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**Tuesday, the 7th day of November, 1865**

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Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Acting Surveyor General.

Minutes of the last Meeting read and confirmed.

1. Despatch from Secretary of State read dated 18th August 1865 respecting initiation of money votes by The Governor of a Colony.
2. Land at Comox with indication of Coal. Letter dated 1st Novr. read from Mr. H. F. Heisterman making application on behalf of himself and others for certain land at Comox to be reserved to enable them to develop the Coal thereon. Subject discussed generally, and agreed that a licence should be granted under rules laid down in Gazette Notice of June 1864.
3. Land at Port McNeill with indications of Coal. Letter read dated 13th October 1865 from Mr. J. B. Zimmerman applying on behalf of himself and others for certain land at Port McNeill to be reserved to enable them to work certain Coal thereon, and referring to former applications dated 8th March 1864, 6th May 1864, 29th October 1864. Resolved that this application should be dealt with in same manner as preceding.
4. Church of England Chaplain to Gaol at Victoria. Letter dated 6 Novr. 1865 read from Bishop of Columbia representing that the Revd. C. T. Woods should be formally authorized to visit the Gaol at Victoria as he is in the habit of performing Divine Service there but without authorization. Resolved that the Revd. C. T. Woods be appointed Church of England Chaplain to the Gaol at Victoria without Salary.
5. Petition from Inhabitants at Comox. This Petition read requesting appointment of a Magistrate to preserve the peace and protect the property of Her Majesty's Subjects in the District. Matter fully discussed, and Resolved that as there is no provision made for payment of a Magistrate, and no person in the District who is considered fit to be appointed an unpaid Magistrate, the Governor should select and appoint a fitting person as a Constable.
6. City of Victoria Council. Letter dated 4 Novr. 1865 read forwarding resolution of Municipal Council requesting an Advance of One thousand Dollars to discharge Municipal liabilities. Letter dated 23 Oct 1865, read from Colonial Secretary to the Mayor, informing him that the Council were then indebted to the Government in the sum of \$17,444.32 and that therefore the Governor could not make any present advances. Council resolved that an answer be returned to the Municipal Council, that as the circumstances had in no way altered, the decision given in the above mentioned letter of 23 Oct. 1865, cannot be departed from.
7. Claim from Mr. Ewing. Letter dated 30 Oct. 1865 read in which Mr. Ewing takes exception to certain disallowances in the settlement of his final account for building the Steamer "Sir James Douglas." Resolved that the claim cannot be admitted.

8. Disbursements by Coroner. Various items as contained in his Accounts rendered for month of October and Arrears considered. Resolved that a fee of no more than 10 Dollars be allowed to coroner for any one Inquest. That present accounts be paid, but that in future no expenditure will be authorized in excess of sums allowed by English Acts, except under special authority from the Governor.
9. Direct Steam communication with San Francisco. Letter dated 2 Novr. 1865 read from A. T. Elliot inquiring what countenance and support the Government will give to a three weekly communication with San Francisco. To be informed that the project for a three-weekly communication cannot be entertained by the Government.

The Council then adjourned.

A. E. Kennedy

### Monday, the 27th day of November, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The following Despatches were read from the Secretary of State.

No. 44, 5 September 1865. That a portion of Crown Revenue received from Marriage Licence Fees may be appropriated to Charitable purposes.

No. 47, 14 Sep. 1865. Approval of Lords Commissioners of the Admiralty of arrangements made in respect of Colonel Fosters wharf at Esquimalt.

No. 39, 14 August 1865. Claims of Hudson's Bay Company in respect of lands in Vancouver Island, and opinion of Law Offices of the Crown on Lowenberg's Case.

Memorandum dated 20 October 1865, by Mr. Young, Colonial Secretary, bearing upon above Despatch read.

Governors Despatches to Secretary of State dated No. 10 of 2 Feby. 1865, and No. 23 of 15 April 1865, connected with the same subject also read.

His Excellency proposed to Council that Despatch No. 39 as above read should be at once transmitted to Legislature, in which the Council concurred.

The Acting Attorney General here entered and took his seat.

His Excellency read to the Council a draft of his Address upon the occasion of calling together the Legislature summoned for Tuesday the 28th Instant. Various points discussed and settled.

Direct Steam Communication to San Francisco. Letter dated 24 Nov 1865, read from Mr. A. T. Elliott referring to his Letter of the 2nd Instant, and to the reply sent him on the 7th Instant, and further discussing the project. Resolved that he be informed that the Govt. are most desirous to encourage

and establish such a project, that it is at present in communication with the Govt. of British Columbia upon the subject, and that his Letter will receive due attention.

Case of William London. Letter read from A. F. Pemberton, Chairman of Bench of Magistrates, dated 16 Novr. 1865, recommending that an abatement should be made in the amount of Licence money paid by William London in consideration of the distance of his Home from Town. Resolved that this recommendation cannot be complied with without prejudice to others similarly situated.

Case of W. H. Wheeler, convicted of keeping a Gambling House. Petition from Sarah Ann Wheeler his wife, praying for his pardon considered. Resolved that there are no sufficient reasons for interfering with the ends of justice.

Grant of Money to Victoria Hospital. Application read from A. F. Pemberton Treasurer, dated 17 Novr., for further funds. Resolved that One thousand dollars be paid.

The Council then adjourned.

A. E. Kennedy

### Wednesday, the 6th day of December, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. Marriage Licence Fees. His Excellency introduced this subject & commented upon the recent correspondence with the Legislative Assembly upon this subject, and caused to be read a Despatch from the Secretary of State No. 53 dated 25 September 1865, directing the Governor to withhold his Assent to any Bill making Marriage Licence Fees part of the General Revenue. Resolved that a copy of this Despatch be transmitted to the Legislative Assembly.
2. Salaries Tax Act. Despatch read from Secty. of State No. 49, of 23 September 1865, stating that this Act will not be assented to until it is clear that it does not apply to Officers paid from Imperial Funds.
3. General Average claim, ship "John Stephenson." Letter dated 4 Dec. 1865, from Messrs. Henderson & Burnaby read, claiming the sum of \$1207.60 on account of general average claim on Government Stores per "John Stephenson." Decided that the sum must be paid, and should be recovered from Insurance Co. in London through Agents General.
4. Estimates for the year 1866. The Estimates were then taken up discussed and settled.
5. Steam Tug "Sir James Douglas". Letter dated 1 Decr. 1865 read from "James Frain" asking information as to charter or sale of the "Sir James Douglas".

Resolved that he be informed that the Vessel cannot be chartered, but that any reasonable offer for her purchase will be entertained.

6. Accounts of Coroner. Claim of Dr. Ash of \$20 for holding a partial post mortem examination on the body of Richard Smith, brought to the notice of the Council by His Excellency, and the matter discussed. Resolved that if the fee be in excess of the sum allowed by English Law that it should not be paid.
7. Church Reserve. Letter dated 10th Novr. 1865 read from Mr. J. J. Cochrane claiming refund of the sum of \$450 asserted to be wrongfully paid for taxes. Resolved that any sum paid twice over should be refunded, but that no action could be taken by the Governor in respect of the alleged acts of wrongful assessment. The Attorney General dissenting.

The Council then adjourned.

A. E. Kennedy

### Tuesday, the 12th day of December, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. His Excellency brought before Council a Message he had received from the Legislative Assembly asking for Copies of Despatches written by His Excellency to the Secretary of State upon the subject of the Crown Lands and Union Resolutions: and read to the Council a draft of the reply he proposed to send. The same was discussed and settled.

The Council then adjourned.

A. E. Kennedy

### Tuesday, the 19th day of December, 1865

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of last Meeting were read & confirmed.

1. Lock up for Saanich. Letter dated 5th Dec. 1865 read from A. C. Anderson J. P. Saanich seeking authority to build a Lock up. Resolved that the work be postponed for the present.
2. Royal Hospital. Letter dated 15th Dec. 1865 read from A. F. Pemberton, Honorary Treasurer, seeking further advances on account of vote in aid. Resolved that no further sums be paid except by special sanction of the Legislature.

3. Supplies for year 1866. Tenders received brought before Council, considered, and settled.
4. Bills relating to the undermentioned subjects were then read, discussed and generally agreed to in principle.
  - To establish the office of Coroner.
  - To provide for the reception of Native Evidence.
5. Postal Service. Despatch dated 11 Oct. 1865, No. 57, from Secretary of State upon this subject read.
6. Direct communication with San Francisco. The Governor then brought before Council this matter which was discussed, and decision come to that Tenders for the service should be at once invited.

The Council then adjourned.

A. E. Kennedy

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### **Saturday, the 30th day of December, 1865**

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

Direct Steam communication to San Francisco. The Governor brought this matter before Council and proposed that an officer or Agent be dispatched to San Francisco to communicate with the Steam Ship Companies there and ascertain the amount required for establishing a direct Service for 6 Months. The matter was discussed generally by the Council and His Excellency's proposal concurred in.

Municipal Debentures of City of Victoria. Upon consideration of this subject it was decided that the Debentures falling due the 31 December 1865, should be taken up and paid under the provisions of the "Victoria City Half per Cent Tax Act 1865."

The Council then adjourned.

A. E. Kennedy

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### **Monday, the 15th day of January, 1866**

Present: His Excellency The Governor, the Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of last Meeting were read and confirmed.

1. Case of Dick an Indian lying under sentence of Death. Letter read from Chief Justice dated 10 Jany. 1866, enclosing his Notes, and expressing his con-

currence in a recommendation to Mercy made by the Jury in rendering their Verdict.

Chief Justice Needham appeared before the Council & stated his views in respect of the capital sentence not being carried out.

The Council considered the subject and recommended that the Sentence be commuted to Four years imprisonment.

2. Draft of amended Indian Liquor Act brought before Council and generally discussed.

The Council then adjourned.

A. E. Kennedy

### Wednesday, the 17th day of January, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. His Excellency brought before Council the circumstance of the Estimates for the current year not having been yet passed by the Legislature, and requested the opinion of the Council as to the Establishments of the Colony being continued according to the Estimates of last year. The Council were unanimously of opinion that this course should be pursued.
2. His Excellency then brought before Council a Resolution of the Legislative Assembly dated 12 January 1866 requesting that the Departments of Government be directed to furnish a Finance Committee appointed by the House any information they may desire. The matter was discussed, and the irregularity of the proceeding fully commented upon, and it was decided that answer be returned to the effect that any verbal information required in respect of the Estimates would be rendered upon application to the Colonial Secretary, but that any other information could only be obtained through the usual & recognized channel.
3. His Excellency then read to the Council a Resolution of the Legislative Assembly also dated 12th January 1866, asking for all papers connected with the recent action of H. M. Ship *Clio* at Fort Rupert. Matter discussed and it was decided that the Letter of Captain Turnour dated 29 Dec. 1865, which was the only paper in possession of His Excellency relating to the matter should not be produced.

The Council then adjourned until tomorrow at Noon.

A. E. Kennedy

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**Thursday, the 18th day of January, 1866**

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. His Excellency brought before Council the circumstances of the Legislative Assembly having upon a recent occasion, according to the report of the Newspapers, passed a Resolution declaratory of its right to initiate money votes, and of its having in pursuance of such assumed right, not only increased Salaries placed upon the Estimates, but actually created New Offices and voted Salaries for them. The subject was freely discussed and the Council were unanimously of opinion that the Legislative Assembly possesses no such power or privilege as that now so claimed and assumed, and, further, that the action of the Assembly in respect of such assumed privilege should be firmly resisted, as in the opinion of the Council nothing could be more disastrous to the progress and well being of this Colony than the possession by the Legislative Assembly of such a prerogative as that now claimed.
2. *Postal Matters.* His Excellency suggested to the Council that in view of the introduction of the Postal Bill, a copy of the Secretary of States Despatch No. 57, of 11 Oct. 1865, (read to Council on 19th December 1865) should be transmitted to the Legislative Assembly. The Council concurred.
3. Draft Bills for the protection of Estates of deceased Strangers, and for regulating Gold Mining were shortly discussed, & further action for present delayed.
4. *Building Dredger.* Claim for Mr. Trahey Contractor for a Balance due was considered. Letter dated 11 Jany. 1866 from Acting Surveyor General reported that in his opinion \$103<sup>2</sup>/<sub>100</sub> was alone due. Resolved that settlement should be made on this basis.

The Council then adjourned.

A. E. Kennedy

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**Thursday, the 1st day of February, 1866**

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor laid before the Council certain Resolutions of the Legislative Assembly combined and embodied with the Estimates which the Assembly had voted in Committee of Supply for the Year 1866, and which Resolutions and Estimates had been handed to His Excellency by the Speaker of the Legislative Assembly. His Excellency requested the opinion of the Council as to whether he was justified in disbursing the sums voted in the Estimates before the usual Supply Bill was passed. The matter was discussed and in discussion the Colonial Secretary stated that the Legislative Assembly heretofore had followed the practice pursued in the Imperial Parliament and that the invariable custom hitherto had been for the Executive to apply the money as

soon as voted in Committee of Supply, the Supply Bill being generally only presented to the Governor for assent at the close of the Session. The Council came to the opinion that the Governor was fully justified in acting in accordance with this custom, by applying the moneys now voted without waiting for the formal passing of the Bill of Supply.

2. His Excellency then proposed that as the Legislative Assembly had refused to vote certain Salaries placed upon the Estimates by which the undermentioned Officers could be paid that notice should be given them at once that their services would be dispensed with from that date, their Salary for the current Month being paid: and the question of compensation for loss of office being left to be dealt with hereafter. The Council concurred.

The Private Secretary to the Governor.

The Second Clerk Colonial Secretary's Office.

The Clerk in the Treasury.

The Clerk to the Attorney General.

The Clerk in the Land Office.

The Superintendent of Roads.

The Superintendent of Police.

The Inspector of Police.

The Stipendiary Magistrate, Sooke.

The Stipendiary Magistrate, Nanaimo.

The Messenger Colonial Secretary's Office.

It appearing however upon discussion that the Clerk in the Treasury could not be dispensed with without serious evil to the public service, & without interference with the working of several existing Tax Acts it was resolved that he should have his duties combined with those of Clerk in the Land Office; and, it was further resolved for the proper conduct of the Gaol and police Department that it was highly desirable the services of the present Superintendent should be retained by combining his office with that of Inspector, and likewise the services of the present Inspector Mr. Welch, by creating him police Sergeant.

The Council then adjourned until tomorrow at 11.30 a. m.

A. E. Kennedy

### Friday, the 2nd day of February, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor placed before the Council the Draft of the reply he proposed to send to the Messenger of the Legislative Assembly, submitting to him the statement of sums voted in Committee of Supply upon the Annual Estimates. The said Draft was duly considered and concurred in by the Council.

The Council then adjourned.

A. E. Kennedy



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**Friday, the 9th day of February, 1866**

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Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. Steam communication with San Francisco. Resolution dated 7th Feby. 1866, of the Legislative Assembly recommending acceptance of offer made by H. B. Co. of Steamer Labouchere read. His Excellency stated that this offer had been accepted accordingly being the only feasible offer made.
2. Removal of Coroner. Resolution dated 2 Feby. 1866 of the Legislative Assembly read, requesting copies without delay of all documents shewing the cause of the removal from the Office of Coroner of Dr. Dickson. The Council were of opinion that special allusion having already been made to this matter in the Message sent to the House by His Excellency on the 2nd February last, that no separate reply need be sent to this Resolution. The Council also expressed the opinion that the terms of the Resolution were neither courteous nor proper.

The Attorney General here entered.

3. Removal of Coroner. Letter read from Dr. Dickson dated 7th Feby., protesting against his removal from Office. To be noted as read.
4. Requisition from House of Assembly made on the Treasurer for Accounts. The following resolution was read, together with a letter from the Treasurer dated 8 Feb. 1866, asking for instructions thereupon.

Resolved—that the Treasurer be Ordered to transmit forthwith a statement showing the amount of Taxes due under “the Real Estate Tax Act 1862” on 31 Dec. 1865.

That the Order be sent direct to the Treasurer.

Signed R. W. Torrens  
Clerk of the House

The Council were of opinion that in the absence of any Address to The Governor for this information the Treasurer could not be authorized to supply it in the manner demanded.

5. The Governor then placed before Council a Despatch from The Secretary of State dated the 12th day of October 1865, No. 59, relative to the action taken by the Assembly in respect of the repayment of the moiety of the cost of erection of Lighthouses, & to the repayment of sums advanced by the Governor in aid of General Revenue out of Crown Revenue; and after a full discussion of the matter it was resolved that a copy of this Despatch should be transmitted to the Legislative Assembly.

The Council then adjourned.

A. E. Kennedy

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## Monday, the 19th day of February, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. Resolutions of Legislative Assembly dated 9 Feby. 1866, in reply to The Governors Message of No. 8 of [2 February] 1866 read to the Council. The Council considered it unnecessary that any reply should be returned to these Resolutions.
2. Resolutions of Legislative Assembly dated 8 Feby. 1866, appointing a Committee to inquire into Expenditure of 1865, read to the Council. The Council considered that no action need be taken thereupon at present.
3. Resolution of Legislative Assembly dated 15 Feby. 1866 asking for Return of Passport fees, read to the Council. The Council were of opinion that no reply should be sent to this resolution.
4. Case of Indian Dick found guilty of Murder but whose sentence was commuted to Imprisonment for 4 years. His Excellency again brought this mans case before the Council, and the Council were of opinion that under all the circumstances of the case the man should be granted a free pardon.
5. The following Despatches from the Secty. of State were then read.
  - No. 65, of 3rd Nov. 1865, relative to Mr. G. H. W. Browns application for Lease of Mineral lands.
  - No. 66, of 7 Nov. 1865, relative to Oath of Allegiance taken by Volunteer Corps.
  - Circular, 24 Nov. 1865, Reports on extension of Leave of absence.
  - Circular, 23 Nov. 1865, As to Insurance.
  - Circular, 10 Nov. 1865, Paris Exhibition of 1867.

With reference to the Despatch respecting Insurance the Council were of opinion that the existing practice of Insuring goods sent to the Colony should be continued.

With reference to the Despatch respecting the Paris Exhibition, the Council considered that a Copy should be sent to the Legislative Assembly to ascertain whether the Legislature were prepared to make any provision for this object.
6. Overdraft at Bank. Letter read from Treasurer dated 9 Feby. 1866, reporting present overdraft to be \$73,000, and asking instructions as to procural of further funds. Matter fully discussed, and the Council were of opinion that existing arrangement should be continued for the present.
7. The undermentioned Bills sent up from the Legislative Assembly were then considered.
  - Bill respecting Barristers and Attorneys. To be thrown out.
  - Bill to amend the Law of Partnership. To be left to discretion of Legislative Council.

Bill respecting descent of real property. To be thrown out.

To amend the Franchise Act. To be left to the discretion of the Council, and to be considerably amended in respect of property of notification.

Bill to extend the Representation Act. To be thrown out in second reading.

The Council then adjourned.

A. E. Kennedy

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### Monday, the 5th day of March, 1866

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. Case of Mattie Rassid brought before Council. The Chief Justice appeared personally before the Council and stated that this man had been found guilty of the crime of Sodomy and had been sentenced to Death. The case was a gross and clear one, but it was unusual in similar cases to carry out the capital sentence.
2. Case of James Brown found guilty of assault with intent to do grievous bodily harm. The Governor laid before the Council a Petition that had been presented to him on behalf of James Brown, asking for a reprieve of the sentence of two years imprisonment passed upon him. The Chief Justice was requested to state his opinion in this case. He read his notes, and represented that he had passed the sentence only after the most anxious consideration, and he could not but consider it would be in the highest degree unadvisable to interfere with the sentence.

The Chief Justice then withdrew.

The Council considered this case, and were of the opinion that the Law should take its course, the Attorney General dissenting:—and with respect to the case of Rassid that the Capital sentence should not be carried out.

3. Administration of affairs at Nanaimo. A Memorandum dated 21st Feby. 1866 by Mr. Young the Colonial Secretary, read to the Council, detailing the existing state of affairs at Nanaimo in consequence of no Salaries having been voted for the necessary Officers:—and an opinion of the Attorney General dated the 24 February that it was imperative to appoint an Officer to collect Harbour Dues, and that the cost of collection, in the absence of other provision, could properly be defrayed out of the Dues collected also read. The matter considered, and the Council advised the Governor to adopt this course, none other being open.

The Council then adjourned.

A. E. Kennedy

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### Wednesday, the 4th day of April, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. Bills sent up from Legislative Assembly. The undermentioned Bills sent up from the Legislative Assembly were brought before the Council and were considered and discussed.

1. A Bill respecting Ferries.
2. A Bill for securing Liens to Mechanics and others.
3. A Bill to incorporate the Town of Nanaimo.

The opinion of the Attorney General dated 10 March 1866, upon the first two Bills was read, and it was decided unanimously that they should be thrown out in the Legislative Council.

The last named Bill was considered and found to be utterly impracticable in its provisions. Moreover it appearing that the majority of the inhabitants had petitioned that the Bill should not be passed into Law, it was unanimously resolved that the Bill should be thrown out in the Legislative Council.

2. The undermentioned Draft Bills proposed by the Attorney General were then considered.

1. A Bill to regulate the registration of Births, Deaths, & Marriages.
2. A Bill to establish a Standard of Weights & Measures.

Agreed that the foregoing Bills should be introduced into the Legislative Council and dealt with by the different official Members therein, according to their discretion.

3. The manner in which the undermentioned Bills sent up from the Legislative Assembly should be dealt with in the Legislative Council was then considered.

1. To repeal the Real Estate Tax Act.
2. To amend the Trades Licence Act.
3. To amend the Stock & Carcass Act.
4. To amend the Harbour Dues Act.
5. To amend the Liquor Licence Act.
6. To repeal the Salaries Tax Act.
7. To raise a Loan of £50,000.
8. To raise a temporary Loan of \$100,000.

It appearing that "The Supply Act 1866" upon which these Bills for the most part appeared to be founded had not accompanied them, it was resolved that action upon them should be suspended for the present, pending the receipt of "The Supply Bill."

The Council then adjourned.

A. E. Kennedy

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**Friday, the 11th day of May, 1866**

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read and confirmed.

1. The Governor brought before the Council "A Bill to explain and amend the Victoria Incorporation Act 1862" and after consideration thereof it was decided in respect of Clause 8 that the power to appoint a locum tenens of the Stipendiary Magistrate at Victoria should rest with the Crown and not with the Municipal Electors, and in respect of Clauses 11 & 12 that Municipal Voters should be confined to British Subjects. With respect to the whole Bill, with these exceptions, it was to be left to the discretion of the Legislative Council.
2. A "Bill for the protection of Inventors" which had passed the Assembly was then considered and it was decided it should be left to the discretion of the Legislative Council.
3. The subject of the employment of the Chain Gang in cleaning the Streets and Gutters in the City was then considered, and a Petition to the Governor from many Inhabitants read: and after full discussion it was decided that if the Mayor & Corporation would provide the funds to meet the extra outlay required for guards &c. The Governor will place the Chain gang at the disposal of the Mayor for a limited period.

The Council then adjourned until tomorrow at 11:30 a.m.

A. E. Kennedy

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**Saturday, the 12th day of May, 1866**

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought before Council an Agreement made by Mr. C. W. Wallace acting on behalf of this Government with Messrs. Holladay and Hartshorne and dated the 4th of May 1866, for running Steamers between San Francisco & Victoria. The matter was fully discussed, and it was decided that the Contract should be accepted whenever it was determined that the communication between the two places should be *direct*; that stipulation not being now expressly mentioned in the Agreement.

The Council then adjourned.

A. E. Kennedy

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**Monday, the 21st day of May, 1866**

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of the last Meeting read and confirmed.

1. The Governor placed before Council & caused to be read a Letter from the Chief Justice dated the 16 May 1866, together with a Report from the Chief Justice and Captain Price, and Mr. Townsend, Master of H. M. Ship Scout, upon the result of the Inquiry into the circumstances attending the loss of the Contract Mail Steam Ship Labouchere. The Council were of opinion that it was not incumbent upon the Govt. to take further steps in the matter. With respect to the remuneration to be given to the Naval Officers sitting as Assessors it was decided that the precedent established by the case of the Carriboo should be followed.
2. An Application dated the 14th May 1866, was then read from Messrs. Drummond & Dickson, the Chief Engineer and the Treasurer of the Victoria Fire Department, requesting a portion of the Money set apart for the Department. It was resolved that no definite answer could be given until the Supply Bill of 1866 was passed.
3. A proposition dated the 18th May 1866 was then read from Mr. Wm. London in respect of running the Steamer "Carriboo" between Victoria and Comox, calling at the way ports. It was resolved that the matter be referred for Report to a Board consisting of the Colonial Secretary, the Treasurer, and the Surveyor General.
4. Letters dated the 10th and 17th May 1866 from Messrs. Wilson & Murray, & Mr. Thos. Hodges were considered, offering to supply the Prison with Bread. It was decided that Mr. Hodges offer, it being considered bonâ fide, should be accepted till the end of the year.
5. The Governor then placed before Council a Letter from Mr. E. G. Alston dated the 17th May protesting against the reduction made in his Salary by the Legislative Assembly. His Excellency explained that this was only one of many letters upon the same subject which he had received from other Officers, and he now brought it before Council to enable him to introduce the subject, and to state that he wholly dissented from the action taken by the Assembly, that he had referred the whole matter to the Secretary of State, and that he was in expectation of an answer by the next Mail: and he doubted not that the Salaries now short paid to various Officers would eventually be refunded to them.

The Council then adjourned.

A. E. Kennedy

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**Saturday, the 26th day of May, 1866**

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

The Minutes of the last Meeting were read & confirmed.

1. The Governor brought before the Council a Message he had received from the Legislative Assembly dated the 21st May 1866, asking for Returns of sums of money borrowed from the respective Banks of the Colony, and for a Return of the Authority under which the loans had been negotiated. His Excellency then placed before the Council the draft of the Message he proposed to send in reply. The same was considered in detail, and concurred in.
2. The Governor laid before the Council and caused to be read a Despatch from the Secretary of State, No. 74, of 30 December 1865, with its enclosures, upon the subject of the want of legislation in respect of the Post Office Department in the Colony. His Excellency read to the Council an Extract from his opening Speech to the Legislature in November last, pointing out the inconvenience arising from the want of Legislation on this subject: and he referred to certain proceedings which had recently occurred in the Legislative Assembly in respect of Mail communication with San Francisco. His Excellency pointedly alluded to the existing state of affairs, and to the complications likely to ensue, and requested the Council to weigh and consider the whole subject in anticipation of the expected Message from the Legislative Assembly.
3. A claim of the Hudson's Bay Co. for the sum of \$1500 for a voyage of the "Labouchere" to and from San Francisco, and of \$750 for a voyage to San Francisco in March last, was then considered. The Contract for the employment of the Labouchere was referred to, and it was determined that the first claim should be paid, but that for the latter there were no grounds under the terms of the Contract.
4. A Letter dated the 22 May 1866 was then read from Superintendent Hankin, seeking the assistance of the Attorney General, to defend him in an action commenced at the suit of one Isaac Turgoose. Decided that instructions should issue to the Attorney General accordingly.
5. A Letter dated the 18th May 1866 was read from Captain Clarke of Steamer "Sir James Douglas" submitting that he should be vested with discriminating powers in respect of fares for passengers and freight in certain cases. Decided that it would be inexpedient to make any alteration of this character in existing rates.

The Council then adjourned.

A. E. Kennedy

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### Thursday, the 31st day of May, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

The Minutes of last Meeting were read & confirmed.

1. The Governor read to the Council a Message from the Legislative Assembly, dated the 30th May 1866, asking for information in respect of direct Steam communication with San Francisco. The Message of the 17th April 1866 recommending the Governor to make the best arrangement possible for this Service was also read. Drafts of Messages in reply were read and the subject was very fully discussed, the Attorney General expressing the opinion that the Contract made by Mr. Wallace on behalf of this Government, dated the 4th May 1866 was legally confirmed, and was binding on all parties concerned. It was finally decided that in view of the apparent inability of the Government to meet the payments falling due under the Contract, no express provision having been made by the Legislative Assembly, the Agent at Victoria of the Company should be requested to attend before the Council and his views on the matter be ascertained.

The Council then adjourned until Friday the 1st June at 11:30 A.M.

A. E. Kennedy

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### Friday, the 1st day of June, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer.

The Minutes of last Meeting read & confirmed.

1. The Governor placed before the Council a letter dated the 31st May from the Manager of the Bank of British North America calling attention to the over-drawn account being beyond the amount authorized by the Directors, and intimating that he could not meet any further overdraft. The serious state of matters thus brought about was fully discussed, and the Council with the evidence before them of the published proceedings of the Legislative Assembly consequent upon the receipt of the Governors Message of the 26th May relative to the authority upon which the overdrafts had been made were forced to the conclusion that those proceedings had induced the Manager to thus stop the credit of the Government. It was resolved that a Message should at once be sent to the Legislative Assembly forwarding the Managers Letter, alluding to the foregoing considerations, and informing the Assembly that the Governor declined to take further responsibility without express authority of the Legislature.
2. Mr. J. P. Cruch, the Agent at Victoria for the San Francisco Steam Navigation Company appeared before the Council in pursuance of the notice sent to him. The Governor explained the circumstances in which he was placed by the



failure of the Legislative Assembly to place the means at his disposal wherewith to discharge the liabilities under the Contract with the Co. of the 1st May 1866 and asked whether he would authorize the postponement of the question of the acceptance of that Contract until these means were provided. Mr. Cruch declined to take this responsibility upon himself, but stated that he would at once telegraph to the Directors, and that their reply when received should be communicated.

Mr. Cruch then withdrew.

3. The question of the payment of the Monthly Salaries was then considered, and under the circumstances detailed in Paragraph I of this days minutes of proceedings, it was resolved that the Treasurer should be instructed to withhold making any further payments unless specially authorized.
4. A Tender dated the 25th May 1866 from Messrs. Wilson & Murray for the supply of Groceries to the Gaol was then considered. It appearing that the present supplies were obtained from the Hudsons Bay Co. at lower prices, it was resolved that it should be declined, and a written agreement should be entered into with the Hudsons Bay Co. for the supply at those prices for the rest of the year.

The Council then adjourned.

A. E. Kennedy

### Friday, the 8th day of June, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. Letters were read from the Attorney General dated the 31 May 1866, and 7 June 1866, reporting upon the undermentioned Bills respectively, and that he saw no objection to The Governor assenting to the same. The Council being of the same opinion His Excellency then formally assented in the usual manner to a Bill entitled "An Act to facilitate the recovery of small debts and other Demands" and to a Bill entitled "An Act to amend the Liquor Licence Act 1861."
2. The Governor then read to the Council a Telegram received by Mr. J. P. Cruch, in reply to a Message sent by him on the 1st June after his interview on that date with the Governor in Council. The Telegram was as follows.

San Francisco June 7 1866, 8.40 P.M.

To John P. Cruch

The Mail Service will be performed according to Contract whether the subsidy is promptly paid or not. x x x

B. M. Hartshorne

3. The Governor then read to the Council the Draft of a Message which he proposed to send to the Legislative Assembly in reply to their Resolutions of the 17th April and 30 May relating to Steam communication with San Francisco. The Council concurred therein.
4. The Governor also read to the Council the Draft of a Message which he proposed to send to the Legislative Assembly in reply to their Message of the 5 June 1866 relative to the tariff Act of British Columbia. The same was considered and concurred in.

The Council then adjourned.

A. E. Kennedy

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### Monday, the 18th day of June, 1866

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of the last Meeting read & confirmed.

1. The Governor read to the Council a series of Resolutions dated the 15th June 1866 of the Legislative Assembly having reference to the depressed state of the Colony and to the causes thereof. His Excellency stated that in addition to the request contained in the Resolutions that the same should be transmitted by Telegraph, the Speaker of the Assembly had himself waited upon His Excellency and urged the expediency of that course. His Excellency then read a draft of a Message in reply in which he stated he proposed to submit the Resolutions to the Legislative Council & declined to forward them without the usual report. The Council entirely concurred in this course.
2. The Governor then read to the Council a Resolution of the Legislative Assembly dated the 6th June 1866 asking for Returns of Receipt and Expenditure of Crown Revenue. His Excellency read a Draft of the reply which he proposed to send declining to furnish such Returns. The Council concurred therein.
3. The Governor also read to the Council a Message from the Legislative Assembly dated 14 June asking for a Return of all Salaries paid from General and Crown Revenue. Decided to defer consideration of this Message.
4. A Letter dated 11 June 1866 was read from the Registrar of the Supreme Court conveying the recommendation of the Chief Justice that Captain Price and Mr. Townsend who sat as Nautical Assessors in the inquiry into the loss of the Labouchere should be paid for their services. The Council considered that Captain Price should be paid 15 Dollars a day and Mr. Townsend seven dollars and a half a day for 3 days in compensation of their expenses.

The Council then adjourned until Noon tomorrow.

A. E. Kennedy

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**Tuesday, the 19th day of June, 1866**

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The course to be adopted by the Members of the Executive Council in their places in the Legislative Council when considering the Resolutions of the Legislative Assembly dated 15th June 1866 upon the state of the Colony was discussed at great length, and it was decided that the matter should be left to open discussion in the Legislative Council.
2. The Governor placed before the Council a Resolution dated the 18 June 1866 from the Legislative Assembly asking for certain returns as to Revenue and expenditure of the Postal Department, and of the Government Steamer "Sir James Douglas." Decided that the information should be supplied.

The Council then adjourned.

A. E. Kennedy

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**Friday, the 22nd day of June, 1866**

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor placed before the Council a Copy of the Resolutions passed by the Legislative Council upon the Resolutions of the Assembly dated the 15th June 1866, upon the state of the Colony. The Council were of opinion that these Resolutions together with the Assembly Resolutions should be transmitted to the Secretary of State in the regular manner: and the Council were further of opinion that His Excellency should draw the especial attention of the Secretary of State to the misstatement made by the Assembly in their Resolutions dated the 20 June 1866 in reply to His Excellency's Message of the 18 June 1866, alleging that the Assembly were obliged to telegraph the Resolutions, for the reason that the Governor declined to do so unless they were "*approved*" by the Legislative Council.
2. The Governor read to the Council a Message from the Assembly dated the 20 June 1866, in reply to His Excellency's Message of the 18 June 1866, relative to the Crown Revenues, in which Message the Assembly repeat their request for the Returns sought. His Excellency read a draft of his proposed reply together with a Despatch from the Secretary of State dated the 12 October 1865, which it was intended should form an Enclosure to His Excellency's reply. The Council concurred.
3. The Governor then asked the opinion of the Council as to the expediency of any Telegram being sent to the Secretary of State in respect of the Assembly

Resolutions dated the 15th June 1866. The Council considered that a short Telegram simply stating that Governor's Report and Resolutions could leave by outgoing Mail, should be sent.

4. A Message from the Legislative Assembly dated the 19th June 1866, was then read, asking for Returns of Receipt and Expenditure for the current year. It was decided that the Treasurer should be called upon to furnish the information as soon as practicable.
5. The Governor brought to the notice of the Council the fact that more than 20 days had elapsed, between the sailing of the Contract Steam Vessels under the Agreement with Messrs. Holladay & Hartshorne dated the 4 May 1866. The Council considered that inquiry should be instituted into the matter upon arrival of the next Steam Vessel.
6. Letters dated the 19th June and 21st June 1866 from the Auditor to the Colonial Secretary were then read enclosing Comparative Statements & Recapitulation of Revenue Received and Expended for the year 1865. The Council were of opinion that these Documents should be sent to the Assembly.
7. A Letter dated 18 June 1866 from the Superintendent of Education was read, recommending certain alterations in the disposition of the Schools in Victoria City and District. The Council considered that no changes could be sanctioned at present which would involve expenditure.
8. A Letter dated the 7th June 1866 was then read from the Surveyor General recommending that the line of road discovered by Mr. Patterson between Goldstream and Cowichan should be marked out and levels taken. The Council were of opinion that the necessary expenses for this purpose, viz. \$120, should be incurred.
9. The Governor stated to the Council that the Balance now in the Treasury amounted to \$2500, and suggested as a means of security that it be reduced by \$1500 being paid in to the Bank to the credit of Crown Revenue, in which the Council concurred.

The Council then adjourned.

A. E. Kennedy

End of Min. 30 June.

### Monday, the 2nd day of July, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought to the notice of the Council the circumstance of the Superintendent of Police having been summoned before a Committee of the Legislative Assembly, and that as time would not admit of a previous refer-

ence to the Council, Mr. Hankin had been instructed not to comply with the summons, no address having been received by the Governor from the Assembly in respect of the matter. The Council quite concurred in this course.

2. The Governor then adverted to the Message dated 1 June 1866 (Vide Par. I. Minutes of Council 1 June) which he had sent to the Legislative Assembly relative to the refusal of the Bank to make further Advances, to which no reply had yet been received & H. E. read the draft of a Message which he proposed to send to the Assembly calling attention thereto, and to the complications which must inevitably arise unless proper action be taken. The Council fully concurred in His Excellency's views on this matter.
3. The Governor read to the Council a Message from the Legislative Assembly dated 29 June 1866 asking for details of Expenditure for 1865. It was proposed in view of the reduced staff that the Clerk of the Assembly should be permitted to copy the "Abstract" Statement for that year.
4. The Governor then read a Message from the Assembly dated 29 June asking for information as to sums transferred from General to Crown Revenue. It was agreed that a reply to this Message should be deferred for the present.
5. The Governor then placed before Council and caused to be read a Despatch from the Secretary of State dated 26 April 1866, with draft of a conveyance of unsold land from the Hudson's Bay Co. to the Crown: and His Excellency proposed that the same should be sent to a Board consisting of the Colonial Secretary, the Attorney General, & the Surveyor General for the carrying out of the object, in which the Council concurred.

The Council then adjourned until tomorrow at 11:30 A. M.

The Council immediately after adjournment as above, reassembled at the call of the Governor, the same Members present (except the Acting Surveyor General) to consider a Message just received from the Legislative Assembly asking for the attendance before a Committee of the House of Mr. Hankin the Supt. of Police. The Governor read a draft of proposed reply which was considered and agreed to.

The Council then adjourned till tomorrow as before decided.

A. E. Kennedy

## Tuesday, the 3rd day of July, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor placed before Council a Letter dated the 3rd July 1866, from Allen Francis, the United States Consul, asking for authority to fire a National

Salute upon the 4th July. His Excellency proposed that a courteous reply should be sent intimating that such a proceeding could not be authorized upon behalf of any Nation. The Council entirely concurred.

The Council then adjourned.

A. E. Kennedy

### Friday, the 6th day of July, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. His Excellency stated to the Council that he considered that the time had now arrived when he could no longer withhold from again addressing the Legislative Assembly and laying before them a general statement of the financial affairs of the Colony and calling their attention to the serious evils that will inevitably result unless prompt action be taken by the Legislature: and His Excellency read the Draft of the Message he proposed to send. The same was considered and concurred in by the Council.
2. The Governor placed before the Council a Message from the Legislative Assembly dated the 2nd July inquiring whether or not the Address of the Assembly to the Queen dated 20 June 1866 had been forwarded. It was considered that no notice should be taken of this Message at present.
3. Adverting to Message of Legislative Assembly dated 29 June 1866 (Vide Minutes of Proceedings of E. Council, Par. III, of 2 July 1866). The Governor read a letter he had received from the Speaker of the Assembly dated 4th July, in which he proposed that a Committee of the Assembly which had been appointed for the purpose should be permitted to examine the "Abstract" for 1865 and if necessary to compare the same with the Vouchers. It was considered that a decision on this matter should be postponed for the present.

The Council then adjourned.

A. E. Kennedy

### Thursday, the 12th day of July, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Treasurer, The Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor gave his Assent to the following Bills entitled  
An Act to amend the Law of Partnership.

An Act to enable the Governor of Vancouver Island to borrow the sum of Ninety thousand Dollars upon the security of the General Revenue of the Colony.

2. The Governor placed before Council and caused to be read a By Law passed by the Municipal Council of the City of Victoria on the 9th day of July Instant, to regulate the Sanitary Condition of the said City. The same was considered by the Council, & it was resolved should be left to its operation. The Council then adjourned.

A. E. Kennedy

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### Friday, the 20th day of July, 1866

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Actg. Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought before Council the financial condition of the Colony so far as it is affected by the "Temporary Loan Act 1866," and read the draft of a Message which he proposed to send to the Legislative Assembly in respect of this matter. The same was considered, and the subject generally discussed, and it was considered that the matter should be postponed in the hope that the Estimates for the current year would then be forthcoming, and the subject could be much better treated as a whole than in part.
2. His Excellency then adverted to the subject of the House of Assembly having appointed a Committee to investigate into the Police Department, and to Witnesses having been improperly examined by the Committee on Oath. The Attorney General gave his opinion that it would be necessary to prove a criminal intent in the unlawful administration of an Oath to justify any proceedings being taken: and upon a general consideration of the matter, it was considered inexpedient to initiate any measures in regard hereto.
3. A Report from the Colonial Secretary and Acting Surveyor General dated the 2nd July 1866, was then read, upon the Leach River Ditch. And a letter dated 9 July from the Secty. of the Ditch Company was also read for a loan of \$3000 to complete the Ditch. It was resolved that a copy of the Report should be sent to the Assembly with a recommendation that the advance of the money required should be authorized for expenditure under Government control: and further that the proposition of the Ditch Company should be referred to a Board for report consisting of the Col. Secty., the Attorney General, the Treasurer, and the Surveyor General.
4. A letter dated the 17th July 1866, from Dr. Tolmie on behalf of the Hudson's Bay Co., was then read, asking for payment of the sums due to the Company, or for a remittance to account. It was decided that an answer be returned that the ways and means were not at the Governors command at present. The

claims of the Company to the moneys above referred to were also considered and it was decided that only a portion was due, viz., that the \$750 claimed for a half trip performed by the Labouchere could not be admitted, but that the \$1000 for carrying Mails between Victoria and New Westminster for the year 1865 was earned and should be paid when practicable.

5. A letter dated the 13th July 1866 was then read from A. F. Pemberton, Treasurer of the Victoria Hospital, asking for a payment on account of the Vote for the year. To be informed in reply that the Estimates for the year have not yet been received, and that the money is not available.
6. The Governor then brought before the Council the subject of the Dredger now lying idle in Victoria Harbour. In June 1865 a Message on this subject had been addressed to the Assembly to which no reply was returned. The Council considered that the attention of the Assembly should be again called to the subject, and an expression of opinion sought.

The Council then adjourned.

A. E. Kennedy

## Tuesday, the 7th day of August, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor read a Message from the Legislative Assembly dated 3 Augt. in reply to his Message respecting the Dredger, Steam Tug and Punts. The Assembly recommend that they should not be disposed of: and it was decided by the Council that the punts should be placed on the mud flats above James' Bay Bridge.
2. A Message dated the 31st July was then read from the Legislative Assembly, in reply to the Governors recommendation, informing His Excellency that the sum of \$4500 would be placed upon the Estimates for the Leach River Ditch. A Letter dated the 4 August from C. T. Millard Secty. of the Ditch Company was also read; and it was resolved that Tenders for the supply of lumber should be called for, and that the work to be undertaken should be examined by the Surveyor General assisted by two competent Engineers.
3. The following Despatches from the Secretary of State were then read.
  - 18 Dec. 1865. Respecting use of Distillery Apparatus of Messrs. Chaplin & Co.
  - 30 Dec. 1865. Alteration in scale of postage—one rate for each half ounce.
  - 16 March 1866, No. 10. As to investment in certain Colonial Securities of Vancouver Island Sinking fund.
4. An account for the sum of \$187.35 expended by the Legislative Assembly in a Telegraphic Message was placed before Council, all the funds assumed to be



voted for the use of the House of Assembly for the year having been expended. It was resolved that it should be paid.

5. Two letters dated respectively 10 July and 31 July 1866, from the Board of Education were then read, the first relative to discharge of Mr. Russell, School Teacher, and the second to the confirmation of the appointments of Mr. Waddington, and three of the School Teachers, and it was resolved that as the Estimates were not yet in the hands of The Governor, and the ways and means doubtful, it was considered inexpedient at present to make permanent appointments, or sanction permanent arrangements.
6. An application dated 2 August 1866 from Mr. H. T. Heisterman in respect of renewal of Leases of certain land at Baynes Sound was read, and upon consideration it was resolved that as the required terms had not been complied with, the claim had expired.

The Council then adjourned.

A. E. Kennedy

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### Tuesday, the 21st day of August, 1866

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Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer.

Minutes of last Meeting read & confirmed.

1. The Governor gave his Assent to the following Bills.
  1. Entitled "An Act to amend the Law of arrest and Imprisonment for Debt."
  2. Entitled "An Act to regulate the number of persons required to form a Coroner's Jury in Vancouver Island and its Dependencies."
  3. Entitled "An Act to exempt the Homestead and other property from forced seizure and sale in certain cases."
2. A Telegram dated 20 August from Acting Consul at San Francisco was read, requesting instructions as to renewal of Insurance of Steamer "Sir James Douglas". The Council were of opinion that the very large amount of premium required, viz., \$1500 for 6 Months was considerably in excess of the risk and that as no money was specifically provided by the Legislature for the purpose, the Insurance should not be renewed, the Treasurer dissenting.
3. A Report dated 16th August from Messrs. Pearse, Homfray, & Tiedemann upon the Leach River Ditch was then read and also a letter dated 21st August from Mr. W. E. Stronach offering to undertake the whole work for the sum of \$5250. The matter was considered and the Council came to the opinion that the Tender of Joseph Jeffreys for Lumber should be accepted, and also that Tenders for the Dam, Fluming and Ditch be at once called for.

4. Tenders for repairing James Bay Bridge were then considered, and it was decided that the Corporation should be called upon to replace the Bridge and make it safe for Traffic.

The Council then adjourned.

A. E. Kennedy

### Monday, the 27th day of August, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General.

Minutes of last Meeting read & confirmed.

1. The Governor brought before the Council the Appropriation Bill as passed by the Legislative Assembly, and now before the Legislative Council, the Schedules to that Bill containing conditions attached to most of the votes. It was decided that these Schedules should not be passed by the Legislative Council being considered to involve an infringement of the powers of the Crown, & to be unconstitutional.
2. The following Dispatch from Secty. of State was then read. Circular, 30 June 1866. With Royal Proclamation respecting War between Austria & Prussia.
3. A Letter was then read from the Superintendent of Police dated 21st August 1866, representing the want of men to complete the establishment of the police force. The Council considered the matter and were of opinion that eligible and experienced Men would never be obtained until the Police Department was constituted by law as a permanent establishment.
4. His Excellency read to the Council a Despatch from the Secretary of State No. 27, dated 25 June 1866 relative to the payments of fines, fees, and forfeitures to Crown Revenue.

The Council then adjourned.

A. E. Kennedy

### Saturday, the 1st day of September, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor explained to the Council that under the existing financial condition of the Country, he had directed the Superintendent of Education and all the School Teachers, the Clerk of the Assembly, the Clerk of the Post Master & Harbor Master, to be notified that their Salaries could not be guaranteed after

the 31st day of August Instant: and His Excellency read to the Council Messages from the Legislative Assembly in respect of financial matters dated 28 August 1866 (two in number) & 31 August 1866 which had in a great measure compelled him to take this course. The Council concurred with His Excellency in the propriety of this step.

2. The Governor then read to the Council a Message from the Legislative Assembly dated the 28 August, rescinding the Resolutions as to Union of the Colonies passed on the 25 Jany. 1865.
3. The Governor then read drafts of Proclamations to be issued under the public Seal and dated this day for proroguing the Legislature and dissolving the Legislative Assembly from the 2nd day of September Instant, in which the Council concurred.

The Council then adjourned until Monday the 3rd Instant at 11:30 A.M.

A. E. Kennedy

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### Monday, the 3rd day of September, 1866

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Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. Tenders for constructing Dam, Tresstle work, & Ditching of Leach River Ditch considered. The Council were of opinion that the Dam should be given to Joseph Jeffrey, provided he would accept a lower sum than that named, and the Tender of J. Nicholson & E. Jeffrey for the remaining work should be accepted.
2. A letter dated 27th August 1866, from Municipal Council read declining to undertake the repairs of James Bay Bridge. The subject was discussed and decision thereupon postponed.
3. A Circular Despatch from Secretary of State dated 6 June 1866 respecting disposal of Casual Revenues of Crown in Colonies was read.
4. The Governor then informed the Council that in view of our present financial condition, he proposed to appoint a Board to investigate and to report upon our actual & probable liabilities and upon the ways and means of meeting the same.

The Council then adjourned.

A. E. Kennedy

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## Monday, the 17th day of September, 1866

Present: His Excellency the Governor, The Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The following Bills passed by the Legislative Council and Assembly were brought before the Council and were assented to by The Governor.

1. "District Road Amendment Act, 1866."
2. "The Bills of Sale Amendment Act 1866."
3. "The Harbour Dues Act 1866."

2. The Governor placed before Council a Report dated 11 Sep. 1866, from the Colonial Secretary, Treasurer and Auditor, upon the probable financial state of the Colony on the 31 Dec. 1866.

3. The Governor placed before Council a Despatch from Secretary of State, dated 16 July 1866, No. 1, ackdg. receipt of certain Resolutions from the Legislative Assembly forwarded direct by Telegraph; but that the same would not be considered until the Governor's report was received.

4. A Report dated 11 Inst. from the Surveyor General upon necessary Repairs to Government House was read, and the subject was considered and decision postponed until after arrival of next Mail.

The Attorney General here entered.

5. A Report dated 5th Instant was read from Surveyor General upon construction of road near to Sir James Douglas fence. The Council considered that the work should be undertaken at a cost of \$129 as proposed by the Surveyor General.

6. A draft Agreement was read for the Construction of a horse trail in the Quamichan District, in consideration of payment of \$150 when the Contracting party W. A. Robertson is called upon for the payment of 150 Acres of land which he is to be permitted to take up in the said District. The Council approved the same.

7. The following Accounts were placed before the Council.

T. L. Fawcett & Co. Crs. for certain works undertaken	} \$621, <sup>50</sup> / <sub>100</sub>
and performed in Supreme Court . . .	
Do— Do -----	} \$101, <sup>90</sup> / <sub>100</sub>
Hibben & Carswell, for School Books obtained from	} \$327, <sup>90</sup> / <sub>100</sub>
England	

The Governor explained that the first two had been incurred upon the responsibility of the Chief Justice, and after discussion the Council were of opinion that the amount should be paid when funds were disposable.

The latter had been incurred by the Board of Education in applying certain sums sanctioned. The Council considered it also should be paid, but were of opinion that the Board of Education had not acted with economy in the matter.

The Council then adjourned.

A. E. Kennedy

## Monday, the 24th day of September, 1866

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Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read & confirmed.

1. The Governor placed before Council and caused to be read the following Despatch from the Secretary of State.

No. 2. 31 July 1866. Relative to proceedings of H. M. S. Clio at Fort Rupert, and intimating that any well considered measure for preventing sale of Spirits to Indians will receive the cordial support of the Secretary of State.

2. A letter dated 21 Sep. 1866, was read from Bank of B. N. America, asking for payment of interest and reduction of overdraft. The Council were of opinion that the Interest should be paid when due, but that repayment on account of principal should be deferred for the present.
3. The case of Mr. Neale, Mate of the Steamer "Sir James Douglas" was brought before Council, and an application dated 1 August from him for higher wages was read. The Council considered his Wages should be increased to \$55 a month.
4. The Governor brought before Council the question of the repairs of Government House postponed from the last Meeting, and the Council were of opinion that the requisite repairs should be undertaken forthwith, it appearing from the information afforded to the Council that it was absolutely necessary to adopt measures before the rainy season sets in to render the House watertight and habitable, and the Council approved of a sum not exceeding Two thousand five hundred Dollars being expended for the service.

The Council then adjourned.

A. E. Kennedy

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## Tuesday, the 2nd day of October, 1866

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Present: His Excellency the Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought before Council the circumstance of no Supply Bill having been passed by the Legislature for 1866, and of the undermentioned Officers not having this year received the Salary attached to their Offices. The Council considered the subject and were of opinion that those Officers should be paid according to the rates voted in the last Supply Bill, viz. that of 1865.

The Treasurer.

The Surveyor General.

The Auditor.

The Stipendiary Magistrate at Victoria.

The Harbour Master & Post Master.

and further that the Attorney General should be paid the usual fees for prosecution &c. as sanctioned by the Secretary of State.

2. The Governor brought before Council and caused to be read a letter dated the 19 Sep. 1866, applying for remuneration out of the Fees in the Court of Bankruptcy. The Council were of opinion that the same should be referred for the joint report of the Colonial Secretary and Attorney General, when the Council would be in a better position to consider the question.

The Council then adjourned.

A. E. Kennedy

## Tuesday, the 23rd day of October, 1866

Present: His Excellency The Governor, The Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Minutes of last Meeting read and confirmed.

1. The Governor brought before the Council the case of the Volunteer Force. A sum of \$1500 had been placed upon this years Estimates to aid in their support. The Legislative Assembly by their votes in Committee of Supply had granted \$1200, but this grant had not been subsequently confirmed by the passing of an Act. It was however absolutely needed to enable the Corps to be maintained in a state of efficiency, and as he considered it a matter of vital importance to the Colony that this Force should be maintained in an efficient state, he proposed that a grant equal to \$1250 should be made from the General Revenue to the Volunteer Force for the year 1866. The Council concurred in this proposal.
2. The Governor placed before Council and caused to be read a letter dated the 22 October 1866 which had been this day received from W. F. Tolmie, the principal local Agent of the Hudsons Bay Company, enclosing a Map of Section XVIII Victoria District, shewing the subdivisions of that Section as constructed by the Hudsons Bay Company. The Map in question was produced. The Council considered it to be a Document emanating entirely from the Hudsons Bay Company, and very necessary as a Record, but not as in anyway binding upon the Crown in respect of boundaries or disposition of property.
3. The following Heads of Departments were then introduced.
  - The Chief Justice.
  - The Auditor.
  - The Registrar General of Titles.
  - The Stipendiary Magistrate, Victoria.
  - The Sheriff.
  - The Assessor.
  - The Superintendent of Police.

Governor Kennedy then announced that he was about to quit the Colony, and that he had summoned them to witness the administration of the necessary oaths to Mr. Young the Colonial Secretary, and Senior Member of the Executive Council, upon whom the Government of the Colony would devolve. The Oath of Allegiance and Oath of Office were then taken by Mr. Young, administered by the Chief Justice. The Chief Justice and the above mentioned Officers then retired.

The Council then bade His Excellency adieu, and adjourned.

William A. G. Young  
Officer administering the Govt.

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### Tuesday, the 6th day of November, 1866

Present: The Officer Administering the Government, The Acting Colonial Secretary, The Acting Attorney General, The Treasurer, The Acting Surveyor General.

Mr. Edwin James Nesbitt, the Acting Colonial Secretary, took the Oath prescribed for the Members of the Executive Council.

The Minutes of the last meeting were then read and confirmed.

His Honor stated that he had summoned the Members to meet to dispose of matters which it was not advisable should be held over.

A Letter from Messrs. Higgins Long & Co. was read (dated 25 Sep. 66) stating they had signed the contract for printing Government Gazette under a misapprehension of its terms and requesting that the actual cost of the work be allowed which they considered would be covered by \$6 for each number. Council agreed to allow that sum for each issue of Gazette since the date of letter of Messrs. Higgins Long & Co.

A letter from Mr. Edward Stephens dated the 21 Sept. 1866 was read praying that his trade licence tax as a Surveyor during 1865 be remitted he not having done any business. Decision deferred.

A letter was read dated 10 Oct. 1866 from the Supt. of Police in Charge of Gaol stating, that several of the cells in the Victoria Prison are unfit for use and forwarding a Medical Certificate to that effect.

Expenditure of \$256 authorized to make them available.

A letter dated 21 Oct. 1866 from James Williamson, Joseph Baker, and others was read offering to excavate ditch at Leech river from the End of the first Survey to Kennedy Flat at 55cts per yard—also the fluming part at 64cts per yard—lumber delivered.

The Council considered it advisable that a sum not exceeding \$700 should be appropriated for the purpose.

A letter from Treasurer was read dated 22 Oct: 1866 reporting that a sum of Money amounting to \$183<sup>45</sup>/<sub>100</sub> remains in his hands at the credit of Mr. W. B. Naylor the late Sheriff.

Also a joint letter from Treasurer and the Acting Sheriff dated 1st Nov. 66 requesting instructions in reference to a sum of \$397<sup>45</sup>/<sub>100</sub> left by the late Sheriff in the custody of Mr. Godfrey Brown.

Letters ordered to be sent to Acting Sheriff with request that he will state if he knows ought of the matter—

A letter from the Treasurer to the Acting Registrar of the Sup. Court dated 26 Oct. 1866 was read requesting to be informed if he had collected any Fines of Court since 28 August last and if so how they had been disposed of to which it was replied that the Acting Registrar had acted under instructions from His Honor the Chief Justice and not paid moneys received into Treasury.

Action deferred until Governor Seymour assumes the Government.

A letter from the Superintendent of Education was read dated 5 Nov. 1866 forwarding an account of Messrs. Hibben & Carswell for \$326.75 for Books procured by them for Board of Education.

Under circumstances stated account authorized to be paid.

The Council then adjourned.

William A. G. Young

### Monday, the 19th day of November, 1866

Present: The Officer administering the Government, The Acting Colonial Secretary, The Treasurer, The Acting Surveyor General.

Minutes of last meeting read and confirmed.

His Honor stated to the Council that he had called the Members together to give them Official and formal intimation that at noon today the British Columbia Act, 1866, would be publicly proclaimed and published at New Westminster, and that as thereupon this Colony of Vancouver Island would become united to that of British Columbia the separate Government and the power of the Executive in Vancouver Island would cease and determine. His Honor further stated that he had received a communication from the Governor of British Columbia enclosing a copy of the Proclamation and requesting that the same might be published at noon in the City of Victoria and that he in consequence proposed to direct the Sheriff of Vancouver Island to make formal publication of the same at that hour accordingly. His Honor also stated that as the Chief Justice was not a Member of that Council and as the Legislature was not in Session he had addressed a special letter to him enclosing a copy of the Proclamation and acquainting him that the same would be published at noon.

His Honor further informed the Council that as time did not permit a reference to them he had caused a circular letter to be addressed to the Heads of Departments directing them to close their accounts with the Treasury before 3 P.M. today so that as far as possible all outstanding claims might be settled.

The Council fully concurred in these proceedings.

The Council then adjourned.

William A. G. Young