

Monday, the 1st day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Trutch, Ball, Alston, Hamley, Bushby, Ring, Wood, Helmcken, Drake, Walkem, Humphreys, Pemberton, Davie.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. Davie gave notice of motion.

The Hon. Mr. Helmcken gave notice of motion.

Pursuant to the Order of the day, the Cattle Bill was read third time, and it was Resolved that this Bill do pass, and that its title be the "Cattle Ordinance, 1869."

Pursuant to the Order of the day, the Pre-emption Bill was read the third time, and it was Resolved that this Bill do pass, and its title be "The Pre-emption Payment Ordinance, 1869."

On the Order of the day being read for the third reading of the Road Bill,
Ordered to be deferred till later in the day.

Pursuant to the Order of the day, the Mining Bill was read the third time, and it was Resolved that this Bill do pass, and its title be the "Mineral Ordinance, 1869."

Pursuant to the Order of the day, the Hon. Mr. Trutch introduced the Water Bill.
Ordered to be read first time at once.
Read first time accordingly.
Second reading Ordered for Thursday next.

Pursuant to the Order of the day, the Hon. Mr. Crease asked leave to bring in Religious Institutions Bill.
Ordered that leave be granted, and the Bill now read first time.
Read first time accordingly.
Ordered to be read second time to-morrow.

Pursuant to the Order of the day, the Supplemental Supply Bill was read second time.
Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Council went again into Committee on the Fire Aid Bill.
On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the Bill complete.
Ordered that the Report be adopted, and the Bill read third time to-morrow.

Pursuant to the Order of the day, the Council went again into Committee on the Municipal Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Walkem, Chairman of the Committee, reported that no further progress was made, and asked leave to sit again.

Ordered that leave be granted for Wednesday next.

On the Order of the day being read for the consideration of Mr. Nicholson's Petition,

Ordered to be postponed till Wednesday next.

Pursuant to the Order of the day, the Council went into Committee on the Companies Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered that the Report be adopted, and the Bill read third time on Wednesday next.

Then, on the motion of the Hon. Mr. Crease, the Council adjourned till 1 o'clock to-morrow.

Tuesday, the 2nd day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Trutch, Hamley, Bushby, O'Reilly, Wood, Drake, Helmcken, Carrall, Walkem, Alston, Ring, Humphreys, Havelock, Ball, Davie, Pemberton.

The Minutes of the previous Meeting were read and confirmed.

The Hon. the Attorney General gave notice of motion.

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

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 18.

FREDERICK SEYMOUR.

In compliance with the Resolution of the Legislative Council, the Governor forwards a Return shewing the amount of Revenue derived from Kootenay, during the year 1868.⁹

*Government House,
1st March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 19.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance further to extend the time granted to the Harewood Colliery Company, Limited, by 'The Harewood Railway Company's Act, 1864,' for making and completing a Tramway from the Company's Mines to Departure Bay, Nanaimo."

*Government House,
1st March, 1869.*

⁹ *Ibid.*, p. vii.

A further Message from His Excellency, read as follows:—

Message No. 20.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to regulate the Supreme Courts of Justice of British Columbia."

*Government House,
1st March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 21.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to provide for the Fencing of Land in British Columbia."

*Government House,
1st March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 22.

FREDERICK SEYMOUR.

In compliance with a Resolution of the Legislative Council, dated 20th January, 1869, the Governor forwards a Return shewing the Revenue and Expenditure on account of the steamer Sir James Douglas, for the year 1868;¹⁰ a Return shewing the Income and Expenditure on account of the Assay Office, for 1868, and the total amount of gold assayed at this office during the same year.¹¹ The probable amount of Gold taken out of the Mines cannot be stated.

The Governor also forwards Returns shewing the cost per diem of keeping a prisoner at New Westminster Gaol, and at the Victoria Gaol;¹² and likewise the amount expended during 1868, upon the Main Trunk Road of the Mainland portion of the Colony, and of the average annual expense of keeping it in repair.¹³

*Government House,
1st March, 1869.*

Pursuant to the Order of the day, the Road Bill was read the third time, and it was Resolved that this Bill do pass, and its title be the "Road Ordinance, 1869."

Pursuant to the Order of the day, the Fire Bill was read the third time, and it was Resolved that this Bill do pass, and its title be the "Fire Companies' Aid Ordinance, 1869."

Pursuant to the Order of the day, the Religious Institutions Bill was read second time.

Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Council went into Committee on the Supplemental Supply Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered that the Report be adopted and the Bill read third time to-morrow.

¹⁰ *Ibid.*, p. vii.

¹¹ *Ibid.*, p. viii.

¹² *Ibid.*, p. viii.

¹³ *Ibid.*, p. viii.

Pursuant to the Order of the day, the Volunteer Bill was read third time, and it was Resolved that this Bill do pass, and its title be the "Volunteer Ordinance, 1869."

Pursuant to the Order of the day, the Council went again into Committee on the Loan Bill,

On the Presiding Member resuming the Chair, the Hon. Mr. Bushby, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted, and the Bill read third time on Friday next.

Pursuant to Order, the Council went into Committee on the Address to the Queen on the state of the Courts of the Colony, which had been prepared by the Select Committee on the Supreme Courts Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported progress, and asked leave to sit again.

Ordered that leave be granted for to-morrow.

Pursuant to the Order of the day, the Hon. Mr. Helmcken moved, the Hon. Mr. Humphreys seconding,

That this Council thinks it advisable that Moselle Wine and Sauterne should be considered as being included in the term Claret, and that this Resolution be transmitted to His Excellency the Governor.

On the question being put it was carried in the affirmative and Resolved accordingly.

Then, on the motion of the Hon. Mr. Helmcken, the Council adjourned till 1 o'clock to-morrow.

Wednesday, the 3rd day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Trutch, O'Reilly, Bushby, Alston, Ball, Drake, Helmcken, Davie, Humphreys, Ring, Wood, Carrall, Walkem, Havelock, Pemberton.

The Minutes of the previous Meeting were read and confirmed.

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

Pursuant to the Order of the day, the Supplemental Supply Bill was read the third time, and it was Resolved that this Bill do pass, and its title be "An Ordinance granting a Supplemental Supply of One hundred and thirty-four thousand four hundred and sixty-five dollars and ninety-eight cents, out of the General Revenue of the Colony of British Columbia and its Dependencies, for the contingent service of the years 1866-7, respectively.

Pursuant to the Order of the day, the St. Andrew's Church Incorporation Bill was read third time, and it was Resolved that this Bill do pass, and its title be the "St. Andrew's (Presbyterian) Church Ordinance, 1869."

Pursuant to the Order of the day, the Companies Bill was read third time, and it was Resolved that this Bill do pass, and that its title be the "Companies Ordinance, 1869."

Pursuant to the Order of the day, the Hon. Mr. Helmcken moved, the Hon. Mr. Humphreys seconding,

That the interests of the Colony demand, and it would be wise on the part of the Government to ordain, that the Customs Duties upon articles in which a trade can be carried on with Foreign Ports should be very materially reduced, at the earliest possible period.

On the question being put the Council divided.

Ayes 9, Noes 2.

So it was carried in the affirmative and Resolved accordingly.

Pursuant to the Order of the day, the Hon. the Attorney General asked leave to bring in the County Courts Declaratory Bill.

Ordered that leave be granted, and that the Bill be now read first time.

Read first time accordingly.

Ordered to be read second time on Friday next.

On the Order of the day being read for a motion standing in the name of the Hon. Mr. Helmcken, respecting Court Fees,

The Hon. Member asked leave to withdraw the same.

Ordered that leave be granted.

Motion withdrawn accordingly.

On the Order of the day being read for a motion standing in the name of the Hon. Mr. Helmcken, respecting Beacon Hill Park,

Ordered that the same be postponed till later in the day.

On the Order of the day being read for the second reading of the Water Bill,

The Bill lapsed.

On the Order of the day being read therefor, the Council went into Committee on the Municipal Amendment Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Walkem, Chairman of the Committee, reported progress, and asked leave to sit again.

Ordered that leave be granted for to-morrow.

Pursuant to a deferred Order, the Hon. Mr. Helmcken moved, the Hon. Mr. Humphreys seconding,

That in the opinion of this Council it would be advantageous to transfer, by a proper Deed of trust, Beacon Hill Park to the Municipal Corporation of the City of Victoria, for the use of the Public.

Whereupon a debate arose, which having terminated, the Hon. Member asked leave to withdraw the same.

On the question of leave to withdraw being put, the Council divided.

Ayes 4, Noes 8.

So it passed in the negative.

On the original question being put, the Council again divided.

Ayes 3, Noes 9.

So it passed in the negative and the Resolution was lost.

Then, on the motion of the Hon. Mr. Humphreys, the Council adjourned till 1 o'clock to-morrow.

Thursday, the 4th day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Trutch, Ball, Alston, Hamley, Wood, Davie, Walkem, Carrall, Helmcken, Ring, Humphreys, Bushby, Drake, Pemberton.

The Minutes of the previous Meeting were read and confirmed.

Pursuant to the Order of the day, the Hon. Mr. Davie moved, the Hon. Mr. Drake seconding:

That the Indian Liquor Law, being both inoperative and mischievous, should be forthwith repealed.

Whereupon a debate arose, which having terminated the Council divided.

Ayes 3, Noes 6.

So it passed in the negative and the Resolution was lost.

Pursuant to the Order of the day, the Council took into consideration the Petition of Messrs. Jones and Hayward, window-sash manufacturers.

The Hon. Mr. Helmcken moved, the Hon. Mr. Davie seconding:—

That the Petition of Messrs. Jones and Hayward be forwarded to the Governor, with the request that the prayer be complied with.

On the question being put the Council divided.

Ayes 4, Noes 6.

So it passed in the negative and the Resolution was lost.

Pursuant to the Order of the day, the Hon. Mr. Helmcken moved, the Hon. Mr. Carrall seconding.

That the Report of the Select Committee, appointed on the Drawbacks Bill, be transmitted to the Governor, with the humble request that the suggestions made in that Report may be carried out.

On the question being put it was carried in the affirmative and Resolved accordingly.

On the Order of the day being read for the second reading of the Water Supply Bill, Ordered to be postponed till Monday next.

Pursuant to the Order of the day, the Council took into consideration the Petition of J. C. Nicholson.

The Hon. Mr. Helmcken moved, the Hon. Mr. Ring seconding,

That a Select Committee be now appointed to enquire into the Petition of J. C. Nicholson.

On the question being put it was carried in the affirmative, and Resolved accordingly.

The Hon. the Presiding Member named the following Select Committee:—

Hon. Messrs. Helmcken, Carrall, Walkem, Ball, O'Reilly.

Pursuant to the Order of the day, the Council went into Committee on the Religious Institutions Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Alston, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered to be read third time on Tuesday next.

Pursuant to the Order of the day, the Council went again into Committee on the Address to the Queen on the subject of the position of the Courts of the Colony.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported that no further progress was made, and asked leave to sit again.

Ordered that leave be granted for Tuesday next.

Then, on the motion of the Hon. Mr. Trutch the Council adjourned till 1 p. m. on Tuesday next.

Tuesday, the 9th day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Trutch, Hamley, O'Reilly, Walkem, Wood, Drake, Helmcken, Carrall, Alston, Ring, Humphreys, Pemberton, Sanders, Ball, Davie, Robson.

The Minutes of the previous Meeting were read and confirmed.

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 23.

FREDERICK SEYMOUR.

The Governor has received certain Resolutions passed in the Committee of Supply of the Legislative Council of the 20th January, 1869.

The Governor agrees with the Council in the opinion that the present system adopted in keeping the public accounts of this Colony is of too complex a character, and one that leads to unnecessary expenditure. He will, therefore, place himself in

communication on the subject with the Secretary of State. He would, however, observe that the practice of doubly auditing the accounts of the Colony has been introduced and maintained solely for the protection of the public during the present undeveloped Legislative Constitution of the Colony.

2. The item of \$900 for the Revenue Officer, Burrard Inlet, shall be increased to \$1,200. The person appointed to the office shall be directed to act as Constable.

3. The Assistant Gold Commissioner at Cariboo has already been directed not to reduce the salaries of the Chief Constable and Clerk of the District.

4. The whole arrangements connected with the Lillooet-Clinton District are now under consideration.

*Government House,
8th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 24.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council a Despatch received from His Grace the late Secretary of State, in reply to one in which the Governor brought forward, very earnestly, the claim to compensation of such Public Officers as had, through no fault of their own, suffered grievous losses by the removal of the Seat of Government from New Westminster to Victoria.¹⁴

2. With equal earnestness, he presses the matter upon the favourable consideration of the Legislative Council; but the Session being so near its close, he should be glad to be authorized to deal with the question during the recess, assisted by an enlarged Executive Council.

*Government House,
8th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 25.

FREDERICK SEYMOUR.

The Governor has received the Resolution passed by the Legislative Council requesting him to take the matter of Protests into consideration, and to send down to the Council a Standing Order to regulate the insertion of Protests on the Minutes of the Proceedings of the Council.

The only case in which it appears to him that a protest will be required from dissentient Members of Council, is where the full force of the Government is used to carry a measure against the unanimous wishes and votes of the Un-official Members. In such a case it would be the duty of the Un-official Members to enter on the Minutes of the Council a protest setting forth the grounds of their objection, and require the Governor that he should transmit it for the consideration of the Secretary of State.

It is thus that in communities in which, from the absence of large constituencies, the Crown still retains the greater Legislative power, the responsibility of the Government can still be made effective.

The Secretary of State is responsible to Parliament, and Parliament is not slow to listen to any complaint of alleged misgovernment in the Colonies.

The Governor proposes to reconsider the Standing Orders before he again meets the Council.

*Government House,
8th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 26.

FREDERICK SEYMOUR.

The Governor, fully concurring in the Resolution passed by the Legislative Council on the 16th February, recommending the adoption of a scheme for the

¹⁴ *Ibid.*, p. viii.

promotion of Female Emigration to this Colony, will place himself in communication on the subject, at once, with the Secretary of State.

*Government House,
8th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 27. FREDERICK SEYMOUR.

The Governor sends down to the Legislative Council certain amendments to the Mineral Ordinance, 1869, calculated to improve its working.

*Government House,
9th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 28. FREDERICK SEYMOUR.

The Governor sends down to the Legislative Council the "Cattle Ordinance, 1869," for the insertion of a suspending clause.

*Government House,
9th March, 1869.*

The Hon. Mr. Drake presented a Petition of certain of the inhabitants of Victoria, in reference to the supply of Water.

Ordered to be read.

Read accordingly.

Ordered to lie on the table.

The Hon. Mr. Davie gave notice of motion.

The Hon. Mr. Robson gave notice of motion.

The Hon. Mr. Helmcken gave notice of motion.

The Hon. Mr. Helmcken presented the Report of the Select Committee appointed to consider the Petition of J. C. Nicholson.

Ordered that the same be referred to Committee of the whole House.

The Council went into Committee accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. Wood, Chairman of the Committee, reported that no amendments had been made to the Report, and that the Committee recommend its adoption.

On the question of the adoption being put,

The Hon. the Attorney General moved, the Hon. Mr. Hamley seconding,

That the Report be printed, and its adoption postponed till it had been placed in the hands of Members.

On the amendment being put the Council divided.

Ayes 5, Noes 10.

So the amendment was lost.

On the original question being put, the Council again divided.

Ayes 11, Noes 5.

The names, by request, having been taken down by the Clerk, as follows:—

<i>Ayes.</i>	<i>Noes.</i>
The Hon. Messrs. Ring, Wood, Davie, Humphreys, Carrall, Helmcken, Drake, Robson, Ball, Sanders, O'Reilly.	The Hon. Messrs. Crease, Alston, Trutch, Hamley, Pemberton.

So the Report was adopted.¹⁵

On the motion of the Hon. the Attorney General, the Council went into Committee to consider the alteration proposed by the Governor to the Cattle Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the following Resolution for adoption by the Council:—

That the Governor be respectfully acquainted that this Council has concurred in the amendment proposed by His Excellency to the Cattle Bill.

Ordered that the Report be adopted.

On the Order of the day being read for the second reading of the Water Bill,
Ordered to be postponed till Thursday.

Pursuant to the Order of the day, the Council went again into Committee on the address to the Queen on the subject of the condition of the Courts of the Colony.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported progress and asked leave to sit again.

Ordered that leave be granted for Thursday.

Pursuant to the Order of the day, the County Courts Bill was read second time.
Ordered to be committed at once.

The Council went into Committee accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported progress, and asked leave to sit again.

Ordered that leave be granted for Thursday.

Pursuant to a deferred Order, the Council went into Committee on the Municipal Amendment Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Pemberton, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered that the Report be adopted and the Bill read third time on Thursday.

¹⁵ *Ibid.*, p. ix.

Pursuant to Order, the Religious Institutions Bill was read third time, and it was Resolved that this Bill do pass and its title be the "Religious Institutions Ordinance, 1869."

Pursuant to Order, the Loan Bill was read third time, and it was Resolved that this Bill do pass and its title be "The Investment and Loan Societies Ordinance, 1869."

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 29.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance for the better protection of Cattle, and the better prevention of Cattle Stealing."

*Government House,
9th March, 1869.*

Then, on the motion of the Hon. Mr. Drake, the Council adjourned till 1 o'clock on Thursday next.

Thursday, the 11th day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Trutch, Crease, Sanders, Carrall, Robson, Ball, Alston, Helmcken, Humphreys, Wood, Hamley, Pemberton, Davie, Havelock, O'Reilly, Walkem, Ring.

The Minutes of the previous Meeting were read and confirmed.

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 30.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance respecting Pre-emption Claims."

*Government House,
10th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 31.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance respecting Stipendiary Magistrates."

*Government House,
10th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 32.

FREDERICK SEYMOUR.

The Governor recommends that the following additions be made to the Bill entitled "An Ordinance to entitle Exporters of Goods to certain Drawbacks, and for other purposes":—

“Provided that this Ordinance shall not take effect until Her Majesty’s approval thereof shall have been published in this Colony.”

*Government House,
10th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 33,

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled “An Ordinance to amend the Law of Partnership.”

*Government House,
10th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 34.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled “An Ordinance granting a Supplemental Supply of \$134,465.98 out of the General Revenue of the Colony of British Columbia and its Dependencies, for the contingent service of the years 1866-7 respectively.

*Government House,
10th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 35.

FREDERICK SEYMOUR.

The Governor recommends to the Legislative Council that the following amendments be made in the Bill entitled the “Game Ordinance, 1869”:—

That the words “but nothing herein contained shall be construed to prevent *bona fide* Settlers in Country Districts from killing or getting such Game at any season for their own consumption merely” be added at the end of Clause II.

*Government House,
11th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 36.

FREDERICK SEYMOUR.

The Governor recommends to the Legislative Council that the following amendment be made in the Bill entitled “An Ordinance respecting the property of Religious Institutions in the Colony of British Columbia”:—

That the words “after the consent of the Governor first had and obtained” be inserted after word “may” in Clause I., line 10.

*Government House,
11th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 37.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled “An Ordinance to establish a Volunteer Force.”

*Government House,
11th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 38.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled “An Ordinance to provide for the maintenance, improvement, and construction of Roads in British Columbia.”

*Government House,
11th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 39.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance respecting the practise of Surgery, and for the encouragement of the Study of Anatomy."

*Government House,
11th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 40.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to amend the procedure in Civil Cases."

*Government House,
11th March, 1869.*

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

On the motion of the Hon. the Attorney General, the Council went into Committee to consider the amendment proposed by His Excellency to the Drawbacks Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the following Resolution for the adoption of the Council:—

That this Council humbly requests a conference with his Excellency the Governor, upon the subject of the Drawbacks Bill,
And asked leave to sit again.

Ordered that the Report be adopted, and leave granted.

On the motion of the Hon. the Attorney General, the Council went into Committee to consider the amendment proposed by the Governor to the Game Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the following Resolution for the adoption of the Council:—

That the Governor be respectfully acquainted that the Council has agreed to the amendment proposed by His Excellency to the Game Bill.

Ordered that the Report be adopted.

On the motion of the Hon. the Attorney General, the Council went into Committee to consider the amendment proposed by His Excellency to the Religious Institutions Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the following Resolution for the adoption of the Council:—

That the Governor be respectfully acquainted that the Council has agreed to the amendment proposed by His Excellency to the Religious Institutions Bill.

Ordered that the Report be adopted.

Pursuant to the Order of the day, the Municipal Amendment Bill was read the third time, and it was Resolved that this Bill do pass, and its title be the "Victoria Municipal Amendment Ordinance, 1869."

Pursuant to the Order of the day, the Hon. Mr. Helmcken moved, that the Council consider in Committee, the Governor's Message No. 24, on the subject of compensation to certain officers.

The Council went into Committee accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. Wood, Chairman of the Committee, reported the following Resolution for the adoption of the Council.

That the Governor's recommendation with regard to compensation to Public Officers be agreed to.

On the question being put, it was carried unanimously, and Resolved accordingly.

Pursuant to the Order of the day, the Council took into consideration His Excellency's Message No. 26, on the subject of Female Immigration.

The Hon. Mr. Robson moved, the Hon. Mr. Alston seconding:—

That an humble address be presented to His Excellency the Governor, respectfully and earnestly recommending the immediate appointment of a Local Board for the purpose of carrying out the Immigration Scheme adopted by this Council during the present Session, and the appropriation of the sum asked for.

On the question being put, it passed in the affirmative, and was Resolved accordingly.

Pursuant to the Order of the day, the Hon. Mr. Davie moved, the Hon. Mr. Helmcken seconding,

That His Excellency the Governor be respectfully requested to order that the future execution of the Law of Capital Punishment in this Colony be assimilated to that of England.

Whereupon a debate arose.

During which the Hon. the Presiding Member intimated to the Council that the Governor was prepared to grant the conference sought by the Council on the Drawbacks Bill.

The Council adjourned during pleasure.

On the Council resuming its sitting, the Hon. the Presiding Member acquainted the Council that a conference had taken place with the Governor, on the subject of the Drawbacks Bill.

The Council went into Committee to consider the subject.

On the Presiding Member resuming the Chair, the Hon. Mr. Sanders, Chairman of the Committee, reported the following Resolution for the adoption of the Council:—

That in accordance with the result of the conference had this day with the Governor, the Drawbacks Bill be respectfully referred back to His Excellency.

Ordered that the Report be adopted.

Discussion resumed on the Hon. Mr. Davie's motion on capital punishment.

The debate having terminated, and the question being put, the Council divided.

Ayes 4, Noes 8.

So it passed in the negative and the Resolution was lost.

Pursuant to the Order of the day, the Council went again into Committee on the County Courts Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the Bill complete with amendments.

Ordered that the Report be adopted and the Bill read third time to-morrow.

On the motion of the Hon. the Attorney General, the Standing Orders suspended.

The Hon. the Attorney General then introduced the Indian Reserve Bill.

Read first time.

Ordered to be read second time to-morrow.

The Council then adjourned during pleasure.

On resuming its sitting, the Council went into Committee on the amendments proposed by the Governor to the Mineral Lands Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Alston, Chairman of the Committee, reported some progress, and asked leave to sit again.

Ordered that the Report be adopted, and leave granted for to-morrow.

Pursuant to the Order of the day, the Water Supply Bill was read second time.

Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Council went again into Committee to consider the Address to the Queen, on the subject of the condition of the Courts of the Colony.

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported the following Address for the adoption of the Council:—

To Her Most Gracious Majesty Victoria, By the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof, in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith &c., &c.

The humble Petition of the Legislative Council of Your Majesty's Colony of British Columbia,

SHEWETH:—

1. That previous to "The British Columbia Act, 1866," passed by the Imperial Parliament of Great Britain, whereby the then separate Colonies of British Columbia and Vancouver Island were united into the existing Colony of British Columbia, each of such separate Colonies possessed a Supreme Court presided over by a single Judge, having sole authority within his Colony, with no appeal from his decision except to Your Majesty in Council, a proceeding too costly to be resorted to except in rare cases.

2. On the Union of the two Colonies of British Columbia and Vancouver Island, no provision was made by the Organic Act effecting such Union for the reconstruction of the Courts of Justice of the new Colony, and thus an important advantage anticipated from Union was not obtained. The new Colony still remained subject to two separate jurisdictions as before the Union; each portion of

the United Colony being, so far as the Administration of Justice was concerned, distinct and unconnected in every respect as if such Union had not taken place.

3. The Legislative Council of British Columbia during their Session in the year 1868, passed a Supreme Court Ordinance (No. 1 annexed hereto) whereby, a single Supreme Court was intended to be established in the existing Colony of British Columbia, presided over by one Chief Justice with one or more Inferior or Puisne Judges, with a constitution moulded in analogy to the Institutions of Great Britain, and those of Your Majesty's Colonial Possessions.

4. This Ordinance failed to meet with Your Majesty's approval, in consequence as your Petitioners infer, of the absence of any provision by way of pension for one of the Chief Justices, whose position would have been somewhat disadvantageously modified by the proposed change. We regret that such provision is beyond what the finances of this Colony can at present bear.

5. "The Supreme Courts Ordinance, 1869," (No. 2, annexed hereto) passed by the Legislative Council of British Columbia, during their present Session, in deference to the judgment of Your Majesty's advisers in England, continues the order of things existing previously to the Union of Vancouver Island with British Columbia, "until a vacancy be created by the death, resignation, or otherwise," of either of the existing Chief Justices of our two Supreme Courts. Although provision is made for mutual assistance being rendered by each of such Chief Justices to the other, yet this privilege is not given as matter of course, and as a right of the subject; but only as occasion may arise by favor, and with the consent of both of the existing Chief Justices.

6. For these reasons, your Petitioners regret to say that, to the best of their judgment, the Ordinance is not calculated to meet the requirements of their fellow Colonists, nor to sustain the high character which British Justice has generally enjoyed in Your Majesty's Dominions.

7. Your Petitioners deem it unnecessary to specify in detail the loss, the inconvenience, and the miscarriage of justice which have ensued, and which cannot but ensue in a Colony where there exists the anomaly of two Supreme Courts, whose jurisdictions are not concurrent, whose process can only run over separate and distinct portions of such Colony, and where no practical appeal can be had as of right from the decisions of single Judges. Your Petitioners, therefore, most earnestly and respectfully represent to Your Majesty, that the interests of your Subjects, in this your Colony, require the establishment of a single Supreme Court, presided over by a Chief Justice and one or more Puisne Judges, as indispensable to the due and impartial administration of Justice.

8. Your Petitioners would, therefore, humbly pray that Your Majesty may be pleased to take the circumstances of their case into Your most gracious consideration; and they would further, humbly solicit that as a practical solution of their difficulties, Your Majesty would be pleased to provide for one of the existing Chief Justices of Your Colony of British Columbia, as to Your Majesty may seem fit.

And Your Petitioners will ever pray.

Resolved, That this Report be adopted, and the address forwarded to His Excellency the Governor, with the request that the same may be transmitted to the Queen, through Her Majesty's Principal Secretary of State for the Colonies.

Then, on the motion of the Hon. Mr. Helmcken, the Council adjourned till 1 o'clock, to-morrow.

Friday, the 12th day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Hamley, Trutch, Ball, Crease, Helmcken, Alston, Davie, Wood, Ring, Carrall, O'Reilly, Walkem.

The Minutes of the previous Meeting were read and confirmed.

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 41.

FREDERICK SEYMOUR.

With reference to the subject discussed in the conference the Governor had the honor to have yesterday with the Legislative Council, he has now to state that on deliberation he has determined not to assent to the Drawback Bill without instructions from Home. He will, however, forward it for the consideration of the Secretary of State by the earliest opportunity, with no unfavourable comments.

*Government House,
12th March, 1869.*

The Hon. Mr. Helmcken presented a Petition from the inhabitants of Victoria, against the Water Supply Bill.¹⁶

Ordered to be read.

Read accordingly.

Ordered to lie on the table.

Pursuant to the Order of the day, the County Courts Bill was read the third time, and it was Resolved that this Bill do pass, and its title be "The County Courts Amendment Ordinance, 1869."

Pursuant to the Order of the day, the Hon. Mr. Helmcken moved, the Hon. Mr. Carrall seconding,

That His Excellency the Governor be humbly requested to take such means as he may deem advisable, to put a stop to the practice of the employment of Spies in this Colony, by the Government of the United States of North America.

Motion subsequently withdrawn, by leave.

Pursuant to the Order of the day, the Hon. Mr. Helmcken asked the Hon. the Acting Colonial Secretary, under what and whose authority Foreign steam-boats are allowed to carry Coal from Nanaimo, and land it upon the wharves at Victoria?

The Hon. the Acting Colonial Secretary replied.

Pursuant to the Order of the day, the Indian Reserve Bill was read a second time. The Council went into Committee on the said Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the Bill complete, with amendments.

Ordered that the Report be adopted.

The Standing Orders having been suspended, the Bill was read third time, and it was Resolved that this Bill do pass and its title be the "Indian Reserve Ordinance, 1869."

Pursuant to the Order of the day, the Council went again into Committee to consider the amendments proposed by His Excellency to the Mineral Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Alston, Chairman of the Committee, reported the following Resolution for the adoption of the Council:—

¹⁶ *Ibid.*, p. ix.

That the Governor be acquainted that the Council have agreed to the amendments to the Mineral Bill proposed by His Excellency.

The Council beg to recommend that in Section XVI, line 6, the word "ten" before the words "thousand dollars" be changed to "five."

Ordered that the Report be adopted.

Pursuant to the Order of the day, the Council went into Committee on the Water Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Alston, Chairman of the Committee, stated that it had risen without a report.

So the Bill lapsed.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 p. m. to-morrow.

Saturday, the 13th day of March, 1869.

The Council met at 1 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Trutch, Crease, Robson, Davie, Helmcken, Ball, Alston, Humphreys, Wood.

The Minutes of the previous Meeting were read and confirmed.

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 42.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled the "Game Ordinance, 1869."

*Government House,
13th March, 1869.*

Then, on the motion of the Hon. Mr. Helmcken, the Council adjourned till 3 o'clock on Monday next.

Monday, the 15th day of March, 1869.

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

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

Present,—The Hon. Messrs. Young, Crease, Trutch, Ball, Alston, Hamley, O'Reilly, Ring, Wood, Helmcken, Humphreys, Robson, Davie, Carrall, Havelock.

The Minutes of the previous Meeting were read and confirmed.

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 43.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to enable the Municipal Council of the City of Victoria to establish a permanent fund for the support of the Fire Establishments of the said City."

*Government House,
13th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 44.

FREDERICK SEYMOUR.

The Governor recommends to the Legislative Council that the following amendments be made in the Bill entitled "An Ordinance to amend the "County Court Ordinance, 1867":—

That Clause II. be struck out. He is not prepared to say that the provision it contains may not be desirable hereafter;

That in lieu thereof a new Clause be inserted and become Clause II., that is to say:—

"Whereas doubts have arisen as to the effect of the Order of the Supreme Court of Civil Justice of Vancouver Island, made on the 3rd day of April, 1860; for the avoidance of all such doubts, be it enacted that no fees or moneys heretofore received from or on account of any proceedings in the Inferior or Summary Court of Civil Justice of Vancouver Island, shall be deemed to be or to have been due or payable or be paid to any Officer of the said Court, or other person whomsoever, but the same shall be and continue to be accounted for as part of the Revenue of the said Colony, any Rule, Law, or Order of any Court to the contrary notwithstanding."

*Government House,
13th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 45.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to establish Public Schools throughout the Colony of British Columbia."

*Government House,
13th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 46.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to facilitate the working of Mineral Lands."

*Government House,
15th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 47.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance respecting the property of Religious Institutions in the Colony of British Columbia."

*Government House,
15th March, 1869.*

A further Message from His Excellency, read as follows:—

Message No. 48.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance respecting Indian Reserves."

*Government House,
15th March, 1869.*

On the motion of the Hon. the Attorney General, the Council went into Committee to consider the amendments proposed by the Governor to the County Courts Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the following Resolution for adoption by the Council:—

That the Governor be acquainted that the Council has agreed to the amendments proposed by His Excellency to the County Courts Bill.

Ordered that the Report be adopted.

The Hon. Mr. Carrall presented 2 Petitions from the inhabitants of Okanagan and Osoyoos Districts.

Ordered to be read.

Read aloud by the Clerk accordingly.

The Standing Orders having been suspended, the Hon. Mr. Carrall moved the following Resolution, the Hon. Mr. Helmcken seconding, :—

That the above Petitions be transmitted to His Excellency the Governor.

On the question being put it was carried in the affirmative and Resolved accordingly.

A Message from His Excellency the Governor, which being read is as follows:—

Message No. 49.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, on behalf of Her Majesty, to a Bill entitled "An Ordinance to amend 'The County Court Ordinance, 1867.'"

*Government House,
15th March, 1869.*

After which, His Excellency Frederick Seymour, Esquire, Governor of the Colony, having entered the Council Chamber, attended by his Private Secretary, and, being seated in the President's Chair, made the following Speech proroguing the Council:—

Honorable Gentlemen of the Legislative Council:

It will be no less gratifying to you than it is to me to close, for a time, our Legislative labours. It would be ungrateful on my part did I not acknowledge the care and candour with which you have considered every measure which has come before you.

I have, likewise, to thank you for the spirit of initiation you have displayed, more conspicuously now than in any previous Session. The Government and people having vied to select the most eligible men to watch over the Public interests, I have felt it my duty to treat with the utmost respect all measures proposed by you.

It is unnecessary that I should mention all the Ordinances to which I have assented. As a rule, the Bills received from you have become Law.

I have, however, hesitated, from no want of good feeling, over the Bill to incorporate the Members of St. Andrew's Church. I do not like the Companies'

Bill. I have in another Colony, found the placing the Crown and the Subject on the same footing as regards Costs in Civil Actions work very badly. There is no precedent for the principles enunciated in the Investment and Loan Societies Bill, that I am aware of.

Understand, that not one of these proposed measures is finally disallowed. The Drawback Ordinance shall be forwarded with a favourable recommendation, by the earliest opportunity, to England, for instructions. Pending the receipt of them, I shall carefully consider how far my powers extend to remove any restrictions not absolutely required by law, which may appear to impede the operations of Commerce.

I am unable to concur with you in the alterations proposed in the Tariff and Excise. It is better to be faithful to a code, even when suspected of error, than to be constantly changing its details. I admit that our scale of taxation on Imports is not perfect, and I hope that I shall, before the next Session, be prepared to propose some amendments to it.

Turning to mere Executive matters, I will at once consider the question of paying the expenses of Elected Members of Council; though I say at the outset that the principle is a bad one.

I fully concur with you as to the propriety of appointing a Local Board for the furtherance of Female Immigration.

I think the question of a Law Library can be settled on a somewhat larger scale than contemplated.

The consolidation of the Laws of the two sections of the Colony shall receive earnest consideration during the recess.

The Magistrates are authorized, in their discretion, to pay suitable rewards for the destruction of Wolves and Panthers.

The support of the Government shall be given to the establishment of a Labour Exchange at New Westminster and Victoria. I shall communicate with Her Majesty's Consul at San Francisco, respecting the expediency of instituting an Emigration Agency towards these shores in that town.

Depend upon it that the interests of New Westminster and Burrard Inlet shall not be overlooked.

I shall gladly endeavour to secure a site for the deposition and continual exhibition of the natural and other productions of the Colony.

Your remonstrance as to the present position of the Supreme Courts shall not go Home unsupported.

Spring, the emblem of hope, has early come upon us, and I trust will secure a long season at the Gold Mines, and an early rich crop on the Farms. It would be wrong for us to despond when Nature is doing all for this Country of unbounded resources and most charming climate.

It seems to me impossible to believe that the attractions of British Columbia, though the bars of the Fraser have lost their wealth, will fail to obtain the notice of the world. I have the settled conviction that a few years will see this Colony among the most flourishing of Her Majesty's many possessions. Already individual well-being is universal.

With great satisfaction I proceed to relieve you from further attendance on your Legislative duties. I now prorogue Your Honorable Council, and the same is hereby prorogued accordingly.

JOURNALS
OF THE
LEGISLATIVE COUNCIL
OF
BRITISH COLUMBIA
15 FEBRUARY 1870 TO 23 APRIL 1870
IN THE
33RD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE SEVENTH SESSION OF THE LEGISLATIVE COUNCIL
OF BRITISH COLUMBIA