

### Wednesday, the 31st day of January, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Cochrane, De Cosmos, Dennes, Dickson, Duncan, McClure, Trimble.

The last minutes having been read and confirmed.

Mr. Speaker informed the House that he had presented "a Copy of the Sums granted and the Resolutions passed in Committee of Supply respecting the amalgamation of offices named or introduced into the Estimates" to H. Excy. The Governor and that H. Excy. had been pleased to receive the same graciously.

A Communication (No. 7)<sup>18</sup> was read from H. Excy. The Governor in reply to a Resolution of this House dated 26th January asking for a Copy of the Despatch transmitted to the Colonial Office respecting the Establishment of a Postal System in this Colony enclosing the Government Gazette of the 30th Jany. containing extracts from the said Despatch.

Ordered to lie on the table.

Read 2o. and committed.

An Act to prevent unqualified persons from drawing Conveyances.

An Act respecting Ferries.

The House then confirmed a Restn. reported from Committee of Supply viz.: "That a Comtee. be appointed to take into consideration the desirability of making provision for the Orphan Children of Vancouver Island"—And Ordered that Messrs. Carswell, Duncan, Powell be a Comtee. in re the above Restn.

The House also confirmed A Resolution reported from Comtee. of Supply, viz.: "That the Committee is of opinion that the (\$3000.) three thousand Dollars due to the Royal Hospital and the (\$1000.) One thousand Dollars due to the Fire Company should be paid forthwith."

Mr. De Cosmos from the select Committee on Petitions reported that the Committee having had under consideration the Petitions referred to them by the House, viz.:

The Petition of C. B. Young and others for compensation in re The Fisheries of the Colony. Decr. 8th 1865.

The Petition of the Chamber of Commerce praying for the repeal of the "Stock and Carcass Act, 1865" and such portion of the "Harbour Dues Amendment Act, 1865" as applies to the collection of  $\frac{1}{2}$  of 1 per ct. on imports—praying also for the passing of An Act which shall require that persons applying for "Writs of Ne exeat regno" and "capias ad respondendum" shall give bonds for double the amount of their claims—and for the passing of An Act enabling absent debtors to be served with notices by publication instead of personally. Decr. 12th 1865.

<sup>18</sup> Messages to House, 31 January 1866.

The Petition of the "Licensed Victuallers" of Victoria District praying that they may be placed in the same category as the country "Licensed Victuallers." Jany. 3rd 1866.

The Petition of the Mayor and Council of the City of Victoria praying the House to adopt measures for the recovery of the right of the City to the Church Reserve. Jany. 23rd 1866.

[De Cosmos] Begged to report in regard to the first

That the Petitioner Charles Bedford Young for himself and others did carry out as far as practicable the Restn. of the House and this Committee are of opinion that some compensation should be allowed to the Petitioner.

Ordered to be referred to Comtee. "Ways & Means."

In regard to the second, a Resolution.

That in relation to that part of the Petition of the Chamber of Commerce which states that the laws recently enacted imposing duties on certain imports have impaired the integrity of the Free Port and have been extremely detrimental to the interests of the Colony in their effects—the Committee, on enquiry, find that no law has been passed imposing duties on imports into Vancouver Island—And further that the Comtee. considers it inexpedient to repeal the Stock and Carcass Act, 1865 and such portion of the Harbour Dues Amendment Act 1865 as applies to the Collection of a Permit of  $\frac{1}{2}$  of 1 per ct. on imports.

Ord. to be referred to Committee "Ways and Means."

Also A Resolution "That in as much as the Honble. House of Assembly has taken Action with respect to abolishing Imprisonment for Debt it is unnecessary for this Comtee. to report to the House respecting that part of the Petition of the Chamber of Commerce concerning Imprisonment for Debt."

Restn. agreed to.

Also "in relation to that part of the Petition of the Chamber of Commerce having reference to Creditors—heavy expenses have been incurred from the impossibility, according to the present law, of proper legal notices being served upon debtors leaving or absent from the Colony, such Notices being required to be served personally, that this Committee would recommend that a Bill be introduced to carry out the views of the Petitioners."

In regard to the 3rd.

A Restn. "That in respect to the Petition on Liquor Licenses the Comtee. deem it necessary that the Petition should be referred to the Committee of 'Ways and Means', and furthermore consider that a reduction in the retail licenses between the boundaries of Victoria City and Esquimalt Town should be reduced to the sum of Fifty Dollars and that the same amount be charged to others residing in any direction within three miles of Victoria City and Nanaimo."

Referred to Comtee. "Ways & Means."

In regard to the 4th.

A Restn. "That with regard to the Petition of the Mayor and Council of Victoria respecting the Church Reserve, the Comtee. recommend that a Committee be appointed to take all matters concerning the Church Reserve into

consideration and report to this House as soon as possible; and that such Comtee. be empowered to send for persons and papers and records—and further that such Comtee. be instructed to report their observations and suggestions with a view to the final adjustment of the question.”

Resolution adopted.

Ord. “that Messrs. Ash, Cochrane, Dennes, Dickson, Trimble be a Comtee. in re the above.”

Ordered that a Comtee. of 3, Messrs. McClure, Cunningham, Duncan be appointed to draft A Bill embodying the Resolution agreed to by the House (above) in re The Petition of the Chamber of Commerce in the matter of the service of notice by publication instead of personally upon absent debtors.

Bills in Comtee.

“Mechanics Lien Act” and An Act respecting Ferries.

The Chairman reported that the Committee had ordered him to report the above Bills complete respectively without amendment.

Ord. that reports be received respectively.

Ord. “That House go into Comtee. Ways and Means on Friday 2nd Feb.”

J. S. Helmcken

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

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, De Cosmos, Dennes, Dickson, Duncan, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

Ordered That leave be granted to Mr. Dennes to retire from the *Select* Committee to which was referred the question of the Victoria Church Reserve.

Ord. That Mr. De Cosmos be appointed thereupon, vice Mr. Dennes.

On motion of Mr. De Cosmos, 2nded by Mr. McClure Ord. “That the Standing Orders of this House be suspended in order that An Address respecting the removal of the Coroner be transmitted to His Excellency The Governor.”

The Standing Orders having been suspended—On motion of Mr. De Cosmos, 2nded by Mr. McClure Resolved “That His Excellency the Governor be requested to transmit without delay to this House copies of all documents showing the cause or causes which induced His Excellency the Governor to remove Jas. Dickson Esqre. M. D. from the Office of Coroner of Victoria Districts, Esquimalt, and the Districts adjacent thereto.”

On motion of Mr. Duncan, 2nd by Mr. McClure “That the Standing orders be suspended.”

The Standing orders were again suspended and it was Ordered “That a respectful Address be presented to His Excellency the Governor requesting

that he will cause to be laid on the table of this House An Account of the financial condition of this Colony with an account of the Moneys received from the various sources of Revenue also an Account of the Expenditure according to the various appropriations.

Dr. Powell gave Notice of Motion.<sup>19</sup>

Mr. Duncan „ „ „ „ <sup>20</sup>

The House then adjourned till Monday.

J. S. Helmcken  
Speaker.

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

The House met this day at 1 p. m. pursuant to adjournment but on being counted it was found that there was not a quorum.

Present: Mr. Speaker and Messrs. Dennes, Duncan.

J. S. Helmcken  
Speaker.

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

No House; Mr. Speaker not being able to attend.

### Wednesday, the 7th day of February, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dennes, Dickson, Duncan, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

<sup>19</sup> Motion Book, 1865-66, p. 32: "I give notice that on a future day I will ask leave to introduce a bill to encourage the establishment of Investment Savings Societies."

<sup>20</sup> Motion Book, 1865-66, p. 32: "On Monday first I shall move that a respectful address be presented to His Excellency requesting him to inform this House by what Authority those parties having property in front of the Harbour of Victoria have encroached by building some to the extent of 100 feet outside the limits of their property or beyond high water mark."

A Communication (No. 8) from His Excellency The Governor was read, as follows—

Vancouver Island  
Government House,  
Victoria, 2nd Feby. 1866

To the Honble. The Speaker and Members of the Legislative Assembly  
Gentlemen,

I have the honor to acknowledge the receipt of a Resolution of the Legislative Assembly dated 29th Jany. 1866 "That a Copy of the sums granted and the Resolutions passed in Committee of Supply respecting the amalgamation of offices named or introduced into the Estimates be prepared and transmitted to the Executive." I have also to acknowledge the subsequent receipt of the document above referred to, by the hands of the Honorable the Speaker on the 31st January.

As regards those Salaries and Services which have been estimated for and disallowed by the Legislative Assembly I have already dispensed with the Services of fourteen Public Officers paid from General Revenue including two Stipendiary Magistrates, and it will be a consideration for the Legislative Assembly to fix the amount of compensation payable to those officers who have been hitherto borne on the fixed establishment of the Colony.

While I fully concur in the propriety of economy both in the number and Salaries of public offices I must point out the serious evils which may be expected to arise from leaving the greater part of the public establishments to be provided for by annual vote.

Party Spirit is apt to run high in small communities and questions respecting the remuneration of Public Servants are occasionally discussed rather with reference to personal feelings than to a calm consideration of the real interests of the community. Respectable officers cannot be obtained without some reasonable Assurance for the permanence of their Official incomes and the absence of such assurance must materially impair the efficiency and respectability of the public service and thus injuriously affect the public interests.

I think it highly injudicious to reduce the Salary of public offices so as to render it no longer an object of ambition to men of ability and respectable station to hold them, but whatever be the rate of remuneration deemed fitting by the Legislature, I think it absolutely necessary for all purposes of good Government that the salaries should be permanently granted.

I observe that the Legislative Assembly purpose to abolish the offices of Registrar General and Assessor. The Salaries of these officers are secured by Acts of the Legislature passed after full deliberation. Whether the Legislature acted wisely in creating those offices or assigning to them the remuneration which was determined upon it is not necessary for me to enquire, but it appears to be an obvious injustice to abolish offices accepted on condition of their permanence without making provision for compensation to the holders of them. Pending a repeal of the Acts before adverted to I apprehend the Salaries fixed by Law must continue to be paid.

It is undoubtedly within the province as it is the duty of the Representatives of the Inhabitants of the Colony to raise such An Amount of Revenue and grant such supplies as may be necessary to maintain the various public Establishments they may judge proper for the preservation of order, enforcement of the law, and other services required for the welfare of the community; but I must guard myself from concurring in some of the reductions which have been made on the estimated establishments, which will, I fear, prove the reverse of being true economy, if they have not more serious results.

I cannot consistently with my duty to the Crown and the people of this Colony refrain from noticing important innovations on the part of the Legislative Assembly in connexion with these Estimates. I observe that the Legislative Assembly have added a sum of about \$77,000.00 and various new offices to the Estimates submitted to them, thus (for the first time) usurping the functions of the Executive by originating and increasing items of public expenditure and creating new offices. I cannot too distinctly and decidedly express my dissent from this course. The power of both initiating and voting Supplies for Salaries and Services cannot with safety be conceded to any single branch of the existing Legislature of this Colony. Such a con-

cession on my part would be a virtual Surrender of all that it is my duty to guard. Such a course is unknown to the Constitution of Great Britain, and is a violation of those important constitutional principles requiring a strict separation of the Legislative from Executive functions.

I would have been glad to receive suggestions from the Assembly and to reconsider any case where there was an under-estimate for Salary or insufficient provision for a Service had such been offered to me, but the Action taken by the Assembly to increase these without reference to the Governor is altogether nugatory, in as much as it is my duty to prohibit public servants from receiving any grants of money or increases of Salary not initiated or authorised by the Governor. With the strongest desire consistent with my duty to meet the views of the Assembly, it is impossible for me to recognise their authority in matters purely administrative. The undivided responsibility of appointing and retaining fit and proper persons to fill the public offices of this Colony devolves upon the Governor, subject to the approval of Her Majesty, and it will therefore be my duty to make those appointments for which I am wholly and individually responsible without reference to any indication as to those officers who are expected to fill the consolidated offices.

I can see nothing but confusion likely to result from encroachments whether they proceed from the Executive or Legislative Branch of the Government. The present is a time when the utmost harmony of Action is required and this can only be attained by a strict observance of the line between the functions of the Legislature and those of the Executive Government.

*Police* The provision made for an Inspector, one Sergeant, and five Policemen for the whole of this Colony with a mixed European and American population of eight thousand, and ten thousand Indians is a virtual abolition of the establishment for all effective purposes. I have induced the Superintendent and Inspector to retain their offices for the present on the insufficient Salaries voted for inferior offices deeming this course absolutely necessary for the public safety.

*Auditor.* It is proposed to abolish the office of Auditor and that the duties be undertaken by the Clerk of the Legislature Assembly. I am unable to accede to this proposition. In doing so I should hand over to the Legislative Assembly, who are irresponsible, an important branch of the Executive for which I am responsible. The Auditor holds his Office under the Queen's Warrant, and however competent it may be to the Assembly to disallow the very inadequate Salary attached to this office of high trust, it is alike beyond the province of the Assembly or any other authority to deprive him of that office, or transfer it to another without Her Majesty's concurrence.

*Unpaid Magistrates.* The disallowance of the amount for contingent allowances under this head is an apparent economy which cannot be carried out. It cannot be expected that these Gentlemen can or will incur an actual outlay in addition to giving their time to the public service. I have now before me legitimate demands for actual outlay under this head which I have neither means nor authority to liquidate.

*Coroner.* Finding it impossible for me to combine the office of Magistrate with that of "Head of Police" I have transferred the duties of Coroner to the paid Magistrate of Victoria without fees—thereby affecting a saving without impairing the efficiency of the public service. Coroners Fees and Medical Fees together have increased from the sum of \$210. in the year 1862 to \$946. in the year 1864, being the last year for which the Accounts are audited.

*Indian Police* The reduction of the Police Force will involve that of the Indian Police which I contemplated to increase, with every prospect of Public Advantage—and the important settlement of Nanaimo with a population of about 800 exclusive of Indians will be left without a Peace officer of any kind.

*Private Secretary.* The performance of the duties devolving upon the Private Secretary are essential to the efficient carrying on of the public business.

*Chief Justice.* The disallowance of the unimportant sum of \$750 inserted in the Estimates as part payment of passage money to His Honor the Chief Justice is an unusual course.

I would point out in conclusion that much of the saving in the sums originally placed on the Estimates has been effected by reducing many items of indispensable expenditure, which neither I nor the Assembly can control. The sums asked for in

such cases were the result of careful calculation based upon the experience of previous years, and there is but little doubt that the expenditure for the year, under such heads, will be actually what was placed on the Estimates and that therefore no real saving can be reckoned on.

I have the honor to be,

Gentlemen,

Your most obedient Servant

(Sd.) A. E. Kennedy,  
Governor

Also a Communication "No. 9"<sup>21</sup> from H. E. The Governor, acknowledging receipt of a Resolution of this House (dated 2nd Inst.) praying for an account of the Financial condition of the Country with an account of the moneys received from the various sources of Revenue. Also an Account of the Expenditure according to the various appropriations.

Also—An extra-ordinary Communication from His Excellency transmitted by the hands of the Honble. the Colonial Secretary stating that His Excellency had just received Tenders for the Mail Service contract and expressing His Excellency's desire "that a Committee of the House with Mr. Speaker wait upon him at their earliest convenience."

On motion of Mr. De Cosmos, 2nd by Mr. McClure—The order of the day was then discharged.

On motion of Mr. De Cosmos, seconded by Mr. Dennes, *Ordered* That the House be cleared of Strangers.

The House then *Ordered* "That a Deputation be appointed to wait upon His Excellency the Governor forthwith in re the said last communication."

*Committee* appointed: Messrs. De Cosmos, Tolmie, Trimble, Carswell.

The *Committee*, accompanied by Mr. Speaker, waited forthwith upon His Excellency.

The *Committee* being returned, the Speaker conveyed to the House the terms of the several contracts, as communicated to the *Committee* by His Excellency.

The House then took under consideration the said contracts and Resolved unanimously "That this House having had the Message of His Excy. The Governor respecting tenders for Mail Service to and from San Francisco under consideration are of opinion That it is expedient to accept that tender which proposes to put on a Steam Ship for 12 months at \$1500.00 per trip, making three trips in 2 months (and four trips if possible with the maximum rate of cabin and Steerage passage at Forty dollars (\$40.00) and Fifteen dollars (\$15.00) respectively. That this House would further urge that no contract be made with any party for Mail Service if the Steam Ship go to New Westminster. That care be taken that there be steerage accommodation for as large a number of passengers as possible."

The *Committee* accompanied by Mr. Speaker, then waited upon His Excellency to deliver the above Resolution.

The *Committee* being returned Mr. Speaker informed the House that His Excellency thanked the House for their Assistance, and concurred with the terms of their Resolution.

The House was then again opened to strangers.

<sup>21</sup> Messages to House, 5 February 1866.

Mr. McClure moved (seconded by Mr. Dennes) "That the Standing Orders having been suspended, the House go into Committee of the whole to take into consideration His Excellency the Governor's Communication (No. 8) in reply to the Resolution of the House of the 29th Jany. ordering that a Copy of the sums granted and the Resolutions passed in Committee of Supply respecting the amalgamation named or introduced into the Estimates be prepared and transmitted to the Executive."

Dr. Ash moved An Amendment "that His Excellencys Despatch be printed."  
The House then divided.

<i>Ayes: 4.</i>	<i>Noes: 7.</i>
Messrs. Ash	Messrs. Carswell
Cochrane	Dickson
Powell	Duncan
Tolmie	Dennes
	De Cosmos
	McClure
	Trimble

The original motion was then put, & the Comtee. divided.

<i>Ayes: 7.</i>	<i>Noes: 4.</i>
Messrs. Carswell	Messrs. Ash
Dickson	Powell
Dennes	Cochrane
Duncan	Tolmie
De Cosmos	
McClure	
Trimble	

The motion was therefore carried.

A Communication was read fm. the Honble. Legislative Council enclosing "The Bills of Sale Act, 1861, Amendment Act, 1866." Ordered by the Honble. The Legislative Council "To be read this day six months."

Mr. De Cosmos then gave Notice of Motion "that at the next meeting of this House he would move that an exact copy of the 'Bills of Sale Act, 1861, Amendment Act, 1866' be laid on the table of the House."

A Communication was read from the Honble. Legislative Council enclosing "The Harewood Railway Company (Lim.) Extension Act, 1866" with An Amendment by the Honble. L. Council as follows.

At the end of Clause 1—insert the following Proviso.

Provided however that nothing in this Act contained except as aforesaid shall be held to relieve the said Company from the performance of any of the matters or things mentioned in the said recited Act.

Ord. "that amendment be read 1o."

Also A Communication fm. the Honble. Legislative Council enclosing "The District Courts, Act 1866."

Read 1o. and Ordered to be printed.



Also a Communication from the Honble. Colonial Secretary forwarded to him from certain Residents at Nanaimo, for transmission to this House praying the House to reconsider its vote abolishing the office of Stipendiary Magistrate at Nanaimo.

Ordered to lie on the table.

Mr. De Cosmos presented a Petition from the Promoters of "The Spring Ridge Water-works Co. (Limited)."

Ord. to be referred to the Select Comtee. on Private Bills.

Mr. De Cosmos presented a Petition signed by about one thousand Inhabitants of the City of Victoria, praying the House to take steps to bring about a Union of the Colonies of V. Id. and British Columbia.

Ord. "to lie on the table."

On motion of Mr. Duncan, seconded by Mr. De Cosmos, Ordered "That a respectful Address be presented to His Excy. requesting him to inform this House by what authority those parties having property fronting on the harbor of Victoria have encroached by building, some to the extent of 100 feet, outside the limits of their Property or beyond high-water mark."

Mr. Dennes rose to a question of Privilege to correct a mis-statement made by the Chronicle Newspaper in its report of a speech of his.

Mr. Duncan gave notice of motion for tomorrow as to the Appointment of a Comtee. of 3 to enquire into the Expenditure of /65.

Mr. Dennes gave Notices of Motion for Friday next—

1. For leave to introduce "An Act for the better protection of parties dealing with persons liable to the Bankrupt Laws."
2. For leave to introduce "An Act to facilitate the recovery of possession of tenements after the determination of the Tenancy."
3. For leave to introduce "An Act for the relief of Prisoners in contempt."

Bills read 3o. and passed.

A Bill Entitled An Act for securing Liens to Mechanics and others."

A Bill Entitled An Act respecting Ferries.

The Order of the Day having been discharged—the House went into Comtee. upon His Excys' Despatch No. 8—v. f. 366, &c. [pp. 428-30 above].

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ord. that report be agreed to.

The House then went into Committee of "Ways and Means."

The Chairman of "Ways and Means" in Chair.

The Chairman reported a Resolution "That the Treasurer be ordered to transmit forthwith a statement showing the amount of Taxes due under the 'Real Estate Tax Act, 1862' on Decr. 31 1865; that the order be sent direct to the Treasurer."

Mr. Speaker ruled the Resolution out of order and declined to put it from the Chair unless directed to do so by a vote of the House.

On a division the House decided that the Resolution should be put.  
(Dissentiente Dr. Powell).

The Resolution was then put and carried.  
(Dissentiente Dr. Powell).

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken  
Speaker.

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### Thursday, the 8th day of February, 1866

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, De Cosmos, Dennes, Dickson, Duncan, McClure, Tolmie, Trimble.

The last minutes having been read and confirmed.

A Communication was received from the Honble. L. Council enclosing "A Bill Entitled An Act to establish the Postal System."

Ordered "that Bill be read 1o."

On motion of Mr. De Cosmos, seconded by Dr. Dickson Ordered "That an exact copy of the amended 'Bills of Sale Act, 1866,' as transmitted to the Honble. Legislative Council be laid on the table." The Clerk of the House then laid on the table the above Copy as ordered.

On motion of Mr. De Cosmos, seconded by Mr. McClure Ordered "That a Committee of 3 be appointed to enquire into the Expenditure of 1865."

Comtee. Messrs. Duncan, Tolmie, Carswell.

Read 2o. and passed—The Amendment by the Honble. L. Council to "The Harewood Railway Cos. Extension Act, 1866."

Order of the Day—The House then went into Committee upon His Excellency's Communication (No. 8).

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ord. that report be agreed to.

The House then adjourned till tomorrow at 1 p. m.

J. S. Helmcken  
Speaker

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

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, De Cosmos, Dennes, Dickson, Duncan, McClure, Tolmie, Trimble.

The last minutes having been read and confirmed. Mr. De Cosmos rose to a question of Privilege and, after referring to a letter signed "Citizen" published in the Daily Chronicle of this days date in which mis-statements concerning him are made, moved "That a Committee on Privilege be appointed to enquire whether or not, Mr. De Cosmos was justified in informing the Clerk of this House that he had the Speakers permission to read the Messages laying open on the Clerks Table, on the 5th Inst."

2nded by Mr. Carswell.

Mr. Speaker was proceeding to nominate the Committee when Mr. De Cosmos rose to a question of Order and claimed that the Committee be appointed by Ballot.

Mr. Speaker ruled that the Standing Orders did not convey any such injunction.

Mr. De Cosmos's Original Resolution was then put and carried.

Ordered "that Messrs. Ash, Cochrane, Powell, Tolmie, Trimble be a Committee in re the above."

Mr. Speaker appointed Messrs. Ash and Cochrane upon the Select Committee on Private Bills vice Messrs. Foster and Street who have resigned their Seats in this House and called over the names of the Committee thus "Messrs. Trimble, De Cosmos, Dennes, Ash, Cochrane."

On motion of Mr. Dennes, 2nded by Mr. Duncan,

1. Leave granted to introduce "An Act for the relief of Prisoners in contempt."
2. Also to introduce "An Act for the better protection of parties dealing with persons liable to the Bankrupt Laws."
3. Also to introduce "An Act to facilitate the recovery of possession of tenements after the determination of the Tenancy."

A Message from His Excellency the Governor was then received and read (No. 10) enclosing Duplicate of a Despatch (No. 59, dated 12th Octr. 1865) from the Rt. Honble. The Secretary of State for the Colonies on the subject of "*Reimbursements* for the cost of the erection of Lighthouses in Vancouver Island and of replacing *Sums advanced* from the Crown Revenues."

Ordered to lie on the table.

The House then went into Committee of the whole upon His Excellency's Communication "No. 8" (Record f. 366 [pp. 428-30 above]).

Dr. Trimble in the Chair.

The Chairman reported that the Committee having had under consideration His Excellency's Communication (No. 8—1866) had Resolved That this

House having given its earnest consideration to His Excellency's Message in reference to the action of the House on the Estimates is of opinion

1. That no compensation should be given to those officials whose salaries have been abolished by the House; inasmuch as no person accepting office in a new country to which responsible Government may at any time be granted, could, from the very nature of things, expect that permanency should be a quality of any official Appointment. So far as the offices of "Registrar General" and "Assessor" are concerned Bills are about to be introduced for their abolition.

2. The House is ready to admit with His Excellency that party feeling sometimes runs high in small communities, but it is also of opinion that the same characteristic is to be found in large ones—in fact in all communities where freedom of opinion exists. At the present time however in Vancouver Island there is really, in connexion with the public expenditure, but one party, and that is the entire public who demand the utmost reduction in the Expenses of the Government.

3. The fears entertained by His Excellency that the reduction in the public expenditure made by the Assembly will be detrimental to the public interest, are, in the opinion of this House, groundless, as such reductions were only made after due and careful consideration and in accordance with "the well understood wishes of the people."

4. His Excellency characterises the Action of the Assembly in claiming the power to originate and increase money grants as unconstitutional and usurping the powers of the Executive. The House is at a loss to know by what authority His Excellency disputes a right, and declares it to be unconstitutional, which has been asserted and maintained by the Imperial House of Commons and which has been exercised in the North American Colonies and in various other parts of Her Majesty's Colonial possessions.

Prior to the granting of responsible Government in Canada, Nova Scotia, and New Brunswick, the right to originate and increase money grants was maintained and exercised by the respective Assemblies, and was only conceded to the Executive by express enactment when the Colonies had received responsible Government. In the Bermudas, all Bills were required to be originated in the Assembly. The House in justice to the people and to its own self-respect, cannot allow its deliberate votes on money matters to be altered at will by the Executive, and in reviewing the manner in which various votes of last year were applied contrary to the express stipulations of the Assembly, the House feels called upon to assert its control of the General Revenues, and to maintain its right to originate and increase items of public expenditure.

The House, and not the Executive, is responsible to the people and it would be a most dangerous abandonment of public right on its part to relinquish its authority over the public expenditure to an irresponsible branch of the Government.

5. His Excellency states that the House has added to the estimates sent down by the Executive the sum of \$77,000. The estimates transmitted to the

House amounted to \$193,895; the total sum voted by the Assembly, including a loan of \$45,500 for roads, is \$202,063, or \$8,168—not \$77,000—added to the Executive's estimates. His Excellency has therefore been unwittingly led into an error. The additions which the Assembly made were confirmed exclusively to necessary public works, which the Executive had not provided for in the estimates, and were also made necessary on the grounds that the Executive had not applied the appropriations of last session for the important institutions of public hospital and fire department as they were voted by the House, leaving, therefore, a large deficit to be made up by the Assembly.

6. The Police estimate voted by the House is considered ample, inasmuch as it is contemplated, as His Excellency will perceive by the resolutions of the House, to make provision for municipal government in various parts of the Colony. A sum of \$500 has been voted for constables in outlying districts, and it was deemed that the constable at Nanaimo should be paid out of this amount until the town of Nanaimo shall have been incorporated.

7. With regard to the office of auditor the House cannot see on what grounds application was made to the Crown by His Excellency to have the office a Crown appointment, as the House last session refused to vote the Executive estimate of \$1940 for "auditor," and placed in its stead "\$1200 for auditing the public accounts." The House maintains its resolution of the present session respecting the Auditing of the public Accounts for 1866.

8. The House would state in reference to the amalgamation of the office of coroner and Stipendiary Magistrate of Victoria that it has already decided against the amalgamation of such offices on constitutional grounds. The House does not recognize the right of His Excy. to remove the Coroner other than by the usual process required by English Law.

9. The House feels with His Excellency that it is of the utmost importance in the present condition of the colony that the greatest harmony should prevail between the various departments of government, and it sincerely hopes that the reductions in the public expenditure made by the Assembly in the estimates, in accordance with public demands, will meet with his Excellency's sanction.

That the above Resolutions be transmitted to His Excellency The Governor with a respectful request that a return be furnished to this House of those officials who have been already discharged.

Ord. "that report be received and read 1o."

House adjourned till Monday (12th inst).

J. S. Helmcken  
Speaker.

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## Monday, the 12th day of February, 1866

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dennes, Duncan, Dickson, McClure, Powell, Tolmie, Trimble.

The last minutes having been read and confirmed.

A Communication was read fm. His Excy. The Governor "No. 11—1866" in reply to the *Resolution* of the House of the 7th Inst. on the subject of certain encroachments by persons having property fronting on Victoria Harbour.

Also a *Communication* from the Honble. Treasurer stating in reply to a Restn. dated 7th Inst. "Ordering the Treasurer to transmit a statement showing the amount of taxes due on 31 Decr. 1865 under the Real Estate Tax Amendment Act 1862" stating "that his instructions do not admit of his furnishing the statement so ordered."

Mr. Dennes gave Notice of Motion for leave to introduce "An Act to amend the Registration of Voters Act, 1859."

On motion of Mr. Dennes, seconded by Mr. Duncan, Read 1o." An Act for the better protection of parties dealing with persons liable to the Bankrupt Laws."

On motion of Mr. De Cosmos, 2nded by Dr. Dickson Ordered "that a humble Address be presented to His Excy. the Governor praying that he will transmit to this House copies of His Excellency's Despatches that called forth the Despatch No. [59] of 12th Octr 1865, of Her Majesty's Principal Secretary of State for the Colonies."

The Restns. reported from Committee of the whole House yesterday in re His Excys. Communication No. 8—1866 were then taken under consideration.

Clauses 1, 2, 3, 4, 5 & 6 passed nem. con.

On question that Clause 7 do pass Dr. Tolmie moved An Amendment "that the public Accounts for 1866, be audited by 3 Merchants of the City of Victoria."

Clauses 8, 9, and 10 were agreed to respectively.

The Resolutions were then read as a whole and confirmed.

Mr. De Cosmos rose to a question of Privilege, to correct certain mis-statements made by the Reporters of the Chronicle Newspaper in their report of one of his Speeches.

On motion of Dr. Powell, seconded by Dr. Dickson, Leave was granted to introduce "An Act to encourage the Establishment of Investment Savings and Loan Societies."

The House then went into Committee of "Ways and Means."

The Chairman of "Ways and Means" in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be agreed to."

The House then adjourned till tomorrow.<sup>22</sup>

J. S. Helmcken  
Speaker.

<sup>22</sup> According to the *Colonist*, 13 February 1866, the House adjourned to Wednesday.

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### Wednesday, the 15th [14th] day of February, 1866

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Cochrane, Dennes, De Cosmos, Duncan, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

Dr. Powell gave Notice of Motion in Committee of "Ways and Means."

Mr. Duncan gave Notice of Motion.<sup>23</sup>

On motion of Mr. Dennes, seconded by Mr. Duncan Leave granted to introduce "An Act to amend the Registration of Voters Act, 1859."

Bill read 2o.

The District Court Act, 1866.

An Act to establish the Postal Service.

Which last Act was, on motion of Mr. De Cosmos, seconded by Mr. Dennes "Ordered to be referred to a Select Committee."

Comtee. appointed Messrs. McClure, Dennes, Tolmie.

In Committee of the whole House—"An Act to prevent unqualified persons from drawing Conveyances."

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be received and leave granted."

The House then went into Committee of "Ways and means."

The Chairman "Ways & Means" in Chair.

The Chairman reported progress and asked leave to sit again.

Ord. that report be received and leave granted.

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken  
Speaker.

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### Thursday, the 16th [15th] day of February, 1866

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Dennes, Cochrane, Duncan, Tolmie, Dickson, De Cosmos, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

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<sup>23</sup> Motion Book, 1865-66, p. 35: "That a respectful Address be made to His Excellency requesting that he may cause to be laid upon the Table of this House a Return of all Monies Received for passports for the year 1865."

A Communication was read from His Excellency the Governor "No. 12, 1866"<sup>24</sup> in reply to An Address from this House praying for Copies of His Excellency's Despatches which called forth the Despatch, "No. 59, 12th Oct., 1865" from the Rt. Honble. The Secretary of State for the Colonies—and stating that the Records of the House of last Session will be found to contain all the information which His Excellency has been enabled to lay before the Secretary of State.

On motion of Mr. Duncan, 2nded by Mr. Dennes—Ordered "That a humble Address be presented to His Excy. The Governor praying that he will cause to be laid upon the table of this House a Return of all Moneys received for Passports of the year 1865."

Mr. Dennes rose to a question of Privilege—a gross breach of which had been committed in the "Daily Chronicle" Newspaper issued this day in a paragraph headed "Bankrupt Legislators" and moved "That David W. Higgins, and Thomas H. Long, Publishers of the 'Daily Chronicle' Newspaper be ordered to attend at this House on Friday next at 3 o'clock for a gross breach of the Privileges of this House."

Dr. Powell moved An Amendment, 2nded by Dr. Dickson, "That the matter be referred to a *Select Committee* on Privileges."

Mr. Dennes then obtained leave to withdraw his Resolution.

Dr. Powell's Resolution was then put and carried.

Comtee. appointed "Messrs. Ash, Cochrane, Powell, Tolmie, Trimble."

Mr. Dennes gave Notice of Motion for tomorrow (16th Inst.).<sup>25</sup>

The House then went into Comtee. "Ways and Means."

The Chairman "Ways and Means" in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be agreed to."

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

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

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, Cunningham, De Cosmos, Dennes, Dickson, Duncan, McClure, Powell, Tolmie, Trimble.  
The last minutes having been read and confirmed.

<sup>24</sup> Messages to House, 14 February 1866.

<sup>25</sup> Motion Book, 1865-66, p. 35: "I give notice that I shall on Friday next move an address to His Excellency the Governor for a copy of the appointment of Richard Woods as clerk of the Writs of the Supreme Court and a copy of the appointment if any of the said Richard Woods as Acting Registrar of the said Court stating the Amount of Salary received by the said Richard Woods in the capacity of Clerk of the Writs and acting Registrar of the said Court if so appointed from the date of such appointment or appointments."



A Communication was read from the Honble. L. Council enclosing "A Bill to amend the Law of Evidence."

Ordered to be printed.

Mr. De Cosmos gave Notice of Motion—"that at next sitting he would move that this House fix a day to go into Committee to take into consideration the Petition of the Citizens of Victoria respecting Union with British Columbia."

Mr. McClure gave Notice of Motion "that at next sitting he would move An Address to His Excellency the Governor praying His Excellency to inform this House at what date the Union Resolutions which passed this House on 15th Decr. last were transmitted to the Secretary of State for the Colonies."

Mr. Dennes rose to a question of Privilege—calling attention to a second gross breach of Privilege on the part of the Proprietors of the "Daily Chronicle Newspaper" in stigmatising him as a "Bankrupt Legislator" in their issue of the 16th Inst. Mr. Dennes moved "that the Reporters of the Daily Chronicle Newspaper be excluded from this House during the present Session."

2nded by Dr. Dickson.

Mr. De Cosmos, moved An Amendment "that the reporters and employés of the 'Daily Chronicle' be excluded from this House for one week from the present, unless within that time a suitable apology be made in that paper for having applied, in an item, the term 'Bankrupt Legislator' to the Honble. Member for Salt Spring Island on Friday last."

Dr. Tolmie seconded.

Mr. Cochrane moved An Amendment "that the question be referred to a Select Committee on Privilege."

Mr. Cunningham seconded.

Leave having been granted to Mr. Dennes to withdraw his Resolution in favor of Mr. De Cosmos's Resolution.

The Resolution of Mr. De Cosmos was then put as against the Amendment of Mr. Cochrane.

*Ayes: 7.*

Messrs. Carswell  
De Cosmos  
McClure  
Dennes  
Duncan  
Trimble  
Dickson

*Noes: 3.*

Messrs. Powell  
Cochrane  
Cunningham

Mr. De Cosmos's Resolution was therefore carried.

Mr. Duncan presented a Petition from M. M. Titus, Contractor, praying for relief in the matter of a balance of \$1775.00 alleged to be due to him by the City Council for the construction of the View Street Drain.

Mr. Speaker ruled the Petition out of order.

On motion of Dr. Powell, seconded by Mr. De Cosmos Read 1o. "A Bill Entitled An Act to encourage the Establishment of Investment Saving and Loan Societies."

Ordered to be printed.

The House then went into Committee of "Ways and Means."

The Chairman "Ways and Means" in Chair.

The Chairman reported progress and asked leave to sit again.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

## Tuesday, the 20th day of February, 1866

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Cunningham, Dennes, De Cosmos, Duncan, McClure, Tolmie, Trimble.

The last minutes having been read and confirmed.

On motion of Mr. McClure, seconded by Mr. De Cosmos, Ordered "That a humble Address be presented to His Excy. the Governor praying that he will inform this House at what date the Union Resolutions which passed this House on the 15th Decr. last were transmitted to the Rt. Honble. the Secretary of State for the Colonies."

On motion of Mr. De Cosmos, 2nded by Mr. Cochrane Ordered "That Thursday next (22nd Inst.) be fixed for the House to take into consideration in Committee the Petition of the Citizens of Victoria in re 'Union with British Columbia.'"

The House then went into Committee "Ways and Means."

The Chairman "Ways and Means" in the Chair.

Mr. Speaker resumed the Chair, on a Question of Order referred to Mr. Speaker in the Chair, from the Committee—which question arose from one of the Employés of the Daily Chronicle Newspaper being present within the Bar of the House "As to whether or not the necessary instructions for carrying out the Order of this House relating to the Reporters and Employés of the 'Daily Chronicle Newspaper,' made yesterday, had been fulfilled."

Mr. Speaker informed the House that the Reporter of the 'Daily Chronicle Newspaper' had been directed to withdraw from the Reporters Table—he did not understand the Order of the House of yesterday as enjoining exclusion from the House.

The Order of the House made yesterday having been read Dr. Tolmie moved An Amendment "That this House having by its Resolution of yesterday sufficiently shown its disapprobation of the course pursued by the employés and reporters of the 'Daily Chronicle' Newspaper in using the term 'Bankrupt Legislator' as complained of, now rescinds that order."

Dr. Ash seconded.

Mr. McClure rose to a question of order and moved "that the Clerk of the House be directed to state whether the Order of the House made yesterday had been duly transmitted to the Proprietors of the Daily Chronicle Newspaper."

The Clerk of the House having replied that 'it had—The House affirmed the Resolution of yesterday (without division) and the Reporter of the 'Daily Chronicle' was Ordered to withdraw from the House.

The House then went into Committee of "Ways and Means."

The Chairman of "Ways and Means" in the Chair.

The Chairman reported that the Committee having had under consideration the subject of "Ways and Means" had Resolved

That the "Real Estate Tax Act 1862" be repealed save as to all taxes due previous to Decr. 31 1865, under the said Act; and that A Bill be recommended to be brought in for the said purpose.

That the annual Trades Licence of \$10.00 be reduced to \$5.00 per annum.

That the "Salaries Tax Act, 1865," be repealed, save as to all Taxes due previous to Decr. 31, 1865, and that A Bill be recommended to be brought in for the said purpose.

That Country Retail Liquor Licenses between the boundaries of Victoria City and Esquimalt Town be reduced to \$50.00 per Annum; that all other Retail Country Liquor Licenses within three miles of the boundaries of Victoria City and Nanaimo respectively be reduced to \$50.00 per annum; and that A Bill be recommended to be brought in for the said purpose.

That the Sum of \$100,000.00, at no more than 12 per cent per Annum, be borrowed; that the said Loan be expended in meeting the outlay for the purchase and improvement of the Governor's Residence, and for the construction of the Roads, Streets, and Bridges, and public Buildings named in the Estimates passed by this House; and that A Bill be recommended to be brought in for the said purpose.

That it is expedient to contract a Loan of Fifty Thousand Pounds (£50,000.) at 6 per ct. interest with 4 per ct. "Sinking Fund", payable in (20) Twenty Years, chargeable on the General Revenue; that the said Loan be expended in paying Off the \$100,000.00 loan, and the balance be appropriated for the construction of Roads and other public Works as the Legislature may determine; and that A Bill be brought in for the said purpose.

That a Permit of Five Dollars (\$5.00) per Ton be levied on all Hay imported into the Colony—Provided that a draw-back be allowed to the full amount of the "Permit" on all imported Hay sent out of the Colony; and that a Bill be recommended to be brought in for the purpose.

That a permit of Five Dollars (\$5.00) per thousand feet of dressed, and two and a half dollars (\$2.50) per thousand feet of rough Lumber, be charged on all imported lumber; and that A Bill be brought in for that purpose.

That the permit due on Milch Cows be reduced from (\$4.00) four Dollars to (\$1.00) One dollar; and that Schedule A. of the "Stock and Carcass Act 1865" be altered accordingly—to read thus

For every Ox, Bull, Cow (not being a Milch Cow)

Heifer, other than Yearling or Calf \$4.00

For every Milch Cow \$1.00 &c. &c.

Ordered that report be received.

The Resolutions were then read 1o. and agreed to.

Dr. Tolmie gave notice of motion for tomorrow "to recommit the Resolution ('Ways & Means) on the Real Estate Tax, & to re-affirm the ½ per ct. Tax on Imports, and the Salary Tax."

Mr. Duncan gave Notice of Motion.<sup>26</sup>

Read 1o. and Ordered to be printed.

"A Bill To amend the Indian Liquor Law" received from the Honble. The L. Council.

J. S. Helmcken

### Wednesday, the 21st day of February, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cunningham, De Cosmos, Dennes, Dickson, Duncan, McClure, Powell, Tolmie, Trimble.

The last minutes having been read and confirmed.

The House took under consideration the Clauses (seriatim) of the Report of the Committee of "Ways and Means" made yesterday.

On question proposed "that 'Clause 1' do pass" Dr. Tolmie moved An Amendment, 2nded by Dr. Powell "to leave out after the word 'that' to the end of the sentence in order to insert the words 'Clause 1 be recommitted.'" "

Question put "That the words proposed to be left out stand part of the question."

*Ayes: 7.*

Messrs. Carswell  
Cunningham  
De Cosmos  
Dickson  
Dennes  
McClure  
Trimble

*Noes: 2.*

Messrs. Tolmie  
Powell

<sup>26</sup> Motion Book, 1865-66, p. 36: "Resolved That for any person or persons in the Colonial Treasury Colonial office or for any person or persons whatsoever employed in the payment of public money to pay or direct or cause to be paid any sum or sums of money for or towards the support of Services voted in the present Session of this House of Assembly after the Assembly shall have been prorogued or dissolved if it shall be prorogued or dissolved before any Act of this House shall have passed appropriating the supplies to such services, Will be a high crime and misdemeanor a daring breach of a public trust, derogatory to the fundamental privileges of this House and subversive of the constitution of this country."

“Clause 1” was therefore carried.

“Clause 2” was carried *nem. con.*

On question proposed “that ‘Clause 3’ do pass” Dr. Tolmie moved An Amendment, 2nded by Dr. Ash “to leave out after the word ‘that’ to the end of the Sentence in order to insert the words ‘Clause 3 to be recommitted.’”

Question put “That the words proposed to be left out stand part of the question.”

<i>Ayes:</i> 6.	<i>Noes:</i> 3.
Messrs. Cunningham	Messrs. Tolmie
De Cosmos	Ash
Dennes	Powell
Dickson	
McClure	
Trimble	

*Clause 3* was therefore carried.

*Clause 4* was carried *nem. con.*

On question proposed “that Clause 5 do pass” Dr. Tolmie moved An Amendment, 2nded by Dr. Ash “to leave out after the word ‘that’ to the end of the sentence in order to insert the words ‘Clause 5 be recommitted.’”

Question put “That the words proposed to be left out stand part of the question.”

<i>Ayes:</i> 7.	<i>Noes:</i> 2.
Messrs. Carswell	Messrs. Tolmie
Cunningham	Ash
McClure	
Dennes	
Duncan	
De Cosmos	
Trimble	

*Clause 5* was therefore carried.

On question proposed “that Clause 6 do pass” Dr. Tolmie moved An Amendment, 2nded by Dr. Ash “to leave out after the word ‘that’ to the end of the sentence in order to insert the words ‘Clause 6 be recommitted.’”

Question put “That the words proposed to be left out stand part of the question.”

<i>Ayes:</i> 7.	<i>Noes:</i> 2.
Messrs. Cunningham	Drs. Tolmie
Dennes	Ash
De Cosmos	
Trimble	
Duncan	
Carswell	
Powell	

*Clause 6* was therefore carried.

*Clause 7* was carried. (Dissentient Dr. Powell).

*Clause 8* was carried. (Dissentientibus Dr. Powell, Dr. Ash)

Clause 9 was carried unanimously.

The Resolutions were then read as a whole and carried.

Ordered that Bills be brought in accordingly.

Dr. Tolmie gave Notice of Motion for Friday next (23 Inst) "that he would move to amend the Port and Harbour Dues Act /65 to remove the tax of ½ of 1 per Ct. on imports."

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken  
Speaker

### Friday, the 23rd day of February, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, Cunningham, Dennes, Dickson, De Cosmos, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

A Communication was read from H. E. The Governor transmitting Departmental Reports from the Surveyor General, Registrar General of Deeds and Harbor Master, for 1865.<sup>27</sup>

Mr. Speaker ruled the Resolution of the Honble. Senior Member for Victoria District, notice of which was given yesterday, out of order.

The House then went into Committee on the Union Petition.

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be agreed to."

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

### Monday, the 26th day of February, 1866

Present: Mr. Speaker in the Chair and Messrs. Carswell, De Cosmos, Cunningham.

A Quorum not being present the House was counted out.

J. S. Helmcken  
Speaker.

<sup>27</sup> Messages to House, 22 February 1865. For Reports, see Vancouver Island, *Government Gazette*, III, 20 February 1866, 3-25.

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**Tuesday, the 27th day of February, 1866**

No quorum.

Present: Mr. Speaker and Messrs. De Cosmos, McClure, Cunningham.

J. S. Helmcken  
Speaker.

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**Wednesday, the 28th day of February, 1866**

Present: Mr. Speaker and Messrs. Carswell, De Cosmos, Duncan.

At 1:16 p. m. the House was counted out.

J. S. Helmcken  
Speaker.

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

The House met this day at 3 p.m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, Cunningham, De Cosmos, Duncan, Dickson, McClure, Powell, Tolmie, Trimble.

The last minutes having been read and confirmed.

Bills read 1o. and Ordered to be printed.

On motion of Mr. Cunningham, 2nded by Mr. McClure "A Bill To incorporate the town of Nanaimo."

On motion of Mr. McClure, 2nded by Mr. Cunningham "A Bill To amend the Victoria Incorporation Act, 1862."

Dr. Powell presented A Petition from certain Residents in the Town of Esquimalt against the operation of the Road Act, 1860.

Ordered to lie on the table.

Order of the Day.

In Committee of the whole House "Union of the Colonies of B. C. and V. Id."

Dr. Trimble in the Chair.

On motion of Mr. De Cosmos Ordered "That Strangers do withdraw."

The Chairman reported a Resolution that the Committee recommend that the House request a Conference with the Honble. Leg. Council on the subject of Union of the Colonies; the Chairman also reported progress and asked leave





1. That James Dickson Esqre. M.D. of the City of Victoria in the said Colony was appointed Coroner of Victoria, Esquimalt, and the districts adjacent thereto on the 9th day of January 1860 by Sir James Douglas K. C. B. the then Governor;

Carried—(Dissentiente Dr. Tolmie).

2. That the said James Dickson discharged the duties of Coroner for the said Districts from the said date till the 1st day of February, 1866, in the most satisfactory manner, none of his decisions ever having been called in question, and without any person or authority ever alleging any legal cause why he should be removed;

Carried—(Disste. Dr. Tolmie).

3. That at the last mentioned date, His Excellency The Governor, A. E. Kennedy Esqre. C. B. made an order purporting to revoke the commission of the said James Dickson as Coroner for the before mentioned districts and conferred the office of Coroner for the same on A. F. Pemberton Esqre. Stipendiary Magistrate of Victoria, alleging, as the only cause for doing so, that he did so in order to carry out a system of retrenchment;

Carried (Disste. Dr. Tolmie).

4. That, as there is no local enactment respecting Coroners, the Common and Statute Law of England, so far as applicable to Coroners have been recognised here as the law of the Land;

Carried (Disste. Dr. Tolmie).

5. That, by the law of England, no Coroner can be removed except for one of the following causes, that is to say: being engaged in other business, incapacitated by years or sickness, insufficient estate in the county, living in an inconvenient part of the County, and also for extortion, neglect or misbehavior—And then only by Your Majesty's Writ "de Coronatore exonerando" containing one of the said causes of removal—or by special Statute.

Carried (Disste. Dr. Tolmie).

6. That retrenchment is not a sufficient cause for the removal of a Coroner, according to the law and custom of England; and no local Statute authorising the removal of Coroners has ever been enacted;

Carried (Disste. Dr. Tolmie).

7. That until a local Statute, authorising the removal of Coroners, shall have been enacted We hold it to be unwise, inexpedient and contrary to the laws and customs of England and of this Colony to remove any person holding the ancient and honorable Office of Coroner and especially the said James Dickson, except in the manner or for the causes here-in-before expressed.

Carried (Disste. Dr. Tolmie).

8. Therefore, We, Your Majesty's dutiful and loyal Subjects in our ardent attachment to Your Royal Person and Government, and in our unfeigned reverence for the laws and institutions of our Mother-Country humbly pray that Your Majesty may be graciously pleased to disallow the order which purports to revoke the Commission of the said James Dickson as Coroner of the said Districts

And as in duty bound We will ever pray &c. &c. &c.

March 2nd 1866

Victoria, V. I.

Carried (Dissentente. Dr. Tolmie).

The Resolutions were then read as a whole and carried. (Dissentente. Dr. Tolmie).

And, the Standing Orders having been suspended, were Read 2o. and confirmed (Dissentente. Dr. Tolmie).

A Message was then received from the Honble. L. Council, granting A Conference with the Legislative Assembly, & naming 2.30 p.m. instant as the hour at which they would meet the L. A. in conference upon the question of "Union of the Colonies."

Accordingly at 2.30 p.m. Mr. Speaker with the House, went up to the Honble. the Legislative Council's chamber, and being thereafter returned to the House of Assembly—Mr. McClure from the Conference reported that it had suggested by the Honble. L. Council that the Legislative Assembly frame Resolutions upon the subject of Union which Resolutions shall be submitted to the Honble. L. Council for their concurrence.

The House then deliberated upon the question of "Union of the Colonies" and Resolved "That this House having been advised that it is the intention of H. M.'s Government to unite the Colonies of Vancouver Island and British Columbia would respectfully pray that H.M.'s Government will be pleased to leave the question of the seat of Government and Fiscal policy to the decision of the United Legislature of Vancouver Island and British Columbia."

That this Resolution be transmitted by Telegraph to Her Majesty's Government.

That these Resolutions be transmitted to the Honble. L. Council for its concurrence.

The above Resolutions were then transmitted to the Honble. L. Council—by whom Amendments were presently returned as follows—

Paragraph 1—After word "having" in 1st line leave out to end of paragraph and substitute in lieu thereof the following—"just learned that the Union of Vancouver Island and British Columbia has been determined upon by H. Ms. Govt. would respectfully pray that the Secretary of State for the Colonies will be pleased to postpone the fixing of the permanent Seat of Government until the wishes of the people of the two Colonies be ascertained."

Paragraph 2—After the word "transmitted" insert "to H. E. The Governor with the respectful request that he will be pleased to forward the same" and after word "Government" add "and also by post by the outgoing mail."

The Council Amendments having been read 1o. and the Standing Orders having been suspended were read 2o. and confirmed.

*Ordered* that above Resolutions as amended be transmitted to H. E. The Governor.

The House then adjourned till Monday next at 1 p. m.

J. S. Helmcken  
Speaker

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

Present: Mr. Speaker and Messrs. De Cosmos, Dickson, McClure.

A Quorum not being present the House was counted out.

J. S. Helmcken  
Speaker.

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**Tuesday, the 6th day of March, 1866**

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Present: Mr. Speaker and Messrs. De Cosmos, Trimble.

A Quorum not being present, the House was counted out.

J. S. Helmcken  
Speaker.

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**Wednesday, the 7th day of March, 1866**

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Cochrane, De Cosmos, Dickson, Duncan, McClure, Powell.

The last minutes having been read and confirmed.

Mr. Speaker, in reply to Mr. Cochrane, stated that certain Returns, called for in an Address of this House to His Excellency the Governor, dated Jany. 3rd 1866, of all "lots sold for Colonial or Municipal Taxes with the names of the owners and purchasers," had not yet been made.

A Communication was read from the Honble. Colonial Secretary transmitting 13 Copies of Volume 2 of the Colonial Statutes, in reply to a Resolution dated 18th Decr. 1865.

Mr. De Cosmos from the Select Committee on Private Bills brought up the report of that Committee in re "The Spring Ridge Waterworks Co. (Lim.)," recommending that the petition be heard on its merits.

Order of the Day—Bills in Committee.

"The District Court Act, 1866" (L. C.).

An Act to prevent unqualified persons from drawing Conveyances.

Mr. McClure in the Chair.

The Chairman reported that he had been ordered to report In regard to the first The Bill complete with Amendments. In regard to the Second That the Committee had not any report to make.

Ordered that reports be agreed to respectively.

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken  
Speaker.

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### Thursday, the 8th day of March, 1866

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A Quorum not being present, the House was counted out.

Present: Mr. Speaker and Messrs. De Cosmos, Dickson, McClure.

J. S. Helmcken  
Speaker.

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### Friday, the 9th day of March, 1866

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A Quorum not being present, the House was counted out.

Present: Mr. Speaker and Messrs. De Cosmos, Dickson, McClure.

J. S. Helmcken  
Speaker.

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### Monday, the 12th day of March, 1866

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The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, De Cosmos, Dickson, Duncan, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

A Communication (No. 15) was read from H. E. The Governor transmitting, in accordance with An Address of the House dated 3rd Jany. 1866, a "Return of Lands sold for Taxes."<sup>30</sup>

Also A Communication (No. 16) transmitting, in compliance with certain Resolutions of this House dated 30th November 1865, the Returns therein called for from the Courts of "Probate and Bankruptcy" which Communications were Ordered "to lie on the table."<sup>31</sup>

Mr. De Cosmos, from the Select Committee appointed to draft Bills of Supply and Ways and Means, reported the following Bills and moved their first Reading—viz.:

- The Real Estate Tax Repeal Act, 1866.
- The Trades Licence Amendment Act, 1866.
- The Liquor Licence Act, 1866.
- The Harbor Dues Amendment Act, 1866.
- The Stock and Carcass Act, 1865, Amendment Act, 1866.
- The Salaries Tax Repeal Act, 1866.

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<sup>30</sup> Messages to House, 8 March 1866. For Return, see Vancouver Island, *Government Gazette*, III, 10 April 1866, 3-12.

<sup>31</sup> Returns to House, 9 March 1866.

The Vancouver Island Road and Public Works Loan Act, 1866.

The Vancouver Island Temporary Loan Act, 1866.

The above Bills were then read 1o. respectively.

“The Vancouver Island Road and Public Works Loan Act, 1866” [and] “The Vancouver Island Temporary Loan Act, 1866” were “Ordered to be printed.”

On motion of Mr. De Cosmos, 2nded by Dr. Dickson, “That the Standing Orders be suspended and that the Bills reported, as above, be read respectively 2o.”

The Committee divided.

*Ayes:* 4.

Messrs. Cochrane  
De Cosmos  
Dickson  
McClure

*Noes:* 2.

Messrs. Ash  
Trimble

The Resolution was therefore carried, and the before mentioned Bills were read respectively 2o. and committed.

Bills read 1o.

“A Bill For the protection of Inventions” on motion of Mr. McClure, 2nded by Mr. De Cosmos

Also “A Bill Entitled An Act to amend the Law of Evidence” (Honble. L. C.).

Also “The Spring Ridge Water Works Co. (Lim.)” which last Bill was *Ordered* to be referred to Select Committee on Private Bills.

Bill read 3o. and passed.

The District Courts Act, 1866.

Bills read 2o. & committed.

“The Indian Liquor Law Act, 1860, Amendment Act, 1866” and, the Standing Orders having been suspended, on motion of Mr. De Cosmos, 2nded by Mr. McClure—also “A Bill Entitled An Act to amend the Law of Evidence.”

On motion of Mr. De Cosmos, 2nded by Mr. McClure Ordered “That the ‘Nanaimo Incorporation Bill’ be treated as a Public Bill.”

Bills in Committee.

The Real Estate Tax Repeal Act, 1866.

The Trades Licence Amendment Act, 1866.

The Liquor Licence Act, 1861, Amendment Act, 1866.

Dr. Trimble in the Chair.

The Chairman reported in regard to the first—the Bill complete without amendment: in regard to the second—the Bill complete without amendment: in regard to the third, Progress, and asking leave to sit again.

Ord. that reports be agreed to respectively.

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken  
Speaker.

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### Wednesday, the 14th day of March, 1866

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Dickson, De Cosmos, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

Bills read 2o. and committed.

The Nanaimo Incorporation Act, 1866.

The Victoria Incorporation Amendment Act, 1866.

An Act to encourage the Establishment of Investment, Savings and Loan Societies.

Bills in Committee.

Dr. Trimble in the Chair.

The Liquor Licence Act, 1866.

The Harbor Dues Amendment Act, 1866.

The Stock and Carcass Amendment Act, 1866.

The Salaries Tax Repeal Act, 1866.

The Vancouver Island Road and Public Works Loan Act, 1866.

The Chairman reported—In regard to the first—the Bill complete as amended: in regard to the second—the Bill complete as amended: in regard to the third the Bill complete without amendment: in regard to the fourth the Bill complete without amendment: in regard to the fifth the Bill complete as amended.

Ordered that reports be agreed to respectively.

Dr. Powell gave Notice of Motion.<sup>32</sup>

On question that The House adjourn till Friday next at 1 p. m. The House divided.

*Ayes:* 2.

*Noes:* 2.

Messrs. Dickson  
Trimble

Messrs. De Cosmos  
McClure

Mr. Speaker gave his casting vote with the Ayes, and the House adjourned till Friday at 1 p. m.

J. S. Helmcken  
Speaker.

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### Friday, the 16th day of March, 1866

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Dickson, De Cosmos, Duncan, McClure, Trimble.

The last minutes having been read and confirmed.

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<sup>32</sup>*Chronicle*, 15 March 1866: "Dr. Powell gave notice of a motion for the appointment of a committee to inquire into the working of the present Road Act, and to report thereon."

## In Committee.

"The Vancouver Island Temporary Loan Act, 1866" (\$100,000.).

Dr. Trimble in the Chair.

The Chairman reported the above Bill complete with amendments.

Ordered that report be agreed to.

Bills read 3o. and passed.

The Liquor Licence Act, 1866.

The Harbor Dues Amendment Act, 1866.

The Stock and Carcass Amendment Act, 1866.

"The Salaries Tax Repeal Act, 1866" (Dissentientibus Messrs. Carswell, Powell).

The Trade Licence Amendment Act, 1866.

"The Real Estate Tax Repeal Act, 1866" (Dissentiente Dr. Powell).

The Vancouver Island Road and Public Works Loan Act, 1866.

On motion of Mr. De Cosmos, 2nded by Mr. McClure "That the Standing Orders be suspended, to admit of 'The Vancouver Island Temporary Loan Act, 1866' being Read 3o."

The House divided.

For Mr. De Cosmos's Motion

*Ayes:* 2.

Messrs. De Cosmos

McClure

Against the Motion

*Noes:* 4.

Messrs. Dickson

Powell

Duncan

Trimble

The motion was therefore lost.

Dr. Trimble gave Notice of Motion.<sup>33</sup>

J. S. Helmcken  
Speaker

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

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair, Messrs. Ash, Cunningham, Dickson, De Cosmos, Duncan, McClure, and Dr. Trimble.

The last minutes having been read and confirmed.

Dr. Dickson presented a Petition from the Ministers and Laymen of the Wesleyan Methodist Church in V. Id. and British Columbia in favor of A Bill, passed by the Honble. Legislative Council, and now before this House, Entitled "An Act to amend the Indian Liquor Act, 1860."

Ordered to lie on the table.

<sup>33</sup> Motion Book, 1865-66, p. 38: "I give notice that I will at the next meeting of the House move that the Speaker be requested to order the attendance of the member for Salt Spring Island."

Read 3o and passed.

“The Temporary Loan Act, 1866” (Dissentiente Dr. Ash).

In Committee “A Bill To explain and amend the Victoria Incorporation Act, 1862.”

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered that report be agreed to.

On question put “that the House do adjourn till Wednesday next at 1 p. m.” The House divided.

*Ayes:* 3.

Messrs. Trimble

Dickson

Duncan

*Noes:* 3.

Messrs. Cunningham

De Cosmos

McClure

Mr. Speaker gave his casting vote with the Ayes—and the House adjourned till Wednesday next at 1 p. m.

Speaker.

J. S. Helmcken

### Wednesday, the 21st day of March, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, Cunningham, De Cosmos, Duncan, Carswell, Dickson, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

In Committee of the whole House.

The Victoria Incorporation Amendment Act, 1866.

Dr. Dickson in the Chair.

The Chairman reported the Bill complete as amended.

On question put “that report be adopted” Dr. Trimble, seconded by Dr. Powell, moved An Amendment “That the Bill be recommitted on Clauses 7, 8, and 9.”

For the original question

*Ayes:* 4.

Messrs. Cunningham

De Cosmos

Dickson

McClure

*Noes:* 4.

Messrs. Trimble

Powell

Duncan

Cochrane

Mr. Speaker gave his casting vote with the Noes—the original question was therefore lost.

The Amendment was then put and carried by the casting Vote of the Speaker—And the “Victoria Incorporation Amendment Act, 1866” was recommitted on Clauses 7, 8, & 9.



The House also went into Committee upon "The Nanaimo Incorporation Act, 1866."

Dr. Dickson in the Chair.

The Chairman reported progress & asked leave to sit again.

*Ordered* that report be received and leave granted.

Mr. Cochrane referring to certain Returns sent down to this House in His Excys. Communication (No. 15) in reply to a Resolution of this House dated 3rd Jany. 1866—which returns had been ordered to lie on the table—moved "That a humble Address be presented to His Excellency The Governor praying that he will cause to be printed in the Government Gazette Returns of all lots sold for Colonial or Municipal Taxes with names of the owners and purchasers."

Mr. De Cosmos gave Notice of Motion.<sup>34</sup>

On question put "that the House adjourn till tomorrow" The House divided.

*Ayes:* 3.

*Noes:* 5.

Messrs. Cunningham  
De Cosmos  
McClure

Messrs. Dickson  
Duncan  
Powell  
Cochrane  
Trimble

The motion was therefore lost.

On question proposed "that House adjourn till Friday" Mr. McClure moved An Amendment "to leave out all after the word 'that' to the end of the sentence in order to insert the words 'the House adjourn till Tuesday next' " (27th Inst).

The Amendment was agreed to unanimously, and the House adjourned till Tuesday next 27th Inst.

J. S. Helmcken  
Speaker.

## Tuesday, the 27th day of March, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Cunningham, Dennes, Dickson, De Cosmos, Duncan, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

A Communication was received from the Honble. L. Council transmitting further Amendments by the Honble. L. Council to the Amendments of the Legislative Assembly to "The District Courts Act, 1866" as follows:

Clause XVI, line 4: after words "in fact" insert the words "acting gratuitously and with the permission of the Judge."

<sup>34</sup> Motion Book, 1865-66, p. 38: "At next meeting I will move "That a return be called for as to whether G. E. Dennes Esq., member of this House for Salt Spring Island has been adjudicated a Bankrupt in the Bankruptcy Court of this Colony; & if so that a certificate to that [effect] be transmitted to this House.'"

Clause XVII, lines 3, 4, and 5: strike out the words commencing with "unless such Barrister" to the end of the Clause, and insert the following words "if the Judge shall certify to deprive the party of such Costs."

On motion of Mr. De Cosmos, 2nded by Dr. Dickson "That the preceding Amendments be returned to the Honbl. Legislative Council forthwith, with a Communication to the effect that the said Amendments have not been agreed to."

Mr. Duncan, 2nded by Dr. Trimble, moved An Amendment "to leave out after the word 'that' to the end of the sentence in order to insert the words 'that the Amendments be referred to a Select Committee.'"

Question put "that the words proposed to be left out, stand part of the question."

*Ayes:* 6.

Messrs. Cunningham  
Cochrane  
De Cosmos  
Dennes  
Dickson  
McClure

*Noes:* 5.

Messrs. Ash  
Trimble  
Carswell  
Duncan  
Powell

The original motion was therefore carried, and it was Ordered "that the Amendments be returned to the Honble. L. Council."

On motion of Dr. Powell, 2nded by Dr. Trimble (Notice given 7th March) "That A Select Committee be appointed to take into consideration the practicability of the present Road Act & to report thereupon" The House divided.

*Ayes:* 4.

Messrs. Duncan  
Carswell  
Trimble  
Powell

*Noes:* 5.

Messrs. Ash,  
Cochrane  
Dennes  
Dickson  
De Cosmos

The motion was therefore lost.

Read 2o and Committed.

"A Bill for the protection of Inventions" (Dissentiente Mr. Duncan).

In Committee "The Nanaimo Incorporation Bill."

Dr. Dickson in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be received and leave granted."

Mr. De Cosmos rose to a question of Privilege, and moved "that a Committee on Privileges be appointed to enquire whether or not the Honble. Member for Lake is possessed of a property qualification, entitling him to a seat in this House."

Committee appointed: Messrs. Ash, Cochrane, Dickson, Powell, Trimble.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

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**Wednesday, the 28th day of March, 1866**

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Dennes, Dickson, De Cosmos, Cunningham, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

In *Committee* "The Nanaimo Incorporation Act, 1866."

Dr. Dickson in the Chair.

The Chairman reported the Bill complete with Amendments.

Ordered that report be agreed to.

Also in *Comtee*. "The Victoria Incorporation Amendment Act, 1866" Recommitted on Clauses 7, 8, and 9.

Dr. Dickson in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be received and leave granted."

Bills read 3o.

On question "that the Standing Orders be suspended and 'the Nanaimo Incorporation Act, 1866' be now read 3o." The House divided.

*Ayes:* 5.

*Noes:* 2.

Messrs. Cunningham  
De Cosmos  
Dennes  
Dickson  
McClure

Messrs. Powell  
Trimble

The Bill was then read 3o and passed.

On question put "that the House adjourn till tomorrow, the House divided.

*Ayes:* 5.

*Noes:* 2.

Messrs. Cunningham  
Dennes  
De Cosmos  
Dickson  
McClure

Messrs. Powell  
Trimble

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

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## Thursday, the 29th day of March, 1866

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Cunningham, Dennes, De Cosmos, Dickson, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

Dr. Dickson gave Notice of Motion for Tuesday (3rd Proximo).<sup>35</sup>

Mr. De Cosmos rose to call the attention of the Speaker to the prolonged absence without leave of Selim Franklin Esqre. Member for the City of Victoria—and moved “that the Seat for the City of Victoria held by Selim Franklin Esqre. be declared vacant and a Writ be issued for the Election of a member to serve in his stead.”

Mr. Cunningham seconded.

Mr. Speaker declined to put the question to the House until the opinion of the Attorney General had been taken upon the point of Law raised by “the Act providing for the resignation and vacating of Seats in the House of Assembly” passed in 1859 being in conflict with the terms of “The Franchise Act, 1859.”<sup>36</sup>

Mr. Speaker would therefore defer the subject until the next meeting of the House.

On motion of Mr. McClure, 2nded by Mr. De Cosmos Read 1o “The District Municipal Act, 1866.”

*Ordered* that above Bill be printed.

On motion of Mr. Cochrane, 2nded by Mr. De Cosmos Ordered “That the Standing Orders of this House be suspended and A Committee be forthwith appointed to communicate with the Honble. The Colonial Secretary to request that he will cause the Returns of the ‘lots sold for Colonial or Municipal Taxes with names of the owners and purchasers’ to be printed in the next issue of the Government Gazette.”

In Committee—Recommitted Clauses 7, 8, 9, of “The Victoria Incorporation Amendment Act, 1866.”

Dr. Dickson in the Chair.

The Chairman reported progress and asked leave to sit again.

Ord. that report be received, and leave granted.

<sup>35</sup> Motion Book, 1865–66, p. 38: “On Tuesday next I will ask leave to introduce a Bill to provide certain fees to be taken by Justices of the peace other than Stipendiary Magistrates, for the performance of their magisterial duties, and also to enable the said Justices to compensate constables employed by them in furthering the ends of Justice.”

<sup>36</sup> The Act to Provide for the Resignation and Vacating of Seats in the House of Assembly in the Colony of Vancouver Island and for the Election of Members on Vacancies, 1859, section 2, stated a member’s seat would become vacant if a member was absent without leave for one whole session of the Legislature; the Franchise Act, 1859, section 7, stated a writ for a new election should be issued after three months absence without leave.

On question proposed "that the House adjourn till Tuesday next," (tomorrow being Good Friday).

Mr. De Cosmos moved An Amendment, 2nd by Mr. McClure "That the House adjourn till Saturday next (1st April) [31st March]."

For the Amendment

*Ayes:* 4.

Messrs. Cunningham  
Dickson  
McClure  
De Cosmos

*Noes:* 3.

Messrs. Ash  
Powell  
Trimble

The Amendment was therefore carried, and the House adjourned till Saturday at 3 p. m.

Speaker.  
J. S. Helmcken

### Saturday, the 31st day of March, 1866

The House did not sit.

J. S. Helmcken  
Speaker

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

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Dennes, Dickson, De Cosmos, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

Dr. Powell rose to state that to him, conjointly with the 2nd Senr. Member for Victoria District (Dr. Trimble), had been confided the obligation of asking leave of absence for Selim Franklin Esqre. upon the opening of the present Session; that he had not deemed it necessary to apply for that leave, inasmuch as it was tacitly understood that the required leave would be accorded by the House. As, however, a question had been raised, he would now move "that leave be granted to Selim Franklin Esqre. until the end of the present Session."

Dr. Trimble seconded.

Mr. Speaker informed the House that the opinion of the Attorney General in reference to the point of law raised by the "Act providing for the resignation and vacating of Seats in the House of Assembly" passed in 1859, being in conflict with the terms of the "Franchise Act, 1859", was, that the latter Act must apply.

Mr. De Cosmos moved An Amendment "that the Seat of Selim Franklin Esqre., as Member for Victoria City, be declared vacant, and a new Writ be issued for the election of a member to serve in his stead."

Mr. McClure seconded.

Dr. Dickson moved an Amendment "that the seat be declared vacant."

Dr. Ash seconded.

Mr. De Cosmos moved for leave to withdraw his motion in favor of Dr. Dickson's—motion negatived on the objection of Dr. Powell.

Mr. De Cosmos's Amendment was then put—and the House divided.

*Ayes:* 4.

Messrs. De Cosmos  
Dennes  
Dickson  
McClure

*Noes:* 5.

Messrs. Carswell  
Cochrane  
Trimble  
Ash  
Powell

Mr. De Cosmos' Amendment was therefore lost.

Dr. Powell's motion "that leave be granted &c." was then put.

For the motion.

*Ayes:* 3.

Messrs. Carswell  
Powell  
Trimble

*Noes:* 5.

Messrs. Ash  
Cochrane  
Dennes  
McClure  
De Cosmos

The Motion was therefore lost.

Dr. Dickson's Amendment "that the seat be declared vacant &c." was then put.

*Ayes:* 6.

Messrs. De Cosmos  
Dennes  
McClure  
Ash  
Cochrane  
Dickson

*Noes:* 3.

Messrs. Carswell  
Powell  
Trimble

The Motion was therefore carried and the Seat of Selim Franklin Esqre. as Member for the City of Victoria was declared vacant.

On question put from the Chair "that a new Writ be issued for the City of Victoria" the House divided.

*Ayes:* 4.

Messrs. De Cosmos  
McClure  
Dickson  
Dennes

*Noes:* 5.

Messrs. Ash  
Carswell  
Cochrane  
Powell  
Trimble

In reply to a question by Mr. McClure—as to whether, or not, “the vacation of the seat did not necessitate the issue of a new Writ”—Mr. Speaker stated that during the Session of Parliament a new Writ could not be issued without the order of the House.

Order of the day, in Committee “The Victoria Incorporation Amendment Act, 1866.”

Dr. Dickson in the Chair.

The Chairman reported the Bill complete as amended.

On question “that report be adopted” Mr. McClure moved An Amendment “that the Bill be recommitted.”

Mr. De Cosmos 2nded.

The House divided.

For Mr. McClure’s Amendment

*Ayes:* 3.

Messrs. McClure

De Cosmos

Dickson

*Noes:* 3.

Messrs. Carswell

Cochrane

Trimble

Mr. Speaker gave his casting vote against the Amendment and the report of the Committee was adopted.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

### Thursday, the 5th day of April, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, De Cosmos, Dickson, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

On motion of Dr. Dickson, seconded by Mr. De Cosmos Leave was granted to introduce “A Bill to provide certain fees to be taken by Justices of the Peace other than Stipendiary Magistrates for the performance of their Magisterial duties and also to enable the said Justices to compensate Constables employed by them in furthering the ends of Justice.”

Bill read 3o and passed

“The Victoria Incorporation Amendment Act, 1866” An Amendment by Mr. McClure, seconded by Dr. Dickson “to recommit the Bill” having been lost.

For Mr. McClure’s Amendment

*Ayes:* 3.

Messrs. McClure

De Cosmos

Dickson

*Noes:* 4.

Messrs. Ash

Trimble

Carswell

Powell

Order of the Day. In Committee.

The Patent Act, 1866.

The Native Evidence Act, 1866.

Dr. Dickson in the Chair.

The Chairman reported, in regard to the first, "The Bill complete as amended"; in regard to the second, "progress and asked leave to sit again."

Ordered that reports be agreed to respectively.

The House then adjourned till tomorrow at 1 p. m.

J. S. Helmcken  
Speaker

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

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Dennes, De Cosmos, Dickson, McClure, Powell.

The last minutes having been read and confirmed.

On motion of Mr. McClure, 2nded by Mr. De Cosmos Ordered "that a new Writ do issue for the election of a member for the district of the City of Victoria, vice Selim Franklin Esqre. whose seat has been declared vacant."

Read 3o. "Patent Act, 1866."

Order of the day—In Committee.

The Native Evidence Act, 1866.

The Indian Liquor Law Amendment Act, 1866.

Mr. Dennes in the Chair.

The Chairman reported, in regard to the first—that he had not any report to make; in regard to the second, Progress—and asked leave to sit again.

Ordered that reports be agreed to respectively.

Mr. Carswell gave notice of Motion.<sup>37</sup>

The House then adjourned till Monday at 1 p. m.

J. S. Helmcken  
Speaker.

<sup>37</sup> *Chronicle*, 7 April 1866: "Mr. Carswell moved that a writ do issue for the return of a member for Esquimalt Town district in room of Mr. Southgate, absent in England."



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## Monday, the 9th day of April, 1866

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Carswell, Dickson, McClure, Ash, Powell, Trimble, De Cosmos.

The last minutes having been read and confirmed.

On motion of Mr. Carswell, it was Ordered That a new Writ do issue for the Town of Esquimalt—vice J. J. Southgate Esqre. whose seat has been rendered vacant by limitation of absence without leave, under the terms of "The Franchise Act, 1859."

Bill read 2o. and committed.

The District Municipal Act, 1866.

Mr. De Cosmos, from the Select Committee on Private Bills reported that the Promoters of "The Spring Ridge Water Works Co. (Lim.\*)" had proven the Preamble to their Bill; and that the Comtee. begged to report the Bill favorably to the House.

Ordered that the report lie on the table.

Bill in Comtee.

The Indian Liquor Act, 1866.

Mr. McClure in the Chair.

The Chairman reported the Bill complete as amended.

On question proposed "that report be adopted" Dr. Dickson moved An Amendment "that the Bill be recommitted" which was carried unanimously.

Accordingly the Bill was ordered to be recommitted.

The House then adjourned till Wednesday next at 1 p. m.

J. S. Helmcken  
Speaker

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## Wednesday, the 11th day of April, 1866

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A quorum not being present, the House was counted out.

Present: Mr. Speaker and Messrs. Powell, Tolmie, Carswell.

J. S. Helmcken  
Speaker

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**Thursday, the 12th day of April, 1866**

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A quorum not being present, the House was counted out.

Present: Mr. Speaker and Messrs. Dickson, McClure.

J. S. Helmcken  
Speaker.

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**Friday, the 13th day of April, 1866**

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A quorum not being present, the House was counted out.

Present: Mr. Speaker.

J. S. Helmcken  
Speaker

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**Monday, the 16th day of April, 1866**

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The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, Duncan, Powell, Tolmie, Trimble.

The last minutes having been read and confirmed.

A Communication was received from the Honble. Legislative Council transmitting "A Bill Entitled An Act to establish a Volunteer Force" which was Read 1o. and Ordered to be printed.

On motion of Mr. Cochrane, 2nded by Dr. Dickson—Ordered "That the Standing Orders be suspended and leave be granted to introduce 'A Bill Entitled An Act to amend The Real Estate Tax Amendment Act, 1862.'"

Read 1o. The above Bill On motion of Mr. Cochrane, 2nded by Dr. Dickson.

On motion of Mr. Cochrane, seconded by Dr. Dickson "That the Standing Orders be suspended in order that the above Bill might be read 2o."

Ordered—that the Standing Orders be suspended.

The above Bill was then read 2o. and committed.

On motion of Dr. Dickson, 2nded by Mr. Cochrane Read 1o. "A Bill Entitled An Act to provide fees for Justices of the Peace and Constables."

On motion of Mr. Cochrane, 2nded by Dr. Dickson *Ordered* that the Order of the Day be discharged.

The House then went into Committee upon A Bill Entitled An Act to amend the "Real Estate Tax Amendment Act, 1862."

Dr. Trimble in the Chair.

The Chairman reported the Bill complete as amended.

Ordered that report be agreed to.

On motion of Mr. Cochrane, 2nded by Mr. De Cosmos

The Standing Orders were suspended and "A Bill entitled An Act to amend the Real Estate Tax Amendment Act, 1862" was read 3o. and passed.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

## Tuesday, the 17th day of April, 1866

The House met this day at 3 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, De Cosmos, Duncan, Dickson, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

A Communication (No. 17)<sup>38</sup> was read from His Excellency the Governor transmitting copy of a telegram from San Francisco conveying intelligence of the loss of the Steamer Labouchere.

His Excy. further asks the House for authority to enter into some permanent arrangement for the transport of the Mails.

On motion of Mr. De Cosmos, the House was cleared of Strangers; and, the Standing Orders having been suspended, went into Committee on His Excellency's Communication above.

Mr. Cochrane in the Chair.

The Chairman reported that the Committee having had under consideration the above mentioned subject has Resolved "That this House, having had under consideration the Message of His Excy. The Governor respecting the loss of the Mail Steam Ship Labouchere, and in reply thereto, would recommend His Excy. to make the best arrangement possible to effect direct Mail Communication between Victoria and San Francisco; and, if no other alternative offers, to make a contract with the Steamship line plying between San Francisco and New Westminster, viâ Victoria."

Ordered "that report be agreed to."

On motion of Dr. Powell, 2nded by Dr. Dickson Ordered that a Committee of three, with Mr. Speaker, wait upon His Excellency the Governor to present

<sup>38</sup> Messages to House, 17 April 1866.

the above Resolution and to explain to His Excy. the views of the House thereupon.

Comtee. appointed: Messrs. Ash, Cochrane, Powell.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

### Thursday, the 19th day of April, 1866

A Quorum not being present, the House was counted out.

Present: Mr. Speaker and Messrs. Carswell, De Cosmos, McClure.

J. S. Helmcken  
Speaker

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

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dennes, Dickson, McClure, Powell, Tolmie, Trimble.

The last minutes having been read and confirmed.

A *Communication* was received from the Honble. Legislative Council returning "The Real Estate Tax Amendment Act, 1862" with amendments by the Honble. Legtve. Council.

In reply to a question by Dr. Trimble—Mr. Speaker ruled "That the Bill must be held to be a money Bill, inasmuch as it involves a charge upon the people."

On motion of Dr. Dickson, 2nded by Mr. Cochrane, The Standing Orders were suspended, and it was Resolved "That the amendments to the Bill now before the House have caused it to assume the character of a Money Bill, and therefore are a direct infringement upon the rights of this House, which it is the duty of this House to guard against; but, as the emergency of the case is peculiar and urgent and admits of no delay, this House, whilst putting on record its disapproval of any attempt being made on the part of the Legislative Council to invade its exclusive prerogative of introducing money measures, will permit the Amendments to be considered."

Ordered "that the Order of the day be discharged, and that 'The Real Estate Tax Amendment Act, 1866' with the Amendments of the Honble. Legislative Council be sent to Committee."

Mr. Speaker then left the Chair.

Dr. Trimble in Chair of the Comtee.

Mr. Speaker resumed the Chair.

The Chairman reported that he had not any report to make.

Dr. Trimble begged to call the attention of the Honble. Speaker to the fact that the Honble. Member for Salt Spring and Chemainus (Mr. Dennes) was sitting and voting in the House after having been declared A Bankrupt. His authority for making this statement was the publication of the Adjudication in the Daily Newspapers.

The House then adjourned till Monday.

J. S. Helmcken  
Speaker

### Monday, the 23rd day of April, 1866

The House met this day at 1 p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Powell, Trimble, Dr. Tolmie.

The last minutes having been read and confirmed.

Mr. Speaker, referring to the allegation charged, during the last sitting of the House, by the Honble. 2nd Member for Victoria District (Dr. Trimble) against the Honble. Member for Salt Spring Id. and Chemainus, stated, "that a return had been transmitted to this House from the Acting Registrar of the Supreme Court to the effect that George Edgar Dennes, Attorney and Scrivener of Langley Street Victoria, was adjudicated a Bankrupt on the 8th day of Feby. last."

Mr. Speaker also informed the House that he had addressed a letter to the Honble. Member for "Salt Spring Id. & Chemainus" on this subject, and in reply had received a communication alleging in defence—"First, 'that there is no duly constituted Court of Bankruptcy in the Colony, and (had there been) that the proceedings taken against him were irregular'; Second, 'that he was in possession of an instance of a case decided in 1863, where the Court held that a Member of the House of Commons cannot be made the subject of a Judgment Debtor Summons under the 76th Section of the "Bankruptcy Act, 1861", as not being a person against whom a Writ of *Ca. Sa.* can be sued out or who can be charged in Execution.'"

Mr. De Cosmos, 2nded by Mr. McClure, moved, "that the question of the validity of the seat held by the Honble. Member for Salt Spring Id. and Chemainus be referred to a Select Committee on Privileges."

Mr. Cochrane, 2nded by Dr. Trimble, moved "that the Seat for Salt Spring Island and Chemainus be declared vacant."

The House then divided.

For the Amendment

*Ayes:* 6.

Messrs. Carswell  
Cochrane  
Dickson  
Powell  
Tolmie  
Trimble

*Noes:* 2.

Messrs. McClure  
De Cosmos

The amendment was therefore carried.

Ordered "that the Seat for Salt Spring Island and Chemainus be declared vacant."

Mr. Cochrane moved "that the Standing Orders of the House be suspended, in order to bring under consideration of the House, without the usual Notice, the following Resolution":

That an humble Address be presented to His Excellency the Governor praying that he would instruct the Treasurer of Vancouver Island to pay to the purchasers of lots sold on 24th April, 1865, by the Sheriff, for arrears of taxes, the amount paid by them, and the twenty per cent thereon, as required by law, to enable the owners of the property to liquidate the same within twelve months.

Dr. Dickson 2nded.

On question put "that the Standing Orders be suspended" The House divided.

*Ayes:* 6.

Messrs. Cochrane  
Carswell  
Dickson  
Powell  
Trimble  
Tolmie

*Noes:* 3.

Messrs. Ash  
De Cosmos  
McClure

The Motion was therefore carried.

On motion of Mr. Cochrane, 2nded by Dr. Dickson "That the Resolution (above) be read 1o." The House divided.

*Ayes:* 6.

Messrs. Carswell  
Cochrane  
Dickson  
Powell  
Tolmie  
Trimble

*Noes:* 3.

Messrs. Ash  
De Cosmos  
McClure

The Resolution (above) was then read 1o.

On question moved by Mr. Cochrane, seconded by Mr. Dickson "That the Standing Orders be suspended in order to expedite the 2nd Reading of the above Resolution" The House divided.

*Ayes: 5.*

Messrs. Carswell  
Cochrane  
Dickson  
Powell  
Trimble

*Noes: 2.*

Messrs. De Cosmos  
McClure

The Standing Orders were then suspended, and the above Resolution was read 2o.

On question moved by Mr. Cochrane, 2nded by Dr. Dickson, "That the Standing Orders be suspended in order to expedite the 3rd Reading of the above Resolution."

Mr. McClure, seconded by Mr. De Cosmos, moved "to leave out after the word 'that' to the end of the Sentence, in order to insert the words 'the above Resolution be committed.'"

Question put "that the above Resolution be committed."

*Ayes: 2.*

Messrs. McClure  
De Cosmos

*Noes: 5.*

Messr. Cochrane  
Dickson  
Powell  
Trimble  
Carswell

The Standing Orders having been suspended, it was moved by Mr. Cochrane, 2nded by Dr. Dickson, "that the above Resolution be read 3o.

Mr. McClure, 2nded by Mr. De Cosmos, moved an Amendment "That in the opinion of this House, His Excellency the Governor cannot legally, in the present state of the law, redeem lots sold for taxes; and that any purchaser of lots sold for taxes, or other person, may obtain an injunction from the Supreme Court to stop the Treasurer from paying money out of the General Revenue to redeem lots sold for taxes in April 1865; and that any purchaser of lots sold for taxes may refuse legally to accept any money in redemption of lots sold for taxes, except such money be paid to the Treasurer by the owner of lots sold for taxes, or his heirs, or assigns, as required by Section XLVIII of 'the Real Estate Tax Amendment Act 1862.'"

The House having remained uninterruptedly in Session from 1:15 p. m. April 23rd until 1:15 p.m. April 24th—it was moved by Mr. Dickson, 2nded by Mr. Carswell—"That the House do adjourn for one week, viz.: till Tuesday, 1st May, at 3 p. m."

Carried unanimously.

The House then adjourned accordingly.

J. S. Helmcken  
Speaker.