of paying off some of the Temporary Loans made to the Government.

Much discussion took place thereon, and the matter was finally postponed pending a reference to the Agent of the Colonial Securities Company as to whether the Company would Consent to a reduction in their present rate of Interest.

The Council then adjourned.

Confirmed this 21st day of November 1870.

Governor

Monday, the 21st day of November, 1870

Council met at Noon at the Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner of Lands & Works, The Collector of Customs, J. S. Helmcken.

Minutes of the last meeting read and confirmed.

The Governor again brought before the Council the question which had been discussed at the last Meeting and which had been postponed pending a reference to the Agent of the Colonial Securities Company relative to the offer made by the Manager of the Bank of British Columbia to advance to the Government \$100000 at 10 per Cent interest for the purpose of paying off some of the temporary Loans.

The Governor having laid before the Council the reply which had been received from the Colonial Securities Company in which the Company claimed six Months Notice should be given before the redemption of their Bonds as had been promised by Colonial Secretary's letter of 21st December 1866.

Much discussion took place on the subject, when the Governor was advised that under the circumstances of the case and considering the probable near approach of Union with Canada, the Council did not consider it expedient to alter existing arrangements.

A letter was then read from the Chief Commissioner of Lands & Works dated 1st November enclosing copy of one addressed to the Government from Mr. C. S. Stewart Bailey, Secretary to the Emigrant and Colonist Aid Corporation Society in reference to the overtures to aid immigration into this Colony: when the Colonial Secretary was instructed to reply to Mr. Bailey that the propositions made by the Society could not be entertained.

A letter was next read from the Secretary of the Local School Board at Esquimalt dated November 2nd requesting a Government Grant of \$50 towards the repairs of their School House.

Granted on the recommendation of the Inspector General of Schools.

The Governor laid before the Council a Circular Despatch from Lord Granville, which had been postponed from a previous meeting relative to the expediency of taking a general Census in the Colony for 1871, when the Council advised that under existing circumstances it would not be desirable to cause the census to be taken.

The Governor then read a Circular Despatch from the Secretary of State dated 17th October 1870 relative to compulsory vaccination, when after some discussion thereon the Council came to the conclusion, that in the case of Indians, compulsory vaccination could not be adopted, but the Colonial Secretary was instructed to write to the Mayors of Victoria and New Westminster, and to the Magistrates in the various Districts, calling their attention to the existence of Small Pox in the neighbouring territory of Oregon, and urging them to take

all necessary precautions for the prevention of the introduction of this contagious disease.

A report from Mr. Lamb on the past expenditure on account of the Telegraph Line on the Mainland with estimates for the same in 1871 and forwarded by the Chief Commissioner of Lands & Works to the Governor, with recommendations as to the purchase of Mr. Buie's Interest in the line between Quesnelle Mouth and Barkerville was brought before the Council, and the necessity of completing and maintaining the Line from Victoria to Barkerville having been agreed to the suggestions of the Chief Commissioner were approved of.

The Council then adjourned.

Confirmed 28th November 1870.

(Signed) A. Musgrave
Governor

Monday, the 28th day of November, 1870

Council met at Noon Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner of Lands & Works, The Collector of Customs, J. S. Helmcken.

A letter from the Chief Justice dated 21st November was first read transmitting Notes of Evidence at the trial of "Tom" an Indian convicted at the late Assizes for the murder of Robert Clarke at Plumper Pass on the 6th July last. The Judges Notes having been read, The Council were asked if in their opinion they saw any reason why the extreme sentence of the Law should not be carried into effect, when after due deliberation, The Governor was advised to suspend for the present, the extreme sentence of the Law, until "Tom" (rerieved of the purpose) should have an opportunity of proving an alibi, which it had been stated he was unable to do, and the Police Magistrate was to be instructed to endeavour as quietly as possible to make enquiries as to the truth of such statements.

Another letter from the Chief Justice dated 24th November was then read enclosing Notes of Evidence with observations thereon taken at the Trial of "Jim", an Indian, for the murder of James Hamilton near Nanaimo on the 18th September; The Judges Notes having been read by the Council, they were unanimously of opinion there was no reason why the extreme sentence of the Law should not be carried into effect; in which opinion the Governor fully concurred.

A report from the Assistant Colonial Secretary relative to an inspection made by him at the request of the Governor of the Victoria Hospital was read to the Council, and certain suggestions made therein, as to improvements in the Building &c. were discussed when it was finally agreed that a sum of \$500 be placed on the Estimates for present necessary repairs.

A letter of November 17th was next read from Messrs. Brown and Gillis, consenting to take the sum of \$2000 as quittance in full of their claim against the Government for certain land at Quesnelle Mouth which they had pre-empted, and which had been re-assumed by the Government, when it was decided the letter be referred to the Attorney General with instructions to draft the necessary release from Brown & Gillis to the Government satisfying himself that they have clear in the first instance their release from their Creditors when it was decided the sum of \$2000 should be paid them.

The Council then adjourned.

Confirmed this 15th of December 1870.

(Signed) A. Musgrave
Governor

Tuesday, the 13th day of December, 1870

Council met at Noon at Government Buildings.

Present: His Excellency The Governor and the Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner, The Collector of Customs, J. S. Helmcken.

Minutes of the last meeting were read and confirmed.

Council engaged in discussion of the Estimates for 1871.

4 P.M. Council adjourned.

Read and confirmed 15th day of December 1870.

(Signed) A. Musgrave
Governor

Thursday, the 15th day of December, 1870

Council met at Noon at the Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner, The Collector of Customs, J. S. Helmcken.

Minutes of last Meeting were read and confirmed.

The Council resumed the discussion of the Estimates for 1871, and several alterations were made.

The question of the desirability of retaining the Assay Office was then discussed and it was finally decided that as there was no absolute necessity for the continued maintenance of that Department and as its expenditure far exceeded its revenue; Messrs. Claudet & Hitchcock (the Assayers) be communicated with, and informed, that although the sum necessary for the maintenance of

their Department would be placed on the Estimates for 1871 yet, at the same time there was no probability of their services being retained under Confederation, and it was directed they should be notified accordingly.

A letter was then read from Mr. Spalding the Magistrate at Nanaimo, dated 30th November, requesting an increase to his Salary, when it was agreed that in framing the Estimates for 1871, the Salary of the Magistrate at Nanaimo should be made equal to the Salary of the Magistrate at Victoria and the Colonial Secretary was instructed to acquaint Mr. Spalding accordingly.

Read and confirmed this 19th day of December 1870.

(Signed) A. Musgrave
Governor

Monday, the 19th day of December, 1870

Council met at Noon at the Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner, The Collector of Customs, J. S. Helmcken.

Minutes of the last Meeting were read and confirmed.

A report from the Police Magistrate was read, relative to the Indian "Tom" who was under sentence of death for the murder of Robert Clarke at Plumper Pass and who had been reprieved pending certain enquiries, when it was decided there no longer remained any reason why the extreme sentence of the Law should not be carried into effect.

Some further discussion on the Estimates took place, and the Council then adjourned.

Read and confirmed this 21st day of December 1870.

(Signed) A. Musgrave
Governor

Wednesday, the 21st day of December, 1870

The Council met at Noon Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner, The Collector of Customs, J. S. Helmcken.

An application was read from Alexander Smith and John Evans dated 29th November for a pastoral lease of land at Matsqui for a term of ten years.

An application was then read from Saml. Robertson dated 9th December, for a pastoral Lease of land for five years of the first Island above Langley in the Fraser River.

An application was next read from Messrs. Chadsey Miller & McGilvray dated 12th November for a pastoral lease of land at Sumass.

An application was then read from Thomas Yorke dated 12th December for a pastoral lease of land for 10 years at Sumass containing 2000 acres.

The applications being approved of, The Chief Commissioner of Lands & Works was instructed to issue the Leases in accordance with his suggestions.

A letter from Dr. Ash dated December 8th was next read, suggesting that a portion of the Indian Reserve or the Lands near Ogden Point might be made available for the purposes of a new Cemetery when it was decided Dr. Ash should be acquainted that the Government were not prepared to purchase any Land for the purpose alluded to, neither to assign any portion of the Lands proposed by him, and further that the disposition of Land for Public Cemeterys appeared by the Municipal Act to be more immediately under the jurisdiction of the Mayor and Council.

The Council then adjourned.

Read and confirmed this 24th day of December 1870.

(Signed) A. Musgrave
Governor

Saturday, the 24th day of December, 1870

Council met at Noon at the Government Buildings.

Present: His Excellency The Governor and The Honbles. The Colonial Secretary, The Attorney General, The Chief Commissioner, The Collector of Customs. Minutes of the last Meeting were read and confirmed.

The Governor brought forward for discussion and consideration by the Council the expediency of a change in the present constitution of the Legislature, thereby in accordance with the understood wishes of the community, to aid them in obtaining responsible Government, so soon as practicable after the incorporation of this Colony with the Dominion of Canada and after much discussion on the subject it was finally agreed that an Election Law should be prepared and submitted for the consideration of the Legislative Council.

The Council then adjourned.

Read and confirmed this 6th day of January 1871.

(Signed) A. Musgrave
Governor

[Note] Certified to be a correct copy of the Minutes of the Executive Council for the half year ending December 1870.

Philip J. Hankin
Colonial Secretary & Clerk to
Executive Council