

JOURNALS
OF THE
LEGISLATIVE COUNCIL
OF
BRITISH COLUMBIA

FROM THE 12TH DECEMBER 1864, TO THE 11TH APRIL, 1865

IN THE
28TH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE SECOND SESSION OF THE LEGISLATIVE COUNCIL OF
BRITISH COLUMBIA

ROLL

OF THE

HONOURABLE THE LEGISLATIVE COUNCILLORS

OF

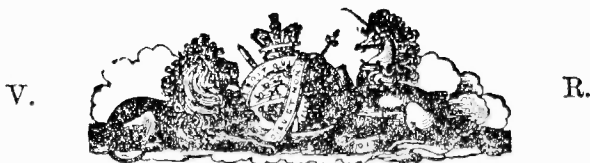
British Columbia,

FOR THE SECOND SESSION OF THE LEGISLATIVE COUNCIL,

BEING THE YEARS 1864-65. 28° VICTORIÆ.

ARTHUR N. BIRCH, COLONIAL SECRETARY, AND PRESIDING MEMBER.
HENRY P. PELLEW CREASE, ATTORNEY GENERAL.
CHARLES WILLIAM FRANKS, TREASURER.
WYMOND OGILVY HAMLEY, COLLECTOR OF CUSTOMS.
CHARTRES BREW, MAGISTRATE, NEW WESTMINSTER.
PETER O'REILLY, DO. CARIBOO.
HENRY MAYNARD BALL, DO. LYTTON.
ANDREW CHARLES ELLIOTT, DO. LILLOOET.
JOHN CARMICHAEL HAYNES, DO. OSOYOOS AND KOOTENAY.
JOSHUA A. REYNOLDS HOMER, ... NEW WESTMINSTER DISTRICT.
HENRY HOLBROOK, DOUGLAS AND LILLOOET DISTRICT.
CLEMENT FRANCIS CORNWALL, _ HOPE, YALE, AND LYTTON DISTRICT.
GEORGE ANTHONY WALKEM, CARIBOO EAST AND QUESNEL FORKS DISTRICT.
WALTER MOBERLY, CARIBOO WEST AND QUESNELMOUTH DISTRICT.

BRITISH COLUMBIA



FREDERICK SEYMOUR.



PROCLAMATION

By His Excellency FREDERICK SEYMOUR, ESQUIRE, Governor and Commander-in-Chief of the Colony of British Columbia and its Dependencies, &c., &c., &c.

*To all whom it may concern,
Greeting.*

WHEREAS, for divers good causes and considerations, it is expedient, forthwith, to dissolve the existing Legislative Council of British Columbia; NOW KNOW YE THAT I, FREDERICK SEYMOUR, under and by virtue of the powers and authorities vested in me in that behalf, DO hereby declare and proclaim that the Legislative Council of the Colony of British Columbia and its Dependencies be dissolved as and from the day of the date hereof, and the same is hereby dissolved accordingly.¹

GIVEN under my hand and the Public Seal of the Colony, at Government House, New Westminster, in the Colony of British Columbia, this twenty-first day of October, in the year of Our Lord one thousand eight hundred and sixty-four, in the twenty-eighth year of Her Majesty's Reign.

By Command.

CHARLES GOOD,
for the Colonial Secretary.

NOTICE

COLONIAL SECRETARY'S OFFICE,
28th October, 1864.

WHEREAS, by an Order of the Queen in Council, dated the 11th day of June, A.D. 1863, a Legislative Council for the Colony of British Columbia was constituted and established, such Legislative Council to consist of such Public Officers within the said Colony, as shall from time to time be designated, and of such persons as shall from time to time be named, by or in pursuance of any Instructions or Warrant under the Royal Sign Manual and Signet, and of such other persons as may from time to time be appointed by the Governor, by Instruments to be passed under the

¹The Colonial Office informed Seymour that he could not legally "dissolve" what was technically a Crown Council, and that the acts of this new council were therefore of questionable validity. To rectify this error, the Secretary of State for the Colonies instructed Seymour to reappoint the existing council and enact confirmatory legislation validating the proceedings of this session of the Legislative Council, a course of action that was taken at the beginning of the 1866 session, after consideration in the Executive Council. For correspondence relating to this matter, see Cardwell to Seymour, 3 March 1865 and 7 October 1865, Separate, CO 398/2, pp. 299-302, 365-73; Seymour to Cardwell, 18 May 1865, and 12 June 1865, Confidential, enclosing Crease to Seymour, 7 July 1865 (Secret), CO 60/21, pp. 508-18, and CO 60/22, pp. 107-25. See also the minutes of the Executive Council, 18 and 19 January 1866, and minutes of the Legislative Council, 18, 22, and 23 January 1866.

Public Seal of the said Colony, provided however that every such last mentioned appointment shall be provisional only until the same shall have been approved by Her Majesty, through one of the Principal Secretaries of State. AND, WHEREAS, Her Majesty, by Instructions issued under the Royal Sign Manual and Signet, and dated the 31st day of July, A.D. 1863, hath appointed and declared that the following Public Officers shall, during Her pleasure, be Members of the said Legislative Council, that is to say the respective Officers lawfully acting for the time being

As Colonial Secretary for the said Colony,
 As Attorney General for the said Colony,
 As Treasurer for the said Colony,
 As Chief Commissioner of Lands and Works for the said Colony,
 As Collector of Customs for the said Colony.

NOW THESE ARE TO NOTIFY AND DECLARE that in pursuance of the power and authority given as aforesaid, the Governor has constituted and appointed the undermentioned Magistrates to be, during Her Majesty's pleasure, Members of the said Legislative Council, viz:

The Honourables

Chartres Brew, Magistrate, New Westminster,
 Peter O'Reilly, Magistrate, Cariboo,
 Henry Maynard Ball, Magistrate, Lytton,
 Andrew Charles Elliott, Magistrate, Lillooet,
 John Carmichael Haynes, Magistrate, Osoyoos and Kootenay.

The following appointments to the Council have also been made by the Governor, in deference to the wishes of the people, as expressed in the Districts mentioned after each Honorable Member's name:

The Honourables

Joshua Attwood Reynolds Homer, New Westminster,
 Henry Holbrook, Douglas and Lillooet,
 Clement Francis Cornwall, Hope, Yale, and Lytton,
 George Anthony Walkem, Cariboo East and Quesnel Forks,
 Walter Moberly, Cariboo West and Quesnelmouth.

Provided always that such appointments as last mentioned shall be provisional only as aforesaid, and provided also that they shall continue in force, unless previously determined, until the 1st day of May, A.D. 1866, and no longer. AND THESE ARE FURTHER TO NOTIFY, SUMMON, AND CONVENE the various Officers and Persons, as aforesaid, to meet at New Westminster, on the 12th day of December, in the year of Our Lord one thousand eight hundred and sixty-four.

By Command.
 ARTHUR N. BIRCH.

Monday, the 12th day of December, 1864.

Pursuant to the above notice the Legislative Council met this day, the following Members being present:—The Honourables The Colonial Secretary, The Attorney General, The Treasurer, The Collector of Customs, Chartres Brew, J.P., Peter O'Reilly, J.P., Henry Maynard Ball, J.P., J. A. R. Homer, Henry Holbrook, G. A. Walkem, and W. Moberly.

At 2 o'clock, P.M., His Excellency Frederick Seymour, Esquire, Governor of the Colony, entered the Council Chamber, attended by his Private Secretary, and being seated in the President's Chair, administered the usual oath of allegiance and office to the Members present, who severally subscribed the same.

His Excellency then delivered the following gracious Speech:

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

It is with great satisfaction that I meet you to-day, and invite you to enter with me upon our Legislative duties.

I think it highly desirable that we should, before Christmas, dispose of all the work of the year which is about to close. For this reason I shall only lay before you the Supplementary Estimates, and the Bill necessary to give a legal sanction to the payments which have been made under the authority of Resolutions of the late Council, and such as an unforeseen emergency has necessitated.

The late Council voted £216,400 for the Public Service of the year 1864—£135,639 by Ordinance, sanctioned by my Predecessor, and £80,700 by Resolutions. The total Expenditure, up to the 1st instant, has been, as nearly as it is possible for me to ascertain, £153,000, including the remittances to the Crown Agents for Interest and Sinking Funds on the Loans which will not be brought to account this year, and also the arrears of Expenditure of previous years, which amounted to £16,824, leaving the actual Expenditure under the Estimates and Resolutions, for the eleven months, a little over £136,000. The probable disbursements for this month will be £8,000, showing on the year an Expenditure less by £72,000—including the unforeseen expenses—than that sanctioned. The payments made under Ordinance fall short of the Estimates by some £16,000; those under Resolutions by £56,000. I regret to say that the Public Revenue will fall short of the Estimate by about £13,000.

The principal public works performed during the year have been:—the formation of roads in the Cariboo District, the maintaining in repair of the main lines of communication, the re-opening of the trail over the Cascade Mountains at Hope, the commencement of the road from New Westminster to Burrard Inlet, the opening of a sleigh road from Quesnelmouth to Alexandria. Much more would have been done, but for two causes which came into operation almost simultaneously. The rise of the rate of discount in England made it difficult to procure, except on the most unfavourable terms, the money proposed to be borrowed under the Act of last Session. The sudden discovery of the valuable gold mines on the Kootenay rendered it expedient that a large amount of capital should be kept in hand for opening the communication between the Fraser and new diggings. We have drawn against the Loan only to the extent of £26,300, leaving £73,700 as probably available for the service of 1865. As it is of importance that the line of travel to the Kootenay mines should be selected with the utmost care, it will be satisfactory for you to know that three distinct expeditions are now exploring in that direction.

I regret that the want of money has prevented the establishment of a Light Ship at the Mouth of the Fraser. The necessary amount shall appear again in the Estimates for 1865. An appropriation will be asked for in aid of the establishment of Steam communication with Panama.

You will have anticipated my explanation that the great outlay on unforeseen contingency was caused by the suppression of the Chilicoten Insurrection of last summer. The expense incurred in this way was about £16,000.

A party of road makers, well provided with food but unarmed, lay down to sleep among a number of armed Indians, who were almost in a state of starvation. Let me do justice to the dead. On the scaffold at Quesnelmouth, it was stated that they gave no provocation. But so it was; the Indians were suffering all the pangs of hunger, while the white men slept unarmed. An attack was made on the sleepers at day break, and but three of them escaped. The Indians, leaving the greater part of their booty behind them, on account of the difficult nature of the country, crossed the Cascade range. They appear to have received considerable reinforcements before they reached the house of a white Settler on Benshee Lake. He was soon dispatched, and the assassins, with continually swelling numbers, advanced to meet a pack train with eight drivers, approaching from Bentinck Arm. Three of these men were killed. Five, by an amount of dexterity and good fortune which seems marvellous, managed to effect their escape. Favoured by impunity the assassins soon became promoted to the dignity of insurgents, by the adhesion of the whole Chilicoten tribe, from the summit of the Cascade Mountains to the benches of the Fraser.

The ruggedness of the Coast range, aided by the absence of all means of transport, seemed to debar us from access to the Chilicoten country from the Sea, but an expedition under a gentleman of great reputation for courage and skill in dealing with the Native tribes of the Colony had left the Upper Fraser for the interior. The force of twenty-five men, suggested by my predecessor, had become by circumstances so obviously insufficient, that the Commander in the exercise of the wide discretion confided to him increased it to sixty-five. That number was found in a log Fort on the summit of a hill near Benshee Lake, when joined on the 6th July by another party of 38 Volunteers from New Westminster, who had been conveyed by Admiral Kingcome to Bentinck Arm.

Though after a first brush with the Natives, the white flag floated over the Fort from the 13th of June to the 7th July, no steps tending towards conciliation had been made by the Indians, and when the Northern Volunteers marched at day break, on the 7th of July, towards the Bute Inlet Mountains, they were still in doubt as to the reception they would meet with from the Indians. It was one, I regret to say, of deadly hostility.

A scarcity of food reduced the New Westminster party to apparent inaction when left alone at Benshee, but the time was well spent in securing the confidence of the Eastern branch of the Chilicoten Indians, whose Chief had taken no active steps in the extermination of the whites. As women and children, and finally men, were allowed to leave the Volunteer Camp unharmed, according to promise, the Chief was finally induced to present himself to the Governor on the 20th of July, the day on which the Alexandria Volunteers returned to Benshee.

It is well known to you how the New Westminster party then ransacked the remotest recesses of the Bute Inlet Mountains; how the Indian Chiefs, harassed by the bands of Volunteers which had come upon them from the opposite points of the compass, found themselves without food or fire, reduced to the sole alternatives of suicide or surrender.

It is my duty to speak with the utmost praise of the men who came forward from Cariboo and New Westminster, to engage in a conflict formidable from the nature and extent of the Country over which it raged, and one in which it appeared at one time as if famine were about to fight on either side. I saw more of the party raised in this neighbourhood, and can confidently say that, strengthened as it was by a large and admirable Military element, the force numerically small, could scarcely have been surpassed in efficiency and good conduct in the Mother Country, or any one of Her Colonies. The Alexandria Volunteers presented an equally fine and formidable appearance.

With the advice of the Executive Council, the Legislature not being in Session, I have ordered certain testimonials of intrinsic value for presentation to Mr. Brew and Mr. Cox, the leaders of the respective expeditions, in acknowledgment of their valuable services.

I propose to lay before you, in January, Bills having the following objects in view:

- 1st. To amend the Laws of Bankruptcy and Insolvency;
- 2nd. To amend those regulating the disposal of the Crown Lands;
- 3rd. To make Waggoners pay Toll according to the amount of damage the insufficient width of their tires is calculated to inflict upon the public roads;
- 4th. A Bill to remodel the Postal Service;
- 5th. A Bill to consolidate and amend the Mining Laws;
- 6th. A Bill to amend the Law of Evidence, two Telegraph Bills, and others, perhaps, of minor importance.

I trust, likewise, to be able to submit to you a Bill proposing to make important changes in our fiscal arrangements, with a view to increase the commerce of the Colony.

The present state of our north-west coast shall receive my particular attention, and the question of Education shall form the subject of a special message.

I shall suggest an alteration in the mode of keeping the public roads in repair. You will find that the contracts entered into by my predecessor have caused an excess of Expenditure over the Estimates of a sum exceeding £9,000 on this account.

I fear that I shall disappoint some persons when I state that I shall have no Bill embodying an "Indian policy" to lay before you. The Government has its policy—always, we trust, just and firm, stern or merciful as occasion may require; last

summer straining the resources of this young Colony to secure justice—not vengeance; this winter to feed, if necessary, some of those whom the energetic pursuit of our Volunteers has reduced to starvation. If you can introduce any measure by which such principles of honesty and honour can be implanted in the breasts of all the white traders among the Indians, the Bill shall have my most cordial approval.

You are probably aware that the House of Assembly of a neighbouring Colony has passed certain resolutions in favour of a conditional union with British Columbia, under one Governor. These resolutions shall be laid before you. Without entering into details, it may perhaps be convenient that I should at once express my opinion on the subject. I think it would be better for Imperial interests that Great Britain should not be represented by more than one Governor to the westward of the Rocky Mountains, and I can imagine cases in which both the Governors, as well as the Officer in command of Her Majesty's Naval forces, might be considerably embarrassed by the present state of things. But the unaided power of the prerogative is fully able to remove the present inconvenience to Her Majesty's service if it be found considerable, and I advise you merely to consult your local interests. I do not see at present how British Columbia would gain by the suggested change, and I am rather disposed to think that a longer separation is necessary before a satisfactory re-union could take place. Let time remove the impression which exists in some minds that the resources of the one Colony have not yet been fully developed, while the prosperity of the other has been somewhat artificially stimulated.

I trust Honourable Gentlemen of the Council that you will close the accounts of this checkered and not over prosperous year before it expires. We shall then be able to devote our undivided attention to the more pleasing task of contributing by every means in our power to the brighter future which seems opening before us.

His Excellency then left the Council Chamber.

The Hon. The Colonial Secretary took the Chair as Presiding Member.

On the motion of the Hon. the Colonial Secretary, the Hon. P. O'Reilly seconding,
Ordered, That His Excellency the Governor's Speech be printed for the use of Members.

Then, on the motion of the Hon. the Attorney General, the Hon. Mr. Moberly seconding,

Ordered, That a Select Committee, to be named by the Presiding Member, be appointed to draw out and submit a reply to His Excellency's gracious Speech.

The following honourable gentlemen were appointed accordingly:—The Honourables the Attorney General, the Collector of Customs, Mr. O'Reilly, Mr. Homer, Mr. Moberly.

Then, on the motion of the Hon. Mr. Ball, the Hon. Mr. Holbrook seconding, the Council adjourned till Friday next, at 3 o'clock in the afternoon.

Friday, the 16th day of December, 1864.

The Council met at 3 o'clock, pursuant to adjournment.

Present.—The Hon. the Attorney General, The Hon. the Treasurer, The Hon. Messrs. O'Reilly, Homer, Holbrook, and Moberly.

The Hon. the Attorney General in the Chair as Presiding Member.

The Minutes of the previous Meeting were read over and confirmed.

The Hon. the Attorney General, the Chairman of the Select Committee appointed to prepare an Address in reply to His Excellency's opening speech, brought up a Report, and the same was read as followeth:

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Council of British Columbia, have received, with unfeigned pleasure, Your Excellency's gracious Address, on the opening of this, the second Session of the Legislative Council of this Colony, on the 12th instant.

Our earnest efforts will be given to take advantage of the brief portion of 1864, which yet remains to us, to carry through the financial business and Supplementary Estimates of the present year.

We rejoice at the termination of the Chilicoten Expeditions, and at the success which has attended their exertions. While paying every tribute due to the leaders and private members of these Expeditionary Corps; to the ready and valuable assistance of Rear-Admiral Kingcome and the Service under his command; it is impossible for us to pass over in silence the share which Your Excellency's presence in the country of the Chilicotens, had in the subjection and pacification of those wild tribes.

It is a subject of congratulation that Your Excellency has so promptly pressed on the opening of the Interior communications, on which so much of the success of the Country depends; and that the establishment of direct Steam communication with Panama is to form part of our Legislation.

We are the less inclined to lament the financial circumstances at Home, which have impeded the full issue of our latest Loan, in that they will, we trust, have been the means of enabling Your Excellency, besides completing the works now on hand, to open up a line of road, which will induce the main traffic of the new and important Gold Mining Region of Kootenay, to pass through the interior of our own Territory.

The numerous and important subjects, laid down for the Legislation of the coming year, will have our anxious and undivided attention.

With regard to the partial Resolutions of the Legislature of the neighbouring Colony, in favour of Union on specific terms, which Your Excellency has been graciously pleased to promise to lay before this Council, we cannot disguise from Your Excellency that we see no reason for changing the opinion, deliberately and unanimously expressed by the late Council, in the Resolution of the last Session, transmitted to Her Majesty's Government: that an Union with the neighbouring Colony would be inexpedient and disadvantageous to British Columbia; a view in which, we are glad to see, Your Excellency concurs.

We have the less hesitation in expressing these views at the present time, as we hope thereby to set this question finally at rest; and so the better to respond to Your Excellency's invitation to concentrate our efforts on the work more immediately before us.

ARTHUR N. BIRCH,
Presiding Member.

*Council Chamber,
16th December, 1864.*

On the motion of the Hon. Mr. Holbrook, the Hon. Mr. O'Reilly seconding,
Ordered, That the Report be received and the Committee discharged.

On the motion of the Hon. Mr. Homer, Hon. Mr. Moberly seconding,
Ordered, That the Address in reply to His Excellency's opening Speech, as prepared by the Select Committee appointed for that purpose, be now adopted.

On the motion of the Hon. Mr. Holbrook, Hon. Mr. Moberly seconding,
Ordered, That the Address be engrossed and signed by the Presiding Member.

On the motion of the Hon. Mr. O'Reilly, the Hon. Mr. Homer seconding,
Ordered, That the Address be presented to the Governor by the whole House.

On the motion of the Hon. the Treasurer,
Ordered, That the Presiding Member be requested to ascertain at what hour His Excellency would be pleased to receive the Address.

The Hon. Mr. Holbrook gave notice of motion.

Then, on the motion of the Hon. Mr. Holbrook, the Council adjourned till 3 o'clock P. M., on Monday the 19th instant.

Monday, the 19th day of December, 1864.

The Council met at 1 o'clock, pursuant to a special notification from His Excellency.

Present.—The Hon. the Colonial Secretary, the Hon. the Attorney General, the Hon. the Collector of Customs, the Hon. Messrs. O'Reilly, Ball, Homer, Holbrook, Walkem, and Moberly.

The Hon. the Colonial Secretary in the Chair as Presiding Member.

The Minutes of the previous Meeting were read over and confirmed.

The Hon. the Colonial Secretary stated that he had, in pursuance of the wish of the Council, seen the Governor in reference to receiving the Reply to the Address, and that His Excellency would be pleased to receive the Council at once.

On the motion of the Hon. Mr. O'Reilly, the House then adjourned during pleasure.

On the House resuming its sitting, the Hon. the Colonial Secretary informed the Council that, in compliance with the order of the Council, he, accompanied by several Members of this Council, had attended upon His Excellency with the Address adopted by the Council in reply to His Excellency's Speech, and that His Excellency had been pleased to make thereto the following answer:

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I have to thank you for the Address you have been good enough to present to me. I am glad to find that you are prepared generally to approve of the policy of the Government, as represented in the retrospective review I recently laid before you. Let us hope that the same concurrence of opinion may exist upon the more important matters which I shall bring before you early in January.

The Supplementary Estimates shall be laid before you to-day, and it is my desire that every information be furnished you respecting all payments therein specified.

I may now state that it is my intention to take my seat as a Member of your Board, rarely, if ever, during the present and approaching Session. I think freedom of debate, and the maintenance of the present mutual good feeling, will be best promoted by our acting, in most cases, as two distinct branches of the Legislature. I would however beg to assure you that I shall, at all times, during both Sessions, be ready to receive any Member or Members of your body who may desire a personal conference with me.

FREDERICK SEYMOUR

*Government House,
 19th December, 1864.*

A Message from His Excellency the Governor was delivered to the Hon. the Presiding Member, by D. C. Maunsell, Esq., His Excellency's Private Secretary, and the same was read as followeth:

Message No. 1.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council the Supplementary Estimates for the service of the present year.

Full information respecting them will be furnished by the Colonial Secretary and other Officers present in Council.

*Government House,
19th December, 1864.*

On the motion of the Hon. the Colonial Secretary,

Ordered, That the Council do resolve itself into a Committee of the whole on the Supplementary Estimates.

The Council resolved itself into the said Committee accordingly.

The Presiding Member left the Chair.

The Hon. Mr. Holbrook in the Chair of Committee.

The Presiding Member resumed the Chair.

The Committee rose, and the Chairman reported that the Supplementary Estimates had been gone through, and that the sum of £60,076 8s. 8d. had been duly voted.

Resolved, That the House be recommended to grant a supplementary supply of £60,076 8s. 8d.

The Hon. Mr. Holbrook moved,

The Hon. Mr. Homer seconding,

And it was *Ordered*, That the accompanying Standing Orders, being those used by the late Council, be continued as the Standing Orders of the present Council until new ones be prepared.

The Hon. Mr. Holbrook gave notice of 2 motions.

The Hon. Mr. Homer gave notice of motion.

The Hon. Mr. Walkem gave notice of motion.

Then, on the motion of the Hon. Mr. Walkem, the Council adjourned till 3 o'clock to-morrow afternoon.

Tuesday, the 20th day of December, 1864.

The Council met at 3 o'clock, pursuant to adjournment.

Present.—The Hon. the Colonial Secretary, the Hon. the Attorney General, the Hon. Messrs. O'Reilly, Ball, Homer, Holbrook, and Walkem.

The Hon. the Colonial Secretary in the Chair as Presiding Member.

The Minutes of the previous Meeting were read over and confirmed.

The Hon. Mr. Homer moved,

Hon. Mr. O'Reilly seconded,

And it was *Resolved*, That as the heavy expenditure in connection with the Chilicoten Expedition was in no way brought about by the inhabitants of this Colony, but in consequence of the actions of persons living out of the Colony, and over whom the Government of British Columbia had no control, therefore this Council deems it necessary and just that the Home Government should be respectfully asked to pay one half of the cost incurred by the said expedition, and that this Resolution be forwarded to His Excellency the Governor for transmission to Her Majesty's Principal Secretary of State for the Colonies.

The Hon. Mr. Holbrook asked the Colonial Secretary if the report were true that several of our Volunteers were arrested when passing through the Colony of Vancouver Island, at the time they were under arms to put down the insurrection among the Indians of the Chilicoten Country, and if any steps will be taken against the parties engaged in such arrests, if the report be true?

The Colonial Secretary replied that it was impossible to conceive that the Government of Vancouver Island had any connivance or complicity in the arrests alluded to, although he had no doubt that such arrests had been made. It was therefore impossible for this Government to take any action in the matter. The Council would observe that the Governor had expressed his intention of altering the laws of Bankruptcy, so that if such disgraceful proceedings could be carried on in Vancouver Island they should not be possible in this Colony.

A Message from His Excellency the Governor was delivered to the Hon. the Presiding Member by D. C. Maunsell, Esq., His Excellency's Private Secretary, and the same was read as followeth:

Message No 2.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council a Bill entitled "An Ordinance granting a Supplementary Supply of Sixty thousand and seventy six pounds, eight shillings and eight pence, out of the General Revenue of the Colony of British Columbia and its Dependencies, to the service of the year one thousand eight hundred and sixty-four.

*Government House,
20th December, 1864.*

On the motion of the Hon. the Attorney General,

Ordered, That this Bill be now read the first time.

Read first time accordingly.

On the motion of the Hon. Mr. Ball,

Ordered, That the Standing Orders be suspended in order to allow the Bill in question to be read second time.

Read second time accordingly.

On the motion of the Hon. the Attorney General,

Ordered, That the Council do now go into Committee of the whole on the said Bill.

The House went into Committee accordingly.

The Presiding Member left the Chair.

The Hon. Mr. O'Reilly in the Chair of Committee.

The Presiding Member resumed the Chair.

The Committee rose and the Chairman reported the Bill gone through without amendments.

On the motion of the Hon. the Attorney General,

Ordered, That the Bill be read the third time to-morrow.

The Hon. Mr. Holbrook moved, the Hon. Mr. Moberly seconding,

That the Home Government be respectfully asked to send part of a Regiment of Soldiers to this Colony for our protection, as such would be the means of keeping the Indians quiet when they knew such a force existed in the Colony, and His Excellency be respectfully requested to send a copy of this Resolution to the Secretary of State for the Colonies.

Moved in amendment by the Hon. Mr. Crease, seconded by the Hon. Mr. Hamley,

Resolved, That knowing that, under present arrangements, Her Majesty's Government expects Colonies requiring Military aid to meet the Colonial pay of any such force, and while this Council is aware that the state of the Revenue does not admit of asking for Military aid on these terms, it respectfully requests that the Home Government will, with the view of making provision for the defence of this Colony, order that a sufficient portion of Her Majesty's Pacific Squadron may be permanently stationed in the Fraser River, and on the Coast of British Columbia, and the great inconvenience which at present arises may be avoided, viz: that when any sudden emergency occurs assistance has to be sent for as far as Esquimalt, Vancouver Island; and that this Resolution may be forwarded to His Excellency for transmission to Her Majesty's Principal Secretary of State for the Colonies.

On the amendment being put the Council divided,

Ayes 8, Noes 1,

So it was *Resolved* in the affirmative.

On the original Resolution being put the Council divided,

Ayes 1, Noes 8,

So it passed in the negative.

The Hon. Mr. Walkem moved, the Hon. Mr. Homer seconding,

That all correspondence between the Hon. the Collector of Customs and the Auditor General, with regard to the Refund of Customs duties, be produced.

Correspondence produced and read.

The Hon. Mr. Holbrook gave notice of motion.

Then, on the motion of the Hon. Mr. Walkem, the Council adjourned till 3 o'clock, to-morrow afternoon.

Wednesday, the 21st day of December, 1864.

The Council met at 3 o'clock, pursuant to adjournment.

Present.—The Hon. the Colonial Secretary, the Hon. the Attorney General, the Hon. the Collector of Customs, the Hon. Messrs. O'Reilly, Ball, Elliott, Haynes, Homer, Holbrook, and Walkem.

The Hon. the Colonial Secretary in the Chair as Presiding Member.

The Minutes of the previous Meeting were read over and confirmed.

On the Order of the day being read for the third reading of the Supplemental Supply Bill,

Ordered, That the same be read a third time.

Read a third time accordingly.

On the motion of the Hon. Mr. O'Reilly,

Resolved, That this Bill do pass, and that its title be "An Ordinance granting a Supplemental Supply of Sixty thousand and seventy-six pounds, eight shillings, and eight pence, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the year 1864."

His Excellency the Governor introduced into the Council Chamber two Members of Council, Andrew Charles Elliott, Esquire, and John Carmichael Haynes, Esquire, and His Excellency, having taken the President's Chair, administered the usual oaths of allegiance and office to the new Members, who severally subscribed the same, and took their seats at the Council.

His Excellency then prorogued the Council in the following Speech:

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I must express to you my best thanks for the prompt manner in which you have passed the Supplementary Appropriation Ordinance, to which I assent in the Queen's name, and have concluded the financial business of the year.

I have received your Resolution, requesting me to convey to Her Majesty's Secretary of State the opinion of the Council, that one-half of the expenses incurred in connection with the Chilicoten expeditions should be defrayed from the Imperial Treasury. I have to a certain extent anticipated your wishes in this respect, but your Resolution, which I shall duly forward, cannot fail to give additional weight to my representations.

I shall, likewise, be able to adduce your Resolution respecting the very imperfect arrangements now existing for the defence of the Colony, in support of some statements on the subject already made by me.

I see no reason for depriving you of the holiday which we should wish all to enjoy at this time of the year, and I therefore now prorogue your Honourable Council to the 12th of January, 1865; and the same is hereby prorogued accordingly.

The Presiding Member left the Chair.

The Hon. Mr. O'Reilly in the Chair of Committee.

The Presiding Member resumed the Chair.

The Committee rose and the Chairman reported the Bill gone through without amendments.

On the motion of the Hon. the Attorney General,

Ordered, That the Bill be read the third time to-morrow.

The Hon. Mr. Holbrook moved, the Hon. Mr. Moberly seconding,

That the Home Government be respectfully asked to send part of a Regiment of Soldiers to this Colony for our protection, as such would be the means of keeping the Indians quiet when they knew such a force existed in the Colony, and His Excellency be respectfully requested to send a copy of this Resolution to the Secretary of State for the Colonies.

Moved in amendment by the Hon. Mr. Crease, seconded by the Hon. Mr. Hamley,

Resolved, That knowing that, under present arrangements, Her Majesty's Government expects Colonies requiring Military aid to meet the Colonial pay of any such force, and while this Council is aware that the state of the Revenue does not admit of asking for Military aid on these terms, it respectfully requests that the Home Government will, with the view of making provision for the defence of this Colony, order that a sufficient portion of Her Majesty's Pacific Squadron may be permanently stationed in the Fraser River, and on the Coast of British Columbia, and the great inconvenience which at present arises may be avoided, viz: that when any sudden emergency occurs assistance has to be sent for as far as Esquimalt, Vancouver Island; and that this Resolution may be forwarded to His Excellency for transmission to Her Majesty's Principal Secretary of State for the Colonies.

On the amendment being put the Council divided,

Ayes 8, Noes 1,

So it was *Resolved* in the affirmative.

On the original Resolution being put the Council divided,

Ayes 1, Noes 8,

So it passed in the negative.

The Hon. Mr. Walkem moved, the Hon. Mr. Homer seconding,

That all correspondence between the Hon. the Collector of Customs and the Auditor General, with regard to the Refund of Customs duties, be produced.

Correspondence produced and read.

The Hon. Mr. Holbrook gave notice of motion.

Then, on the motion of the Hon. Mr. Walkem, the Council adjourned till 3 o'clock, to-morrow afternoon.

Wednesday, the 21st day of December, 1864.

The Council met at 3 o'clock, pursuant to adjournment.

Present.—The Hon. the Colonial Secretary, the Hon. the Attorney General, the Hon. the Collector of Customs, the Hon. Messrs. O'Reilly, Ball, Elliott, Haynes, Homer, Holbrook, and Walkem.

The Hon. the Colonial Secretary in the Chair as Presiding Member.

The Minutes of the previous Meeting were read over and confirmed.

On the Order of the day being read for the third reading of the Supplemental Supply Bill,

Ordered, That the same be read a third time.

Read a third time accordingly.

On the motion of the Hon. Mr. O'Reilly,

Resolved, That this Bill do pass, and that its title be "An Ordinance granting a Supplemental Supply of Sixty thousand and seventy-six pounds, eight shillings, and eight pence, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the service of the year 1864."

His Excellency the Governor introduced into the Council Chamber two Members of Council, Andrew Charles Elliott, Esquire, and John Carmichael Haynes, Esquire, and His Excellency, having taken the President's Chair, administered the usual oaths of allegiance and office to the new Members, who severally subscribed the same, and took their seats at the Council.

His Excellency then prorogued the Council in the following Speech:

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I must express to you my best thanks for the prompt manner in which you have passed the Supplementary Appropriation Ordinance, to which I assent in the Queen's name, and have concluded the financial business of the year.

I have received your Resolution, requesting me to convey to Her Majesty's Secretary of State the opinion of the Council, that one-half of the expenses incurred in connection with the Chilicoten expeditions should be defrayed from the Imperial Treasury. I have to a certain extent anticipated your wishes in this respect, but your Resolution, which I shall duly forward, cannot fail to give additional weight to my representations.

I shall, likewise, be able to adduce your Resolution respecting the very imperfect arrangements now existing for the defence of the Colony, in support of some statements on the subject already made by me.

I see no reason for depriving you of the holiday which we should wish all to enjoy at this time of the year, and I therefore now prorogue your Honourable Council to the 12th of January, 1865; and the same is hereby prorogued accordingly.

Thursday, the 12th day of January, 1865.

Present.—The Hons. the Colonial Secretary, the Collector of Customs, the Attorney General, the Treasurer, C. Brew, P. O'Reilly, H. M. Ball, J. A. R. Homer, H. Holbrook, G. A. Walkem. and W. Moberly.

At 3 o'clock, His Excellency Frederick Seymour, Esquire, Governor of the Colony, entered the Council Chamber, accompanied by his Private Secretary, and, being seated in the President's Chair, administered the usual oath of allegiance and office to Clement Francis Cornwall, Esquire, the Member for the Yale and Lytton District, who was introduced by the Hon. the Colonial Secretary, and, having subscribed the oath, took his seat at the Council.

His Excellency then delivered the following gracious Speech:

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

Her Majesty's Royal Commands "direct and require me to frame and propose to "the Council for their adoption such Standing Rules as may be necessary for the "conduct of business, which Rules and Orders shall at all times be followed and "observed, and shall be binding upon the said Council, unless the same or any of "them be disallowed" by "Her Majesty."

2. The Royal Instructions leave me great discretionary power, and I have availed myself of it to give greater Legislative independence to the Council. The right of Members to introduce Bills is conceded. The mode in which business shall be conducted between the Governor and the Council, in their future usual position of distinct branches of the Legislature, is regulated with a view to your freedom of action, and you will find that nearly all the powers generally belonging to an elected Assembly are conferred on you. I trust that year by year we shall, without unduly weakening the Executive action, be able to take steps towards giving to the people a more direct share in the Government of the Colony.

3. Her Majesty specially directs me to make such Rules as may be necessary "to ensure punctuality of attendance of the Members of Council." With this object, I propose to give the President for the time being, with the consent of the Council, authority to fine Members for non-attendance. This provision is taken from the Rules of an Elective Assembly with which I was recently connected. I lay the Standing Rules before you.²

4. The Acts of the last Session have, with three exceptions, received Her Majesty's approval. A decision on the Customs Bill is deferred. The Ordinance regulating Inland Navigation cannot be submitted for the Queen's allowance in its present shape. The Secretary of State has not yet acquainted me with his views on the Bill intended to regulate the issue of Bank Notes.

5. The Estimates of expected Receipts and proposed Expenditure for the year shall be laid before you without delay. When you are in possession of the financial details, I think that you will concur with me in the opinion that our present Revenue is insufficient to meet the large outlay absolutely required. The Import duties are generally as high as trade can bear, and the Road Tolls should be reduced as soon as it becomes financially possible. It seems to me, therefore, that if we must increase taxation, that we should follow in the direction pointed out by the late Council, and I may add, by the late Secretary of State, and impose a duty on the export of Gold. I regret to have to suggest that we should cast any burden upon the Miners; but I would observe that the whole amounts raised by Loan have been expended for their benefit. It is no use closing our eyes to the fact that it is within the range of possibility that more tempting mines may depopulate our own Gold

² These Standing Orders were printed as an appendix in the *Journals of the Legislative Council of British Columbia*, 12 December 1864 to 11 April 1865 (New Westminster Government Printing Office, 1865), and are reprinted in Appendix A, p. 386.