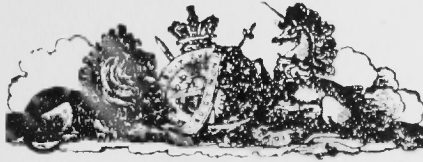


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JOURNALS
OF THE
LEGISLATIVE COUNCIL
OF
BRITISH COLUMBIA
FROM THE 5TH JANUARY TO THE 28TH MARCH, 1871
IN THE
34TH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

BEING THE EIGHTH SESSION OF THE LEGISLATIVE COUNCIL OF
BRITISH COLUMBIA

ROLL
OF THE
HONOURABLE THE LEGISLATIVE COUNCILLORS
OF
British Columbia,

FOR THE EIGHTH SESSION OF THE LEGISLATIVE COUNCIL
BEING THE YEAR 1871, 34° VICTORIÆ.

THE HON. PHILIP JAMES HANKIN, COLONIAL SECRETARY, (SPEAKER.)
,, GEORGE PHILLIPPO, ATTORNEY GENERAL,
,, JOSEPH WILLIAM TRUTCH,* CHIEF COMMISSIONER OF LANDS AND
WORKS AND SURVEYOR GENERAL.
,, WYMOND OGILVY HAMLEY, COLLECTOR OF CUSTOMS.
AUGUSTUS FREDERICK PEMBERTON, ESQUIRE, J. P.
EDWARD GRAHAM ALSTON, ESQUIRE, J. P.
HENRY NATHAN, ESQUIRE, VICTORIA CITY.
THE HON. JOHN SEBASTIAN HELMCKEN, VICTORIA CITY.
AMOR DECOSMOS, ESQUIRE, VICTORIA DISTRICT.
ARTHUR BUNSTER, ESQUIRE, NANAIMO.
HUGH NELSON, ESQUIRE, NEW WESTMINSTER.
CLEMENT FRANCIS CORNWALL, ESQUIRE, HOPE, YALE, AND LYTTON.
THOMAS BASIL HUMPHREYS, ESQUIRE, LILLOOET AND CLINTON.
THE HON. ROBERT WILLIAM WEIR CARRALL, CARIBOO AND SODA CREEK.
ROBERT JAMES SKINNER, ESQUIRE, KOOTENAY AND COLUMBIA RIVER.

* Replaced by Peter O'Reilly, who was sworn in 21 February 1871.

BRITISH COLUMBIA

COLONIAL SECRETARY'S OFFICE,
13th October, 1870.

THE Governor directs the publication, for general information, of the following Despatch from Her Majesty's Principal Secretary of State for the Colonies, with its enclosures.

By Command.
PHILIP J. HANKIN.

COPY.

BRITISH COLUMBIA.
No. 11.

DOWNING STREET,
22nd August, 1870.

SIR,—In your Despatch, No. 20, of the 23rd February, you recommended to my predecessor an alteration in the present Legislative Constitution of British Columbia, and requested to be furnished with the necessary authority for effecting it. As it appears both from that Despatch and from your previous correspondence, that the Colonists are desirous of being placed in formal possession of Representative Institutions, and that the particular scheme advocated with clearness and cogency in your present Despatch is likely to be acceptable to them, Her Majesty's Government have had no difficulty in adopting your recommendation. But as it appeared that this scheme could not be carried into effect without an Act of Parliament, they thought it best that Her Majesty should be advised, under authority of an Act, to establish at once a Representative Legislature with the power of altering its own Constitution, which is given by the 28 and 29 Victoria, Cap 63, rather than to remit the question, perhaps for protracted discussion, to the present somewhat anomalous Council.

The pressure of parliamentary and other business has caused some delay in giving effect to this decision, but I have now the satisfaction of transmitting to you copies of "The British Columbia Government Act, 1870," and of the Order in Council passed under that Act. The Original Order in Council is transmitted in my Despatch No. 12, of even date herewith.

It is unnecessary for me to dwell in detail upon the different provisions of this Order, which are in truth sufficiently simple. You will perceive that the Legislative Council is to consist, according to your suggestion, of Fifteen Members, of whom nine are to be elective, six non-elective, and that, subject to any dissolution, the elected members are to hold their seats for four years.

By the 9th Section very large powers are vested in you "until the meeting of the first Council." Having entire confidence in your ability and judgment, I purposely refrain from giving you any definite instructions as to the exercise of those powers on matters of detail, upon which your own knowledge is so much more complete than my own. I do not doubt that you will take the steps best calculated to secure a thoroughly trustworthy representation, and one which will command the confidence of the country.

You will observe that by the last Section of the Order in Council, the power conferred on "Representative Legislatures" by the Imperial Act 28 and 29 Victoria, Cap 63, are, to avoid the possibility of any doubt, expressly reserved to the newly constituted Legislature.

I shall watch with great interest the working of the new Council, and the more so as it seems highly probable that one of the first questions submitted to them will be the important question of Union with the Dominion of Canada. Upon this subject the views of Her Majesty's Government have been fully expressed in my predecessor's Despatch of the 14th August, 1869. I have, &c.,

To Governor Musgrave,
&c., &c., &c.

(Signed) KIMBERLEY.



CHAP. 66.

An Act to make further provision for the Government of British Columbia.

[9th August, 1870.]

Preamble.
21 & 22
Vict. c. 99.

WHEREAS in pursuance of the powers vested in Her Majesty by an Act passed in the Session holden in the twenty-first and twenty-second years of Her Majesty's reign, intituled "An Act to provide for "the Government of British Columbia," Her Majesty did, by an Order in Council, bearing date the eleventh day of June, one thousand eight hundred and sixty-three, constitute a Legislature consisting of the Governor and a Legislative Council in the said Colony of British Columbia:

And whereas by the British Columbia Act of 1866, Vancouver Island was united to British Columbia and made subject to the said Legislature, and the number of the Legislative Council was increased so as to provide for the representation of Vancouver Island:

And whereas it is expedient to alter the constitution of the said Legislature:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Title.

1. This Act may be cited as "The British Columbia Government Act, 1870."

Interpretation
of term
"Governor."

2. For the purposes of this Act, the term "Governor" shall mean the officer for the time being administering the government of British Columbia.

Power to Her
Majesty by
Order in
Council to
constitute a
Legislature.

3. Her Majesty may, by an Order or Orders in Council, revoke the said recited Order in Council, and may from time to time make, and when made revoke or alter, Orders in Council for constituting a Legislature consisting of the Governor and a Legislative Council for the said Colony, and may by any such Order make such provisions and regulations respecting the constitution, powers, and proceedings of the said Legislature or either branch thereof, the number, the appointment, and election of the members of the Legislative Council, their tenure of office, and generally in respect to such Legislature or either branch thereof, as may seem to her expedient.

Power to Her
Majesty to
delegate
certain powers
to the
Governor of
British
Columbia.

4. Her Majesty may from time to time, by any such Order or Orders in Council, empower the Governor of the said Colony, with or without any conditions or restrictions, by proclamations, to determine the qualification of electors and of elective members of the Legislative Council, and to make provision for the division of the said Colony into convenient electoral districts; for the registration of persons qualified to vote, and the compilation and revision of lists of all such persons; for the appointment of returning officers; for the issuing, executing, and returning the necessary writs for the election of members to the said Legislative Council; for taking the poll thereat, and determining the validity of all disputed returns; and generally for securing the orderly, effective, and impartial conduct of such elections, and to revoke any proclamation previously made.

Draft of an Order in Council passed by the Queen in Council for constituting a Legislative Council for the Colony of British Columbia.

At the Court at Osborne House, Isle of Wight, the 9th day of August, 1870.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD PRIVY SEAL.
MR. GLADSTONE.

MR. CHANCELLOR OF THE EXCHEQUER.
SIR WILLIAM HEATHCOTE, BART.
LORD JUSTICE MELLISH.

[Dated 9th August, 1870.]

WHEREAS by the "British Columbia Government Act, 1870."

Her Majesty was empowered by Order or Orders in Council to constitute a Legislature consisting of the Governor and a Legislative Council for the Colony of British Columbia, and to make such Provisions and Regulations in respect of such Legislature, or either branch thereof, as might seem to be expedient, and further to delegate certain Powers therein mentioned to the Governor of the said Colony:

It is hereby Ordered by Her Majesty, by and with the Advice of Her Privy Council, and in pursuance and exercise of the Powers vested in Her Majesty by the said Act of Parliament, as follows, that is to say:

I. In this Order in Council the term "Governor" shall mean the Officer for the time being lawfully Administering the Government of the Colony of British Columbia.

II. The Order in Council of the Eleventh day of June, 1863, referred to in the said Act, shall be, and the same is hereby Revoked, except that the Legislative Council Constituted by the said Order shall, "unless first Dissolved by the Governor," retain all the Powers thereby granted to it in like manner as if the said Order had not been Revoked until the Return of the First Writs of the future Legislative Council Constituted under this Order.

III. There shall be in the said Colony a Legislative Council Constituted as hereinafter mentioned.

IV. It shall be lawful for the Governor, with the advice and consent of the said Council, to make Laws for the Peace, Order, and good Government of the said Colony.

V. The said Council shall consist of Fifteen Members, of whom Nine shall be Elective, and Six non-Elective.

VI. The non-Elective Members shall consist of such Persons or Officers as shall from time to time be Named or Designated by the Governor by Instruments to be passed under the Public Seal of the said Colony: Provided that every such Appointment or Designation shall be provisional only until the same shall have been Confirmed by Warrant under Her Majesty's Sign-Manual and Signet; and that such Appointment or Designation shall be during Her Majesty's Pleasure only, and may be Revoked by like Warrant.

VII. Subject to any Re-arrangement and Redistribution of the present Electoral Districts by the Governor under the Powers hereinafter vested in him, the Elective Members shall be chosen by the Electors of the present Electoral Districts.

VIII. Subject to any alteration of Franchise or Qualification by the Governor under the Powers hereinafter vested in him, every Male of the full Age of Twenty-one Years, being entitled within the said Colony to the Privileges of a Natural-born British Subject, and being able to read English, shall be qualified to Vote at any such

Legislative
Council
appointed.
Governor's
power to make
Laws.

Constitution
of Legislative
Council.
Non-Elective
Members.

Elective
Members &
Electoral
Districts.

Qualification
of Electors
and Elective
Members.

Election, and to be Elected a Member of such Legislative Council, unless he shall have been Convicted of any Treason, Felony, or other Infamous Offence, and shall not have received a Free or Conditional Pardon for such Offence, or have undergone the Sentence passed upon him for such Offence.

Powers of Governor.

IX. Until the First Meeting of the said Council, it shall be lawful for the Governor from time to time by Proclamation, to determine the Qualification of Electors, and of Elective Members, and to make provision for Divisions of the said Colony into convenient Electoral Districts, for the Registration of Persons qualified to Vote, and the Compilation and Revision of Lists of all such Persons; for the Appointment of Returning Officers, for the Issuing, Executing, and Returning the necessary Writs for the Election of Members to the said Council; for taking the Poll thereat and determining the validity of all Disputed Returns, and generally for securing the Orderly, Effective, and Impartial conduct of such Election.

Convoeking of Council. Proviso.

X. The Governor shall, by Proclamation as aforesaid, fix the time and place or places for holding the Meetings of the said Council. Provided that the said Council shall be convoeked within Six Months after the Publication of this Order in the said Colony, and once at least in every subsequent Year.

Prorogation, Dissolution, and Duration of Council.

XI. The Governor may by Proclamation as aforesaid, Prorogue or Dissolve the said Council when he shall think fit; and, in the Absence of such Dissolution, the Elected Members of the said Council shall hold their seats for Four Years from the Day of the Returning of the First Writs for the Election of Members to the said Council, and no longer.

Seats of Members, how vacated.

XII. If any Member of the Council shall, without the permission of the Governor first obtained, fail during a whole Session to give his Attendance in the said Council, or shall take any Oath, or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign State or Power; or shall do, concur in, or adopt any Act whereby he may become the Subject or Citizen of any such State or Power, or shall become a Bankrupt or an Insolvent Debtor, or a public Defaulter, or be attainted of Treason, or be convicted of Felony or any Infamous Crime, or shall for the period of One Month remain Party to any contract with the Government, or, not being an *Ex Officio* Member of the Council, shall by Writing under his Hand, addressed to the Governor, Resign his Seat therein; or if any Elective Member shall accept any Office of Emolument from the Government, his Seat in the said Council shall thereupon become vacant.

Appointment of Substitute for Non-Elective Member.

XIII. If any Non-Elective Member shall be incapable of acting or be absent from the Colony, the Governor may, by an Instrument to be passed under the Public Seal of the Colony, appoint a Substitute to act during such incapacity or absence.

Vacant Seats, how to be filled up.

XIV. Whenever it shall be established to the satisfaction of the Governor that the Seat of any Elected Member of the Council has become Vacant, the Governor shall forthwith issue a Writ for the Election of a new Member to Serve in the Place so Vacated during the remainder of the term of the continuance of such Council; but if any question shall arise respecting the fact of such Vacancy, it shall be referred by the Governor to the said Council, and shall be heard and determined by them.

Oath of Allegiance to be administered to Legislative Councillors.

XV. No Member of the Council shall vote or sit therein until he shall have taken and subscribed the following Oath before the Governor or some Person authorized by him to Administer such Oath:—

"I, A.B. do swear that I will be faithful and bear true
"Allegiance to Her Majesty Queen Victoria, Her Heirs
"and Successors, according to Law.

"So help me God."

Affirmation or Declaration.

But every Person authorized by Law to make a solemn Affirmation or Declaration, instead of taking an Oath, may make such Affirmation or Declaration in lieu of the said Oath.

Speaker to be Elected.
Vacant Office of Speaker, how to be filled up.

XVI. The Council shall, on their first Meeting, before proceeding to the dispatch of any other Business, elect one of their Members to be Speaker, which Election being confirmed by the Governor, shall be valid and effectual during the continuance of the Council, or until the said Speaker shall Die or Resign his Office by writing under his Hand, addressed to the Governor, or shall Cease to be Member of the Council; and in case of Vacancy in the said Office, another Speaker shall be elected in manner and subject to such confirmation aforesaid.

Acting Speaker to preside during the Speaker's Absence.
Quorum for Business.

XVII. The Speaker, or in his absence, some Member Elected by the Council, shall preside at the Meetings thereof.

XVIII. The Council shall not be competent to proceed to the despatch of any business, except that of adjournment, unless Six Members be present.

Voting, and Speaker's Casting Vote.

XIX. All questions shall be determined by a Majority of Votes of the Members present other than the Speaker or Presiding Member. When the Votes are equal, the Speaker or Presiding Member shall have a Casting Vote.

Standing Rules and Orders.

XX. The Council shall at its first Meeting, and from time to time afterwards, as occasion may require, adopt Standing Rules and Orders for the orderly conduct of business, which Rules and Orders shall become valid and effectual when confirmed by the Governor.

Revenue Bills.

XXI. The Council shall not pass, nor shall the Governor assent to, any Bill appropriating any part of the Public Revenue for any purpose which shall not first have been recommended to the Council by the Governor during the Session in which such Bill was proposed, and no part of the said Revenue shall be issued, except in pursuance of Warrant under the hand of the Governor, directed to the Public Treasurer of the Colony.

Initiation of Laws by the Governor.

XXII. The Governor may transmit by Message to the Council, the Draft of any Laws which it may appear to him desirable to introduce, and all such Drafts shall be taken into consideration by the Council in such convenient manner as shall be by the Rules and Orders provided for that purpose.

Governor may return Bills passed by the Legislative Council.

XXIII. Whenever any Bill shall be presented to the Governor, for his assent thereto, he may return the same by Message, for the reconsideration of the Council, with such Amendments as he may think fitting.

No Law to take effect until assented to.

XXIV. No Law shall take effect until the Governor shall have assented to the same on behalf of Her Majesty, and shall have Signed the same in token of such assent.

Disallowance of Laws by Her Majesty.

XXV. Her Majesty may, by Order in Council, or through one of Her Principal Secretaries of State, Disallow any Law passed by the said Governor and Council at any time within Two Years after such Law shall have been received by the Secretary of State; and every Law so disallowed shall become Null and Void so soon as the Disallowance thereof shall be published in the Colony by authority of the Governor.

Powers of Legislative Council.
28 and 29 Victoria,
Cap. 63.

XXVI. Nothing herein contained shall be taken to Limit the Powers conferred upon such Council by an Act passed in the Session holden in the Twenty-eighth and Twenty-ninth Years of the Reign of Her Majesty, intituled "An Act to remove Doubts as to the Validity of Colonial Laws."

And the Right Honourable the Earl of Kimberley, One of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.

BRITISH COLUMBIA.



PROCLAMATION

By His Excellency ANTHONY MUSGRAVE, ESQUIRE, Governor and Commander-in-Chief in and over the Colony of British Columbia and its Dependencies, Vice-Admiral and Ordinary of the same, &c., &c., &c.

BY VIRTUE of the powers and authorities conferred upon me by the "British Columbia Act, 1870," and by the Order of Her Majesty in Council, made in pursuance of the said Act, bearing date the 9th day of August, 1870, above set forth, I do hereby proclaim as follows:—

1. The Colony of British Columbia shall be divided into the following Electoral Districts:—

The City of Victoria,
The District of Victoria,
The District of Nanaimo,
The District of New Westminster,
The District of Yale.
The District of Lillooet.
The District of Kootenay, and
The District of Cariboo.

2. Two Members shall be returned for the City of Victoria, and one Member for each of the other Districts.

3. The Boundaries of the District of Victoria City shall be the same as those fixed by the "Victoria Municipal Ordinance, 1867," as amended by the "Victoria Municipal Amendment Ordinance, 1869."

4. Victoria District shall comprise all that portion of Vancouver Island and such Islands adjacent thereto, as were formerly Dependencies of the late Colony of Vancouver Island, lying to the Southward of a line drawn due East and West from the South-east corner of Cedar District, with the exception of that portion of Vancouver Island hereinbefore included in the District of Victoria City.

5. The District of Nanaimo shall comprise all that portion of Vancouver Island and such Islands adjacent thereto as were formerly Dependencies of the late Colony of Vancouver Island, lying to the Northward of a line drawn due East and West from the South-east corner of Cedar District.

6. The Boundaries of the District of New Westminster shall be the same as those specified in a Public Notice, issued from the Lands and Works Office on the 15th day of December, 1869, by my desire, and purporting to be in accordance with the provisions of the XXXIX. Clause of "The Mineral Ordinance, 1869," save that the New Westminster District and the Coast District therein respectively mentioned shall be amalgamated, and shall form together the Electoral District of New Westminster.

And the Districts of Yale, Lillooet, Kootenay, and Cariboo, shall respectively be comprehended within the Boundaries specified in the said Public Notice of the 15th day of December, 1869.

7. The Qualification of Electors in the several Districts, shall be the same as that mentioned in the said Order in Council, provided, however, that no person shall be Qualified to Vote in any District unless he has resided in such District for Three Months previous to the day of Election.

8. The Sheriff shall be the Returning Officer for the City and District of Victoria, and the Stipendiary Magistrate in each of the other Districts respectively shall be the Returning Officer for each such District.

9. The Writs of Election shall be issued by the Registrar of the Supreme Court at my instance, and shall be in the following form:—

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, Australasia, Queen Defender of the Faith.

To the Returning Officer of the Electoral District of———.

WHEREAS for divers weighty causes Us thereunto moving, We have considered it advisable to summon a new Legislative Council. We therefore command you, firmly enjoining that having first made Proclamation in the said Electoral District of _____ immediately after the receipt of this Our Writ, and thereby notified (giving not less than Eight days' notice thereof) a day and place for Electing a Member to serve for the said Electoral District of _____, you cause on the said day and place a Member of the Legislative Council, the most fit and discreet, to be freely and indifferently chosen to represent the said Electoral District of _____, in Our Legislative Council, by those present at the day of Election, to be fixed by such Proclamation as aforesaid, and the name of such Member so chosen you cause to be returned by your Certificate, and cause the said Person so chosen as aforesaid, to come to the said Legislative Council, so that the said Member may have full and sufficient power for himself and the Commonalty of the said Electoral District of _____, severally from them to do and consent to those things which then and there, by the favor of God, shall happen to be ordained by the Common Council of Our said Colony upon the said affairs, so that for default of such Powers, or through Improvident Election of such Member, the said affairs remain not undone in any way, and that you Certify forthwith unto us into Our Supreme Court at the City of Victoria, the said Election so made, distinctly and openly, under your Seal, together with this Our Writ.

In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Colony of British Columbia. Witness at Our Government House at Victoria, the _____ day of _____ in the Year of Our Lord One thousand eight hundred and _____

By Command.

A. B.

Registrar of the Supreme Court.

10. Each Returning Officer shall, on receiving the Writ of Election, forthwith endorse thereon the date of his so receiving it. Immediately after his so receiving such Writ he shall, by Proclamation under his hand, proceed to fix the place, day, and hour at which he will proceed to hold the Election.

11. The Proclamation shall be in the following form:—

BRITISH COLUMBIA.

PROCLAMATION.

Electoral District of }
To Wit:

Public Notice is hereby given to the Electors of the District of _____ that, in obedience to Her Majesty's Writ to me directed, and bearing date the _____ day of _____, in the Year of Our Lord One thousand eight hundred and _____, I require the presence of the said Electors at _____, on the _____ day of _____, at _____ o'clock in the noon, for the purpose of Electing a person [or persons, as the case may be] to represent them in the Legislative Council of this Colony; and

that in case a Poll be demanded and allowed in the manner by law prescribed, such Poll will be opened on the _____ day of _____, at [here mention the different places at which a Poll is to be opened and kept], of all which every person is hereby required to take notice and govern himself accordingly.

Given under my hand at _____ the _____ day of _____
One thousand eight hundred and _____

Signature. A. B.,
Returning Officer.

12. The Returning Officer shall cause the said Proclamation to be posted up on the outside of the outer door of the principal Court House in his District, and in such other public place or places where Notices are usually posted, as he may consider advisable, at least eight days before the day which by such Proclamation he has fixed for holding the said Election, which day so fixed shall be called the Nomination Day.

13. Neither the day of Nomination nor the day of the posting of such Proclamation shall be included within the said eight days.

14. Each Returning Officer shall, before the Nomination Day, make the following Declaration, and shall annex the same to his Return to the Writ of Election:—

I, the undersigned Returning Officer for the Electoral District of _____, do solemnly declare that I will act faithfully in the capacity of Returning Officer, without partiality, fear, favour, or affection.

Signature. A. B.,
Returning Officer.

15. Every Returning Officer shall, at the time and place aforesaid fixed by him for opening the Election proceed to the Hustings, and shall make the following Proclamation:—

Oyez! Oyez! Oyez!

All persons are commanded and strictly enjoined to keep silence while Her Majesty's Writ for the present Election is publicly read,

And shall then and there read, or cause to be read, publicly the Writ of Election, and shall then require the Electors there present to name the person or persons whom they wish to represent them in the said Legislative Council, in obedience to the said Writ of Election.

16. If the Candidate, or their respective Agents, and the Electors then and there present, upon a show of hands, agree in the choice to be so made of the person or persons to represent the said Electors as aforesaid, and if, after such show of hands, a Poll be not demanded, the Returning Officer shall forthwith close the Election, and shall then and there openly proclaim the person or persons so chosen to be elected a Member or Members to represent in the Legislative Council the Electoral District for which such Election is had.

17. If a Poll be demanded by any Elector present, or any Candidate, or by the Agent of any Candidate, the Returning Officer shall grant such Poll for taking and recording the Votes of the Electors.

18. Any person authorized in writing may act as the Agent of a Candidate during the continuance of the Election.

19. Any Candidate may be required by any other Candidate, or by any Elector, or by the Returning Officer, to make the following Declaration, before he shall be capable of being elected:—

I, A. B., do declare that I am entitled within this Colony to the privileges of a natural born British Subject, and that I am able to read English.

20. When at any Election as aforesaid a Poll has been demanded and granted, each Returning Officer shall publicly proclaim from the Hustings the day previously fixed in and by his first Proclamation, and the different places at which the Poll shall be taken within his District for recording the Votes of the Electors.

21. The Poll shall be held, if demanded, if possible within eight days following the Nomination Day, within the hours of eight o'clock in the morning and four o'clock in the afternoon of such day, and if there are different Polling Places for the

27. Each Returning Officer or Deputy Returning Officer, as the case may be, shall at the Polling Place kept by him, record, or cause to be recorded, in such Poll Book as aforesaid, and in the order in which they shall be given, the Votes of the Electors Voting at such Polling Place, by entering therein the name, surname, legal addition, and residence of each Elector so Voting, and when any Elector has taken the Oath required of him by this Proclamation, or shall have been required to read English, the Returning Officer or Deputy Returning Officer, as the case may be, shall state in the Poll Book that such Oath was taken by the Elector, or such English read, by entering after the name of such Elector, in the proper column in the said Poll Book, the words "sworn," or "read English," and nothing more.

28. In every case where the Vote of any person is objected to by any Candidate, or his Agent, the Returning Officer or Deputy Returning Officer, as the case may be, shall enter the objection in his Poll Book by writing after the name of the Voter, in the column for objections, the words "objected to" only, mentioning at the same time by which Candidate, or on behalf of what Candidate the objection has been made, by adding after the words "objected to" the name only of such Candidate.

29. The Returning Officer or Deputy Returning Officer, as the case may be, at any Election of a Member of the Legislative Council shall receive the Vote of any person who shall tender himself as a Voter, provided that such person shall, if required by any Candidate, or the Agent of any Candidate, or by the Deputy Returning Officer himself, take the following Oath or Affirmation, which such Deputy Returning Officer is hereby empowered to administer:—

You swear (or solemnly affirm) that your name is _____ ;
that you are a subject of Her Majesty by birth (or naturalization), that you have resided within this District for three months, that you are of the full age of twenty-one years, that you have not before voted at this Election, either at this or any other Polling Place, and that you have not received anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote at this Election. So help you God,
and no other Oath or Affirmation shall be required of any person, and provided also that such persons shall satisfy such Returning Officer or Deputy Returning Officer, as the case may be, if required so to do by any of the persons aforesaid, that he is able to read English.

30. Whenever any Returning Officer or any Deputy Returning Officer, as the case may be, has reason to know or believe that frauds and violence are being practised, in violation of the rights of Electors, by which undue Votes are tendered, or that any Voter is not Qualified or has already Voted at the said Election and offers to Vote again, such Returning Officer or Deputy Returning Officer, as the case may be, shall Administer the Oath whether he be required so to do or not by any party, of which mention shall be made in the Poll Book.

31. When any such Voter has been so required by the Returning Officer, or Deputy Returning Officer, or by any Candidate, or the Agent of any Candidate, to take such Oath, or make such Affirmation, or to read English as aforesaid, and refuses to take or make the Oath or is unable to read English, his refusal or inability shall be stated by the Returning Officer or Deputy Returning Officer, as the case may be, by entering after the name of such person claiming to Vote the word "Refused," or the words "Unable to Read," and in every such case the Vote shall not be Taken or Recorded in the Poll Book.

32. Each Deputy Returning Officer shall deliver the Poll Books kept by him personally to the Returning Officer, and if unable to do so by sickness or otherwise, he shall deliver such Poll Book, under a sealed cover, to a person chosen by him, and shall mention on the outside of such cover the name of the person to whom it has been delivered to be so transmitted, and shall take a proper receipt therefor.

33. If any Candidate, or his Agent, or any Elector, complains to the Returning Officer before the proclamation of the state of the Poll at its close, that the Vote of any person not duly qualified (whether the Oath hereinbefore provided has been tendered to him or not, and whether he shall have taken such Oath or not) has been Recorded in any of the Polling Places in his District, or that any Vote has been improperly received, or that the Vote of any person duly qualified who has claimed to Vote at any Polling Place within the District has been improperly refused, it

shall be the duty of such Returning Officer before declaring the state of the Poll to enquire into the complaints made and to hear any evidence that may be adduced upon Oath, (which Oath such Returning Officer is hereby authorized to administer) to decide thereon, and to do what may seem to him to be just and right under the circumstances, either by altering and rectifying the Poll Lists or otherwise, but an entry must be made of such alteration and rectification in the Poll Lists under the hand of the Returning Officer; and in case any other objection not hereinbefore specifically provided for, is made by any or either of the Candidates, or on his or their behalf, the Returning Officer shall immediately inquire into and determine the same, and the decision of the Returning Officer shall be final in all cases so as aforesaid referred to him.

34. If no complaint be made (or if complaint be made immediately after the decision of the Returning Officer on the points submitted to him) each Returning Officer shall as soon as possible after the close of the Poll, ascertain the state of the General Poll at the Election, and as soon as he has ascertained the total number of Votes, he shall then and there openly proclaim at the principal Polling Place within the District where the nomination has taken place, has been duly Elected a Member or Members to represent such Electoral District the person or persons having the greatest number of Votes, and after such proclamation has been made no objection shall be allowed to be taken to the conduct of or proceedings at the Election in any manner whatever.

35. The Returning Officer shall have power to adjourn such proclamation of the state of the Poll from day to day until he has received all the Poll Books from the Polling Places in the District, and until he has decided upon all matters of complaint as aforesaid that may be made to him.

36. As soon as the state of the Poll is proclaimed (or if no Poll is demanded on the Nomination Day) at the close of the proceedings the Returning Officer shall make out a Certificate under his hand and seal naming the person or persons Elected as Member or Members as aforesaid, which Certificate shall be conclusive and shall be appended to the Writ of Election, and shall be returned with the Writ to the Office of the Registrar of the Supreme Court; but no person shall be named in such Certificate who has been publicly required in manner aforesaid to make a Declaration of his qualification prior to the proclamation of the state of the Poll, and has declined or refused so to do.

37. The Certificate shall be as follows:—

I do hereby certify that in obedience to the annexed Writ of Election to me directed, I have caused an Election to take place within the District of _____, and that the Electors of the said District have chosen _____ to represent the said District in the Legislative Council.

{SEAL}

Signature.

Returning Officer.

38. The Returning Officer shall transmit to the Registrar of the Supreme Court the Originals of the Poll Books, the Writ of Election, and the Declaration made by him and by any Deputy Returning Officer that he may have appointed for the due performance of their respective duties, and the Certificate lastly hereinbefore mentioned, immediately after the declaration of the Poll.

39. The Returning Officer and Deputy Returning Officer shall during the continuance of the Elections be Conservators of the Peace and invested for the maintenance of the Peace, for the arrest, detention, or admission to bail, trial, and conviction of any person or persons who break the Law, or trouble the Peace, with the same powers with which Justices of the Peace are invested in this Colony. And for the maintenance of the Peace and of Good Order at such Elections, each such Returning Officer or Deputy Returning Officer respectively may require the assistance of all Justices of the Peace, Constables, and other persons present at the Election, whether at the Hustings or at any Polling Place, to aid him in so doing, and may also swear in so many Special Constables as he deems necessary.

And each such Returning Officer or Deputy Returning Officer respectively, may arrest or cause to be arrested by verbal order, and may place in the Custody of one or more Constables or other persons for such time as in his discretion he may deem expedient, any person disturbing the Peace and Good Order, or may cause

such person to be imprisoned for any such offence, under an order signed by him, until any period not later than the final closing of the Election or of the Poll respectively.

IN WITNESS whereof I have hereunto set my hand and seal this thirteenth day of October, in the year of Our Lord One thousand eight hundred and seventy.

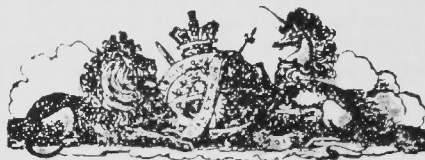
(Signed) A. MUSGRAVE.

{SEAL}

By Command.

PHILIP J. HANKIN,
Colonial Secretary.

V.



R.

COLONIAL SECRETARY'S DEPARTMENT,
19th December, 1870.

THE GOVERNOR has been pleased to appoint the following gentlemen to be Members of the Legislative Council of British Columbia:—

The Hon. Philip James Hankin,
„ George Phillippo,
„ Joseph William Trutch,
„ Wymond Ogilvy Hamley,
Augustus Frederick Pemberton, Esq.,
Edward Graham Alston, Esq.

By Command.

PHILIP J. HANKIN,
Colonial Secretary.

COLONIAL SECRETARY'S OFFICE,
19th December, 1870.

THE GOVERNOR has been pleased to direct the publication of the following for general information:—

By Command.

PHILIP J. HANKIN.

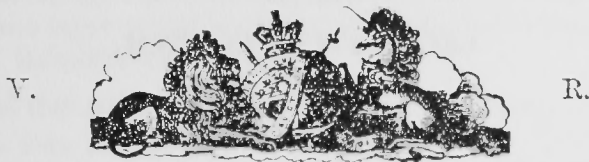
RETURN under the Writs issued for the Elections of Members of the Legislative Council of British Columbia:—

Victoria City.....	{ Henry Nathan, Esq.,
Victoria District.....	{ The Hon. John Sebastian Helmcken,
Nanaimo.....	Amor DeCosmos, Esq.,
New Westminster.....	Arthur Bunster, Esq.,
Hope, Yale, and Lytton.....	Hugh Nelson, Esq.,
Lillooet and Clinton.....	Clement Francis Cornwall, Esq.,
Cariboo and Soda Creek.....	Thomas Basil Humphreys, Esq.,
Kootenay and Columbia River....	The Hon. Robert William Weir Carrall,
	Robert James Skinner, Esq.,

(Signed) RICHARD WOODS,
Registrar.

Registrar's Office,
19th December, 1870.

BRITISH COLUMBIA.



PROCLAMATION

By His Excellency ANTHONY MUSGRAVE, ESQUIRE, Governor and Commander-in-Chief in and over the Colony of British Columbia and its Dependencies, Vice-Admiral and Ordinary of the same, &c., &c., &c.

To the Honourable the Members of the Legislative Council of the said Colony, constituted under the Order of Her Majesty in Council, bearing date the ninth day of August, One thousand eight hundred and seventy; and all others whom it may concern:

WHEREAS by an Order, made by Her Majesty in Council, bearing date the ninth day of August, One thousand eight hundred and seventy, and made in pursuance of the "British Columbia Government Act, 1870," it was ordered (amongst other things) that the Order in Council of the eleventh day of June, One thousand eight hundred and sixty-eight, referred to in the said Act, should be, and the same was, thereby revoked, except that the Legislative Council constituted by the said Order should "unless first dissolved by the Governor" retain all the powers thereby granted to it, in like manner as if the said Order had not been revoked, until the return of the first Writs of the future Legislative Council constituted under the recited Order:—That there should be in this Colony a Legislative Council constituted as therein mentioned; That it should be lawful for the Governor, with the advice and consent of the said Council, to make Laws for the peace, order, and good government of the said Colony; And, that the Governor should, by Proclamation, fix the time and place or places for holding the Meetings of the said Council.

And Whereas the Writs of the Legislative Council, referred to in the recited Order of the ninth day of August, One thousand eight hundred and seventy, have been duly issued, and are now returned into the Office of the Registrar of the Supreme Court, and the Order in Council of the eleventh day of June, One thousand eight hundred and sixty-eight, and the Legislative Council constituted thereunder have been and are now fully determined and ended:

And whereas it has seemed to be desirable to summon and convoke an early meeting of the new Legislative Council:

Now, therefore, by virtue of the power conferred upon me by the said recited Order in Council, and of all other powers and authorities in me in that behalf vested, I do hereby summon and call together the Legislative Council of British Columbia, as constituted under the recited Order in Council of the ninth day of August, One thousand eight hundred and seventy, to meet at the Legislative Council Chamber, in the City of Victoria on the fifth day of January, in the year of Our Lord One thousand eight hundred and seventy-one, **FOR THE DISPATCH OF BUSINESS**, and to treat and conclude upon those things which in the said Legislative Council may be ordained.

GIVEN under my hand and seal, at Victoria, the nineteenth day of December, in the year of Our Lord One thousand eight hundred and seventy, and in the thirty-fourth year of Her Majesty's Reign.

A. MUSGRAVE. [SEAL]

By Command.

PHILIP J. HANKIN,
Colonial Secretary.

JOURNALS
OF THE
LEGISLATIVE COUNCIL
OF
BRITISH COLUMBIA.

SESSION 1871.

Thursday, the 5th day of January, 1871.

On this day being the first meeting of the Council for the dispatch of business, pursuant to a Proclamation, hereunto annexed, of His Excellency Anthony Musgrave, Governor and Commander-in-Chief of the Colony of British Columbia, Matthew Baillie Begbie, Esq., Chief Justice of British Columbia, appointed by *Dedimus Potestatem* for administering the Oath to the Members of the Council, came this day, at the hour of one o'clock P. M., into the Council Chamber, and Charles Good, Esq., Clerk of the Legislative Council; and Richard Woods, Esq., Registrar of the Supreme Court of British Columbia, having delivered to the said Charles Good a Roll containing a list of the names of such Members as had been returned to serve in this Council, the said Matthew Baillie Begbie did administer the Oath to the Members who appeared, which being done, and the Members having subscribed to the Roll containing the Oath, took their seats at the Council, viz:—

The Honourables P. J. Hankin, J. W. Trutch, G. Phillippo, W. O. Hamley, J. S. Helmcken, R. W. W. Carrall; and A. F. Pemberton, E. G. Alston, H. Nathan, H. Nelson, A. DeCosmos, and A. Bunster, Esquires.

Whereupon Mr. DeCosmos, addressing himself to the Clerk (who standing up pointed to him and then sat down) proposed to the Council for their Speaker the Hon. John Sebastian Helmcken.

The Hon. Mr. Helmcken having declined, and having proposed the Hon. Philip James Hankin as Speaker, the Hon. Mr. Carrall seconding, and the question, that the Hon. Philip James Hankin do take the Chair of this Council as Speaker, having been put by the Clerk,

It was Resolved, *nemine contradicente*, and the Clerk having declared the Hon. Philip James Hankin duly elected, he was conducted to the Chair by the Hon. Messrs. Helmcken and Carrall, where standing on the upper step, he returned his humble acknowledgment to the Council for the great honor they had been pleased to confer upon him by choosing him to be their Speaker.

After which the Council adjourned to the call of Mr. Speaker.

The Council having resumed its sitting, His Excellency Anthony Musgrave, Governor and Commander-in-Chief of the Colony, entered the Council Chamber, attended by his Private Secretary.

Mr. Speaker left the Chair, and His Excellency having occupied the same, Mr. Speaker was taken up and introduced as Speaker to the Governor, by the Hon. Messrs. Helmcken and Carrall.

Mr. Speaker then addressed His Excellency, as follows:—

MAY IT PLEASE YOUR EXCELLENCY:

The Council have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me and not to the Council whose Servant I am, and who through me the better to enable them to discharge their duty to their Queen and Country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable interpretation.

To which His Excellency replied as follows:—

MR. SPEAKER:

I approve of the choice made by the Council in the election of their Speaker.

I freely confide in the duty and attachment of the Council to Her Majesty's person and Government, and have no doubt that your proceedings will be conducted with wisdom, temper, and prudence, and I grant, and upon all occasions will recognize and allow, their constitutional privileges.

The Council shall also have access to me upon all seasonable occasions, and their proceedings, as well as their words and actions, will constantly receive my most favourable consideration.

His Excellency then made the following gracious Speech:—

Mr. Speaker and Gentlemen of the Honourable Legislative Council:—

It affords me great pleasure to be able to meet you in person at the commencement of this most important Session of the Legislature of the Colony; and I do so with especial satisfaction at a time when your body has been so reconstituted as to confer the advantage of legal representation upon the Constituencies of the several Electoral Districts.

In my Address to the late Legislative Council at its last Session, I pledged myself to recommend to the Secretary of State such a modification of the then existing Constitution as to allow the majority of the Members of the Legislative Body to be formally elected; and my suggestion has been approved and carried into effect. The Representative Members of your Body have been chosen with a full knowledge of the people of the community of the intention that to you shall be confided the final decision upon the great question of the expediency and conditions of the proposed Union of British Columbia with the Dominion of Canada.

At the close of last Session, I acquainted the Council that I should send a Delegation to Ottawa, to lay before the Government of Canada the Resolutions which have been adopted by that Council on the subject of Confederation, to explain our views and wants, and to learn how far the wants and expectations of the people of this Colony could be fulfilled in any arrangement for Union. The result of that mission has already been communicated to the Public; but I shall now lay before you formally the Report of the Privy Council of Canada upon the subject, which has been transmitted to me by Lord Lisgar. The terms of Union embodied in that Minute, which the Government of Canada is prepared to support in the Parliament of the Dominion, are, I believe, as liberal as this Colony can equitably expect. Indeed, in some respects the arrangements agreed upon are more advantageous to us than the scheme originally proposed. I submit them to you in full confidence that you will join with me in this conclusion; and I recommend to you at once to pass an Address to Her Majesty, in accordance with the provisions of the "British North America Act, 1867," praying for admission into the Union, on those terms and conditions. I have reason for believing that the Community at large desire this course, and no minor issues or local interests, which may quite as well be considered

and protected hereafter, ought to be allowed to hinder the progress of the arrangements likely to be beneficial to the Colony in general.

The agreement proposed contains the condition that the existing Tariff and Excise Duties shall be continued in force in British Columbia until the intended Railway from the Pacific Coast and the systems of Railways in Canada are connected, unless the Legislature of this Colony shall sooner decide to accept the Tariff and Excise Laws of Canada. This alternative will therefore form a separate question for your consideration, but it need not in any manner affect the adoption of the terms of agreement as they stand.

It is also provided that the Constitution of the Executive authority, and of the Legislature of British Columbia shall, subject to the provisions of the "British North America Act, 1867," continue as existing at the time of Union, until altered under the authority of the said Act; but it is also expressly stated, as understood, that the Government of Canada will readily consent to the introduction of Responsible Government when desired by the inhabitants of British Columbia. I am aware that a very general opinion prevails in favor of the adoption of this form of administration for the Local Government on Confederation. To introduce it simultaneously would be practically impossible if, as I hope, we should seek admission to the Union at an early date. Time would not be afforded to enable such a further enlargement and modification of the Legislative Constitution as will be necessary for the purpose of establishing the requisite legal machinery for a change in the form of the Executive Council, as well as of the Legislative Body as would be necessary, which cannot prudently be effected without some delay; and more details require to be settled than persons unacquainted with the working of the system would expect. But, if your Honourable House should be deliberately of opinion that this change is expedient, and that it will not be wiser to leave it for more leisurely consideration after Union, I shall, after the adoption of the proposed Terms of Union with Canada, be prepared to introduce for your consideration a Bill to enlarge the number of popular Representatives, excluding nominated Members from the Council, so as to enable a new Legislative Body and the form of administration known as Responsible Government to come into operation at the first Session of the Legislature subsequently to the Union.

The Estimates of Revenue and Expenditure for the ensuing year shall be promptly laid before you. In the preparation of these I have endeavoured to avoid any expenditure that can, without injury, be postponed. In the state of transition through which the Colony is now passing to a different system of administration, it is obviously desirable not to undertake services of novelty or magnitude, or to disturb existing arrangements.

I have been acquainted by the Secretary of State, that Her Majesty's Government no longer regard it as necessary that the Accounts of the Colony should be transmitted to England for Audit, and I have been required to report on the character of the precautions that may be taken to ensure that the local audit shall be conducted promptly, honestly, and without any influence on the part of the Executive.

It may not be desirable at present, having reference to impending political measures, to make any immediate change in the existing system of audit which I believe to be complete of its kind; but I recommend you to appoint a Committee to enquire into and report upon that system, with a view to its simplification, which I think may probably be effected after Confederation with Canada.

Previously to my arrival in the Colony a List of Taxes and sums due on Real Estate was in course of preparation by the direction of my Predecessor, under the provisions of the Fifth Section of the "Tax Sales Repeal Ordinance, 1867."

On the publication of this list many complaints have been made of erroneous charges, and of the hardship arising in many instances from the arrears which should have been paid by previous owners, and which were presumed to have been liquidated, now falling as a charge upon the land in the possession of other proprietors. The whole subject is a complicated one, not yet cleared from a confusion which gave rise to the Tax Repeal Ordinance itself, under which this list has been prepared. I shall cause a Bill to be submitted to you for the purpose of giving me authority to appoint a Commission to enquire into objections to these claims for arrears of taxes, with power to the Governor, on the Report of the Commissioners, to remit the liability in cases where it should equitably be removed.

I have appointed a Commisison to examine into the state of the Laws of the Colony, and to prepare an Act to repeal obsolete and useless enactments, which I hope to be able to submit to you during the Session, with a view to the publication of a revised edition of the Laws of the Colony as they stand at the time of Union, which may be readily accessible to all classes of the Community.

Beyond the subjects which I have mentioned, I do not now find it necessary to present any to your consideration. Our business during this Session is especially to deal with the great question of Union with Canada, which in a greater or less degree must affect every Department of Public Affairs. To this most important matter I am sure that you will give your ready and earnest attention. At no time in the history of this Colony has any Legislative Body, whether of the Mainland or Vancouver Island, been occupied with considerations of greater moment than those which now demand your solicitude, and which must so deeply affect the future progress of the Province. In every subject of public interest, but especially in one so weighty, I pray that the Almighty may guide your deliberations and bring them to a happy issue.

His Excellency then left the Council Chamber.

CANADA.

NIAGRA,
July 7th, 1870.

STR,—It gives me much pleasure to be able to announce to you the satisfactory termination of the negotiations between the Delegates whom you dispatched from British Columbia and the Ministers of the Dominion.

2. The terms of agreement have been embodied in a Memorandum, of which I enclose a copy. I have been requested by my responsible advisers to add the assurance that such provision shall be made for the retiring pensions of Public Officers in British Columbia as you may approve of.

3. The Hon. Mr. Trutch goes to England by the Mail Steamer of the 9th instant; the other two members of the Delegation return at once to British Columbia, and will, no doubt, give you full details and information on such points as may require it.

4. I announced the result of the negotiations, and sent a copy of the memorandum, to Lord Granville, on the 5th instant. I have, &c.,

(Signed) JOHN YOUNG.

*To His Excellency Governor Musgrave,
&c., &c., &c.*

COPY OF A REPORT OF A COMMITTEE OF THE HONOURABLE THE PRIVY COUNCIL.

The Committee of the Privy Council have had under consideration a Despatch, dated the 7th May, 1870, from the Governor of British Columbia, together with certain Resolutions submitted by the Government of that Colony to the Legislative Council thereof, both hereunto annexed, on the subject of the proposed Union of British Columbia with the Dominion of Canada; and after several interviews between them and the Honourable Messrs. Trutch, Helmcken, and Carrall, the Delegates from British Columbia, and full discussion with them of the various questions connected with that important subject, the Committee now respectfully submit for your Excellency's approval the following Terms and Conditions, to form the basis of a Political Union between British Columbia and the Dominion of Canada:—

1. Canada shall be liable for the Debts and Liabilities of British Columbia existing at the time of Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments in advance from the General Government, Interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at

the date of the Union, and the indebtedness per head of the population of Nova Scotia and New Brunswick (\$27.77), the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia, for the support of its Government and Legislature, to wit, an Annual Subsidy of \$35,000 and an Annual Grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance, such Grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shewn by each subsequent decennial census, until the population amounts to 400,000, at which rate such Grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

4. The Dominion will provide an efficient Mail Service, fortnightly, by steam communication between Victoria and San Francisco, and twice a week between Victoria and Olympia; the Vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following services:—

A. Salary of the Lieutenant Governor;

B. Salaries and allowances of the Judges of the Supreme Courts and the County or District Courts;

C. The charges in respect to the Department of Customs;

D. The Postal and Telegraphic Services;

E. Protection and Encouragement of Fisheries;

F. Provision for the Militia;

G. Lighthouses, Buoys, and Beacons, Shipwrecked Crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria;

H. The Geological Survey;

I. The Penitentiary;

And such further charges as may be incident to and connected with the services which by the British North America Act of 1867 appertain to the General Government, and as are or may be allowed to the other Provinces.

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

7. It is agreed that the existing Custom Tariff and Excise Duties shall continue in force in British Columbia until the Railway from the Pacific Coast and the system of Railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the Tariff and Excise Laws of Canada. When Customs and Excise Duties are, at the time of the Union of British Columbia with Canada, leviable on any Goods, Wares, or Merchandize in British Columbia, or in the other Provinces of the Dominion, those Goods, Wares, and Merchandize may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or from either of those Provinces into British Columbia, on proof of payment of the Customs or Excise Duties leviable thereon in the Province of Exportation, and on payment of such further amount (if any) of Customs or Excise Duties as are leviable thereon in the Province of Importation. This arrangement to have no force or effect after the assimilation of the Tariff and Excise Duties of British Columbia with those of the Dominion.

8. British Columbia shall be entitled to be represented in the Senate by three Members, and by six Members in the House of Commons. The representation to be increased under the provisions of the British North America Act, 1867.

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

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

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a Railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, East of the Rocky Mountains, towards the Pacific, to connect the Seaboard of British Columbia with the Railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said Railway, a similar extent of Public Lands along the line of Railway throughout its entire length in British Columbia, not to exceed however Twenty (20) Miles on each side of said line, as may be appropriated for the same purpose by the Dominion Government from the Public Lands in the North-west Territories and the Province of Manitoba. Provided that the quantity of land which may be held under Pre-emption right or by Crown Grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government, shall be made good to the Dominion from contiguous Public Lands; and provided further, that until the commencement, within Two Years as aforesaid from the date of the Union, of the construction of the said Railway, the Government of British Columbia shall not sell or alienate any further portions of the Public Lands of British Columbia in any other way than under right of Pre-emption, requiring actual residence of the Pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said Railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of \$100,000 per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the interest for Ten Years from the date of completion of the works, at the rate of Five per centum per annum, on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first class Graving Dock at Esquimalt.

13. The charge of the Indians, and the trusteeship and management of the Lands Reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of Land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The Constitution of the Executive Authority and of the Legislature of British Columbia shall, subject the provisions of the British North America Act, 1867, continue as existing at the time of the Union until altered under the Authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the Inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its Members shall be elective.

The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty by and with the advice of Her Most Honourable Privy Council may appoint (on addresses from the Legislature of the Colony of British Columbia, and of the Houses of Parliament of Canada, in the terms of the 146th Section of the British North America Act 1867, and British Columbia may in its address specify the Electoral Districts for which the first Election of Members to serve in the House of Commons shall take place.

Certified,
WM. H. LEE,
Clerk Privy Council, Canada.

Mr. Nathan moved, Mr. Alston seconding,

That the Governor's Speech be printed for the use of Members.

Ordered accordingly.

The Hon. Mr. Trutch moved, the Hon. Mr. Carrall seconding,

That the Standing Orders of the previous Council be adopted for the present.

Ordered accordingly.

The Hon. Mr. Hamley moved, Mr. Nathan seconding,

That a Select Committee be appointed by Mr. Speaker, to draw up and submit a reply to His Excellency's gracious Speech.

Resolved accordingly.

Mr. Speaker named the following Committee:—Hon. Mr. Hamley, Messrs. Alston, Nathan, Bunster, Nelson.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 o'clock on Monday.

Monday, the 9th day of January, 1871.

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

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Helmcken, Carrall, Hamley; Messrs. Nathan, DeCosmos, Nelson, Bunster, Alston, Pemberton.

The Hon. Mr. Speaker in the Chair,

To whom was presented Robert James Skinner, Esq., Member for Kootenay, having been introduced by A. DeCosmos, Esq.,

The Chief Justice being in attendance, then administered the Oath of Allegiance to Mr. Skinner, who having subscribed to the same, took his seat at the Council.

The Minutes of the previous Meeting were read and confirmed, the Minute of the Privy Council of Canada, sent down in His Excellency's Speech, having been ordered to be entered on the Minutes as read.

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

Message No. 1.

A. MUSGRAVE.

The Governor forwards herewith to the Legislative Council, the Estimates of the Revenue and Expenditure for the Year 1871.¹

Government House,

5th January, 1871.

The Hon. Mr. Carrall presented the Petition of the Miners of Cariboo.²

Ordered to be received and read. Read aloud accordingly by the Clerk.

Ordered to be printed for the use of Members and to lie on the table.

Mr. DeCosmos presented the Petition of Settlers in Lake District.

Ordered to be read. Read aloud accordingly by the Clerk.

Ordered to lie on the table.

¹ See Appendix.

² Attached as Sessional Paper, *Journals of the Legislative Council of British Columbia*, 1871, pp. 51-52.

The Hon. Chief Commissioner gave a notice of motion.

Mr. Alston gave a notice of motion.

Mr. DeCosmos gave a notice of motion.

Mr. Skinner gave a notice of motion.

Mr. Nelson gave a notice of motion.

Mr. Skinner gave a notice of motion.

The Hon. the Attorney General moved, the Hon. Chief Commissioner seconding, and it was Resolved,

That a Message be sent to His Excellency the Governor, by one of the Members of the Executive Council in this Honourable House, requesting him to be pleased to confirm the Rules adopted by this Honourable House.

Pursuant to the Order of the day, the Hon. the Collector of Customs, Chairman of the Select Committee appointed to draw up a reply to His Excellency's gracious Speech, Brought up a Report.

Ordered to be read. Read aloud by the Clerk as follows:—

To His Excellency Anthony Musgrave, Esq., Governor of British Columbia.

We, Her Majesty's dutiful and loyal subjects, Members of the Legislative Council of British Columbia, rejoice that Your Excellency is able in person to meet us at the commencement of this most important Session, and we have pleasure in acknowledging our sense of obligation to Your Excellency for the enlarged powers and Representative Institutions which have been procured for the Colony.

2. We trust that the manner in which the new Constitution will operate will amply justify so great a proof of Your Excellency's confidence in the self-governing capacity and steady loyalty of the Inhabitants of British Columbia.

3. The Terms of Union embodied in the Minute of the Honourable Privy Council of Canada, and transmitted by the Governor General for the consideration and action of the Legislative Council of the Colony, shall receive that earnest and grave deliberation which the extreme importance of such a measure demands.

4. We wish to assure Your Excellency that we shall approach the subject with a sincere conviction of the necessity of making the proposed Union the means of conferring mutual and lasting practical benefits upon the two Countries now seeking to be Confederated.

5. The question submitted by Your Excellency, as to the desirability of the immediate introduction of Responsible Government into the Colony, is one the importance of which we fully estimate.

6. We will carefully consider the Estimates for the year, which have been laid before the Council.

7. The final audit of accounts within the Colony is of importance to the economical working of Government Offices in those portions of the Colony with which speedy communication upon matters of account cannot be had, and we appreciate Your Excellency's exertions and recommendations in this behalf.

8. The Bill for setting at rest disputes connected with arrears of Taxes upon Real Estate in Vancouver Island shall be carefully considered, with a view to equitable and final adjustment.

9. The revision of the Laws affecting the Colony, and their publication in one uniform Statute Book and in a readily accessible form, is a matter of universal moment to the Inhabitants of the Colony, and to the proper understanding of the regulations to which all Settlers are required by the Country to conform.

10. We are, like Your Excellency, impressed with the gravity of the juncture in public affairs upon which we are assembled, and we join Your Excellency in a fervent hope that we may, under the guidance of the Almighty, seek to arrive at a correct decision upon questions which will involve the progress and well-being of British Columbia for all time to come.

The Hon. Mr. Hamley moved that the Report be adopted, Mr. Nelson seconding.

Mr. DeCosmos moved, in amendment, Mr. Nathan seconding, that the Report be referred to a Committee of the whole House.

On the question being put it was Resolved in the affirmative.

Mr. Speaker left the Chair.

Mr. Alston in the Chair of the Committee.

On Mr. Speaker resuming the Chair, Mr. Alston reported that the Report had been considered and amended as follows:—

In Section 9, after "revision," the words "and assimilation" be omitted, and after the word "affecting," the words "the two portions" be omitted.

On the question of the adoption of the Report as amended being put, it was carried in the affirmative and Resolved accordingly.

Ordered that the reply be presented to His Excellency by the Members of the Council.

The Hon. the Chief Commissioner brought before the Council the subject of His Excellency's Message No. 1, viz. the Estimates.

The Hon. Mr. Helmcken moved, Mr. Nathan seconding,

That a Supply be granted to Her Majesty.

On the question being put it was carried *nem. con.*

Mr. DeCosmos moved that the Council do go into Committee of Supply on Friday next.

The Hon. Mr. Helmcken moved, in amendment, that the Council go into Committee of Supply to-morrow.

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

Mr. DeCosmos moved the adjournment till 3 to-morrow.

The Hon. Mr. Carrall, in amendment, till 1 to-morrow.

The amendment having been put and carried, the Council adjourned till 1 o'clock to-morrow.

Tuesday, the 10th day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present.—The Hon. Messrs. Hankin, Trutch, Phillippo, Hamley, Helmcken, Carrall; Messrs. Nathan, Nelson, DeCosmos, Bunster, Skinner, Alston.

The Minutes of the previous Meeting read and confirmed.

Mr. DeCosmos gave notice of motion.

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

Message No. 2.

A. MUSGRAVE.

The Governor has received the communication from the Speaker of the Honourable Legislative Council forwarding a copy of the Standing Rules which have

been adopted for the present guidance of the Council. The Governor confirms those Rules, and returns herewith the copy certified accordingly.

*Government House,
10th January, 1871.*

Pursuant to the Order of the day, Mr. Nathan moved, Mr. DeCosmos seconding, That His Excellency may be pleased to send down a Bill giving a guarantee, additional to that provided by the Dominion Government, of five per cent. on One hundred thousand pounds for a period of Twenty Years, dating from the expiration of that given by the Dominion Government, to a Company undertaking the construction of a Graving Dock at Esquimalt, according to Clause 12 of the proposed Terms of Confederation.

Mr. Nelson moved in amendment, Mr. Bunster seconding,

That the discussion of the above subject be referred to a Committee of the whole Council on Monday next.

Whereupon a debate arose, during which the Council adjourned to the call of the Speaker.

On the Council resuming its Sitting, Mr. Speaker acquainted the Council that agreeably to the Resolution of yesterday, he, in company with such Members as desired to attend, had waited on His Excellency with the reply to the opening Address, and His Excellency had been pleased to make thereto the following Rejoinder:

Mr. Speaker and Gentlemen of the Honourable Legislative Council.

I thank you for your Address, and I receive with gratification the assurance it contains that the important matters which will be submitted for your consideration will obtain your careful attention.

Debate on Mr. Nelson's amendment resumed.

And on the amendment being put the Council divided.

Ayes 4, Noes 7.

So the amendment was lost.

On the original question being put the Council again divided.

Ayes 5, Noes 6.

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

On the Order of the day being read for Committee of Supply,

Mr. Skinner moved, Mr. Nelson seconding,

That the Council go into Committee of Supply on Friday next.

Hon. Mr. Helmcken moved, in amendment, that the Council go into Committee at once.

On the question being put it was carried in the affirmative and the Council went into Committee of Supply.

Mr. Speaker left the Chair.

Mr. Alston in the Chair of the Committee.

On Mr. Speaker resuming the Chair, the Chairman reported the following Resolution for the adoption of the Council, and asked leave to sit again.

Ordered that leave be granted.

On the question being put, Resolved, That the following Supply be granted:—

Governor _____ \$2,052

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

Thursday, the 12th day of January, 1871.

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

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Helmcken, Carrall, Hamley; Messrs. Nathan, DeCosmos, Nelson, Bunster, Alston, Skinner.

The Hon. Mr. Speaker in the Chair.

The Minutes of the previous Meeting read and confirmed.

Pursuant to the Order of the day, Mr. Skinner moved, Mr. DeCosmos seconding—

That an humble address be presented to His Excellency the Governor, asking that a sum be placed on the Estimates for the Survey of a Trail from the Shuswap viâ the Eagle Pass to Wild Horse Creek.

After some debate, question withdrawn by leave.

Pursuant to the Order of the day, Mr. Nelson moved, Mr. DeCosmos seconding—

That a respectful address be presented to his Excellency the Governor, praying for the construction of a Waggon Road from New Westminster to Yale, and that a sum of money be placed on the Estimates for the commencement of this most important work.

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, Mr. DeCosmos moved, Mr. Nathan seconding—

That that portion of the Speech of His Excellency the Governor respecting Responsible Government, be taken into consideration in Committee of the whole.

Hon. Mr. Helmcken moved in amendment, Hon. Mr. Hamley seconding—

That the Governor be respectfully requested to send down to this House, in accordance with the information contained in his inaugural Address, a Bill "to enlarge the number of popular Members, excluding nominated Members from this Council, so as to enable a new Legislative Body, and the form of administration known as Responsible Government, to come into operation at the first Session of the Legislature subsequently to the Union of this Colony with Canada."

Mr. Bunster moved in amendment, Mr. Nelson seconding—

That this House after having given due consideration to that portion of the Speech of His Excellency the Governor respecting Responsible Government, is of opinion that Responsible Government is desired by the people of British

Columbia, and ought to be inaugurated simultaneously with Confederation; and that His Excellency the Governor be respectfully requested to send down a Bill providing for an increase in the number of Representatives in the Council and the exclusion of nominated Members, and to make such other provision as may be deemed advisable in order to secure the successful working of Responsible Government and its inauguration simultaneously with the Union of the Colony with the Dominion of Canada.

Upon which a debate arose, during which Mr. Nelson moved, that the same be adjourned.

On the question being put the Council divided.

Ayes 5, Noes 7.

The names, on request, having been taken down as follows:—

<i>Ayes.</i>	<i>Noes.</i>
Messrs. Nelson,	The Hon. Messrs. Trutch,
DeCosmos,	Hamley,
Bunster,	Helmcken,
Skinner,	Carrall,
Nathan.	Phillippo,
	Mr. Alston,
	Mr. Pemberton.

So the motion to adjourn the debate was lost.

Mr. Bunster's amendment was then put, on which the Council divided.

Ayes 5, Noes 7.

The names, on request, being taken down as follows:—

<i>Ayes.</i>	<i>Noes.</i>
Messrs. Nelson,	The Hon. Messrs. Helmcken,
DeCosmos,	Trutch,
Bunster,	Phillippo,
Skinner,	Carrall,
Nathan.	Hamley,
	Mr. Pemberton,
	Mr. Alston.

So the amendment was lost.

Mr. Helmcken's amendment was then put, on which the Council divided.

Ayes 7, Noes 5.

The names, on request, being taken down as follows:—

<i>Ayes.</i>	<i>Noes.</i>
The Hon. Messrs. Trutch,	Messrs. Nelson.
Phillippo,	DeCosmos,
Helmcken,	Bunster,
Carrall,	Skinner,
Hamley,	Nathan.
Mr. Pemberton,	
Mr. Alston.	

On the question being put, the Hon. Messrs. Trutch, Phillippo, Messrs. Pemberton, and Alston retired, and the Council divided.

Ayes 5, Noes 3.

So it was carried in the affirmative and Resolved accordingly,

That the Governor be respectfully requested to send down to this House, in accordance with the information contained in his inaugural Address, a Bill "to enlarge the number of popular Members, excluding nominated Members from the Council, so as to enable a new Legislative Body, and the form of administration known as Responsible Government, to come into operation at the first Session of the Legislature subsequently to the Union of this Colony with Canada.

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

Friday, the 13th day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present.—The Hon. Messrs. Hankin, Trutch, Phillippo, Hamley, Helmcken, Carrall; Messrs. Nathan, Nelson, DeCosmos, Bunster, Skinner, Alston, Pemberton.

The Minutes of the previous Meeting read and confirmed after having been amended.

Clement Francis Cornwall, Esq., having been introduced to the Council Chamber, was sworn in by His Honor Chief Justice Begbie, and took his seat at the Council.

On the Order of the day being read for a motion of Mr. DeCosmos, to consider the Petition of certain Settlers,

On the motion of the mover, ordered to be deferred till Friday next.

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

Mr. Speaker left the Chair.

Mr. Alston in the Chair of the Committee.

On Mr. Speaker resuming the Chair, the Chairman of the Committee, reported the following Resolutions for the adoption of the Council, and asked leave to sit again.

Resolved that the following sums be voted for the service of the Year 1871:—

Legislative Council	\$ 900
Colonial Secretary	9,224
Treasury	4,082
Attorney General	4,377
Chief Commissioner of Lands and Works	6,998

Collector of Customs	\$13,820
Post Office	3,200
Supreme Court	500
Attorney General	2,463
High Sheriff	1,500
Police and Gaols	16,568 95
Gold Commissioner, Kootenay	6,024 50
Do. Cariboo	13,910 00
Do. Yale	7,320 00
Do. Lillooet	4,608 00
Do. Nanaimo	3,714 00
Pensions	485 00
Revenue Services	1,000 00
Administration of Justice	3,900 00
Charitable Allowances	10,500 00
Education	15,000 00
Police and Gaols	12,000 00
Rent	264 00
Transport	3,250 00

Resolved, That a respectful address be presented to His Excellency the Governor, praying that the Salary of the Stipendiary Magistrate at Lillooet may be increased to \$3,000 per annum.

Resolved, That a respectful address be presented to His Excellency the Governor, for the purpose of placing in the Estimates an amount sufficient to pay the arrears of Salary that may be due the former Superintendent of Schools.

Ordered that leave be granted to sit again.

On the question of the adoption of the above Resolutions being put, it was carried in the affirmative and Resolved accordingly.

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

Monday, the 16th day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Hamley, Carrall, Helmc-ken; Messrs. Nathan, Nelson, Cornwall, DeCosmos, Bunster, Skinner, Pemberton, Alston.

The Minutes of the previous Meeting read and confirmed.

The Hon. Mr. Carrall gave notice of motion.

Mr. Bunster gave notice of 2 motions.

On the Order of the day being read for a notice of the Hon. Mr. Trutch, respecting Confederation,

On the motion of the Hon. Member,

Ordered that the same be brought up first on Wednesday next.

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

Mr. Speaker left the Chair.

Mr. Alston in the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman asked leave to sit again.

Ordered that leave be granted presently.

The Council went again into Committee of Supply.

Mr. Speaker left the Chair.

Mr. Alston in the Chair of the Committee.

On the Speaker resuming the Chair, the Chairman reported the following Resolutions for the adoption of the Council, and asked leave to sit again.

Ordered that leave be granted for to-morrow.

Resolved, that the following sums be voted for the Year 1871:—

Conveyance of Mails	_____	\$36,549 96
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Works and Buildings	_____	23,650 00
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Resolved, That the Council recommend that the Mail Service between New Westminster and Victoria be taken into consideration by the Executive, with the object of conveying, between these points, the Mails at regular and fixed periods, instead of irregularly as at present, at an increased Subsidy.

That the Contract for carrying the Mails between Victoria and Comox be put up to public competition in view of getting a better service.

That the Council recommend that the Steamer Sir James Douglas make semi-monthly trips between Victoria and Comox.

That an humble address be presented to His Excellency the Governor, asking that in any future contract for carrying the Mails to Cariboo, provision be made for a weekly service during the winter season and a semi-weekly service during summer.

That His Excellency the Governor, be respectfully requested to cause a sum of money to be placed upon the Estimates sufficient to ensure the carrying of Mails from Quesnelmouth to Omineca.

That a respectful address be presented to His Excellency the Governor, praying that a sum of \$1,000 be added to the Estimates to provide Mail Communication between Cache Creek and the Mission Valley on Okanagan Lake.

That an humble address be presented to His Excellency the Governor requesting an additional sum of \$600 be placed on the Estimates for the conveyance of Mails from Victoria to Kootenay.

That the Council recommend a sum of money, not exceeding \$100, be granted for receiving the Mails at the Steamboat Landing, Salt Spring Island, and to carry the same through the Settlements on the Island.

That the Council recommend that Tenders be called for to convey the Mails between Victoria and Saanich, Victoria and Metchosin, and Victoria and Esquimalt.

That an humble address be presented to His Excellency the Governor, respectfully requesting that he will cause the sum of \$15,000 to be placed upon the Estimates for the purpose of constructing a Waggon Road across the Giscome Portage, and improving the navigation of Crooked and Omineca Rivers; and that such further sum be placed upon the Estimates, as His Excellency may deem sufficient, for the purpose of exploring for the best route for a Trail from Quesnelmouth to Germansen Creek, and for making the same as soon as the exploration is completed.

That this Council recommend that \$3000 be granted to open a Trail from the Forks of Skeena to Tatla Landing, providing there are sufficient funds at the disposal of the Government.

On the question of the adoption of the foregoing Resolutions being put, it was carried in the affirmative and Resolved accordingly.

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

Tuesday, the 17th day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Hamley, Carrall, Helmen; Messrs. Alston, Pemberton, Nathan, Nelson, DeCosmos, Bunster, Skinner.

The Minutes of the previous Meeting read and confirmed.

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

Mr. Speaker left the Chair.

Mr. Alston in the Chair of the Committee.

On Mr. Speaker resuming the Chair, the Chairman reported the following Resolutions passed, and asked leave to sit again.

Ordered that leave be granted.

Resolved, That the following Supplies be voted for the Year 1871:—

Roads, Streets, and Bridges	\$54,550 00
Miscellaneous Services	23,260 00
Interest	103,440 00
Drawbacks and Refunds	2,100 00
Sinking Fund	50,197 50
Home Government Account	3,274 30
Government Vessels	12,800 00
Light Houses	9,370 00

Resolved, That a sum be placed on the Estimates in support of the Fire Department of New Westminster, not exceeding the amount allowed the Deluge Company, Victoria.

That the sum of \$500 be placed on the Estimates for the Williams Creek Fire Brigade.

That the Representative Members of the Council be indemnified for their expenses in attending to their Legislative duties during the present Session.

On the question of the adoption of the foregoing Resolutions being put, it was carried in the affirmative and Resolved accordingly.

Mr. Nathan moved the suspension of the Standing Orders to enable him to give a notice of motion.

Ordered accordingly.

Mr. Nathan gave notice of motion.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 o'clock on Wednesday.

Wednesday, the 18th day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Hamley, Carrall, Helmcken; Messrs. Nathan, Nelson, Cornwall, DeCosmos, Bunster, Skinner, Pemberton, Alston.

The Minutes of the previous Meeting read and confirmed.

Mr. DeCosmos presented three Petitions from Merchants and Farmers of Victoria District.

Ordered to be read. Read aloud by the Clerk.

Ordered to lie on the table.

Mr. Nathan gave a notice of motion.

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

That this Council do now resolve itself into Committee of the Whole to prepare an Address to Her Most Gracious Majesty the Queen, praying for the Confederation of British Columbia with the Dominion of Canada on the terms offered to this Colony by the Government of the Dominion, as specified in the Minute of the Honourable the Privy Council of Canada, transmitted in the Despatch from the Governor General of Canada on the 7th of July, 1870, addressed to the Governor, and laid before this Council by His Excellency with his opening Speech.

On the question being put, it was carried *nem. con.* and Resolved accordingly.

The Council went into Committee accordingly.

Mr. Speaker left the Chair.

Mr. Pemberton in the Chair of the Committee.

On Mr. Speaker resuming the Chair, the Chairman reported some progress made with the Address, and asked leave to sit again.

Ordered that leave be granted for the next sitting of the Council.

Mr. Nathan moved that the Standing Orders be suspended to enable him to give a notice of motion.

Standing Orders suspended accordingly.

Mr. Nathan gave a notice of motion.

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 o'clock on Friday.

Friday, the 20th day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Helmcken, Carrall, Hamley; Messrs. Nathan, DeCosmos, Nelson, Bunster, Alston, Skinner.

Mr. Speaker read the following *Dedimus Potestatem* from the Governor empowering him to swear in T. B. Humphreys, Esq.

To the Hon. Philip James Hankin, Speaker of the Legislative Council of British Columbia, and whom else it may concern:

Greeting.

KNOW YE that ANTHONY MUSGRAVE, ESQUIRE, Governor of the Colony of British Columbia, reposing special trust and confidence in the fidelity, learning, and integrity of the said Philip James Hankin, and under and by virtue of all powers and authorities him, the said Anthony Musgrave, as such Governor in that behalf enabling, hath appointed, and by these presents doth give and grant unto the said Philip James Hankin full power and authority to administer the customary oath to Thomas Basil Humphreys.

Given under my hand and seal, at Victoria, British Columbia, this Twentieth day of January, One thousand eight hundred and seventy-one.

A. MUSGRAVE.

Thomas Basil Humphreys, Esquire, entered the Council Chamber, to whom Mr. Speaker administered the customary Oath of Allegiance, and who then took his seat at the Council.

The Minutes of the previous Meeting read and confirmed.

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

Message No. 3.

A. MUSGRAVE.

The Governor forwards herewith to the Legislative Council a Bill entitled "An Act to appropriate the sum of Three hundred and forty-seven thousand five hundred and thirty-five dollars and one cent, out of the General Revenue of the Colony, for the contingent service of the year 1871."

*Government House,
18th January, 1871.*

The Hon. Mr. Trutch moved, the Hon. Mr. Carrall seconding, that the Supply Bill be now read a first time. Ordered accordingly.

Bill read first time.

Ordered to be read second time at once.

Read second time accordingly.

Ordered to be committed on Monday next.

Mr. Humphreys spoke to a question of privilege.

The Hon. Mr. Carrall gave notice of motion.

Mr. Nathan gave notice of motion.

Mr. Humphreys gave notice of motion.

Pursuant to the Order of the day, the Council went into Committee on an Address to the Queen on Confederation.

Mr. Speaker left the Chair.

Mr. Pemberton in the Chair of the Committee.

On Mr. Speaker resuming the Chair, the Chairman reported the following Address to the Queen to have been adopted by the Committee:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal Subjects, the Members of the Legislative Council of British Columbia in Council assembled, humbly approach Your Majesty for the purpose of representing:—

That, during the last Session of the late Legislative Council, the subject of the admission of the Colony of British Columbia into the Union or Dominion of Canada was taken into consideration, and a Resolution on the subject was agreed to, embodying the terms upon which it was proposed that this Colony should enter the Union;

That, after the close of the Session, Delegates were sent by the Government of this Colony to Canada, to confer with the Government of the Dominion with respect to the admission of British Columbia into the Union upon the terms proposed;

That, after considerable discussion by the Delegates with the Members of the Government of the Dominion of Canada, the Terms and Conditions hereinafter specified were adopted by a Committee of the Privy Council of Canada, and were by them reported to the Governor General for his approval;

That, such Terms were communicated to the Government of this Colony by the Governor General of Canada, in a Despatch dated July 7th, 1870, and are as follows:—

1. Canada shall be liable for the Debts and Liabilities of British Columbia existing at the time of the Union.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion shall be entitled to receive, by half-yearly payments in advance from the General Government, Interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at the date of the Union, and the indebtedness per head of the population of Nova Scotia and New Brunswick (\$27.77), the population of British Columbia being taken at 60,000.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit: and Annual subsidy of \$35,000 and an Annual Grant equal to 80 cents per head of the said population of 60,000 both half-yearly in advance, such Grant of 80 cents per head to be augmented in proportion to the increase of population, as may be shewn by each subsequent decennial census, until the population amounts to 400,000, at which rate such Grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

4. The Dominion will provide an efficient Mail Service, fortnightly, by steam communication between Victoria and San Francisco, and twice a week between Victoria and Olympia; the Vessels to be adapted for the conveyance of freight and passengers.

5. Canada will assume and defray the charges for the following Services:—

- A. Salary of the Lieutenant Governor;
- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts;
- C. The charges in respect to the Department of Customs;
- D. The Postal and Telegraphic Services;
- E. Protection and Encouragement of Fisheries;
- F. Provision for the Militia;
- G. Lighthouses, Buoys, and Beacons, Shipwrecked Crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria;
- H. The Geological Survey;
- I. The Penitentiary;

And such further charges as may be incident to and connected with the services which by the British North America Act of 1867, appertain to the General Government, and as are or may be allowed to the other Provinces;

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

7. It is agreed that the existing Customs Tariff and Excise Duties shall continue in force in British Columbia until the Railway from the Pacific Coast and the system of Railways in Canada are connected, unless the Legislature of British Columbia should sooner decide to accept the Tariff and Excise Laws of Canada. When Customs and Excise Duties are, at the time of the Union of British Columbia with Canada, leviable on any Goods Wares, or Merchandizes in British Columbia, or in the other Provinces of the Dominion, those Goods, Wares, and Merchandizes may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or from either of those Provinces into British Columbia, on proof of payment of the Customs or Excise Duties leviable thereon in the Province of Exportation, and on payment of such further amount (if any) of Customs or Excise Duties as are leviable thereon in the Province of Importation. This arrangement to have no force or effect after the assimilation of the Tariff and Excise Duties of British Columbia with those of the Dominion.

8. British Columbia shall be entitled to be represented in the Senate by Three Members, and by Six Members in the House of Commons. The representation to be increased under the provision of the "British North America Act, 1867."

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

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

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a Railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, East of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the Railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the Union.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said Railway, a similar extent of Public Lands along the line of Railway throughout its entire length in British Columbia, not to exceed, however Twenty (20) Miles on each side of said line, as may be appropriated for the same purpose by the Dominion Govern-

ment from the Public Lands in the North-West Territories and the Province of Manitoba. Provided that the quantity of land which may be held under Pre-emption right or by Crown Grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous Public Lands; and provided further, that until the commencement, within two years as aforesaid from the date of the Union, of the construction of the said Railway, the Government of British Columbia shall not sell or alienate any further portions of the Public Lands of British Columbia in any other way than under right of Pre-emption, requiring actual residence of the Pre-emptor on the land claimed by him. In consideration of the land to be so conveyed in aid of the construction of the said Railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of \$100,000 per annum, in half-yearly payments in advance.

12. The Dominion Government shall guarantee the Interest for Ten Years from the date of the completion of the works, at the rate of Five per centum per annum, on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first class Graving Dock at Esquimalt.

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted the matter shall be referred for the decision of the Secretary of State for the Colonies.

14. The Constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the "British North America Act, 1867," continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia, under the authority of the Secretary of State for the Colonies, to amend the existing Constitution of the Legislature by providing that a majority of its Members shall be Elective.

The Union shall take effect according to the foregoing terms and conditions on such day as Her Majesty, by and with the advice of Her Most Honourable Privy Council may appoint (on addresses from the Legislature of the Colony of British Columbia, and of the Houses of Parliament of Canada, in the terms of the 146th Section of the "British North America Act, 1867.") and British Columbia may in its address specify the Electoral Districts for which the first Election of Members to serve in House of Commons shall take place.

That such Terms have proved generally acceptable to the people of this Colony;

That this Council is therefore willing to enter into Union with the Dominion of Canada upon such Terms, and humbly submit that under the circumstances it is expedient that the admission of this Colony into such Union, as aforesaid, should be effected at as early a date as may be found practicable under the provisions of the 146th Section of the "British North America Act, 1867."

We, therefore, humbly pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honourable Privy Council, under the provisions of the 146th Section of the "British North America Act, 1867," to admit British Columbia into the Union or Dominion of Canada on the basis of the Terms and Conditions offered to this Colony by the Government of the Dominion of Canada, hereinbefore set forth; and, inasmuch as by the said Terms British Columbia is empowered in its Address to specify the Electoral Districts for which the first Election of Members to serve in the House of Commons shall take place, we humbly pray that such Electoral Districts may be declared under the Order in Council to be as follows:—

That "New Westminster District" and the "Coast District," as defined in a Public Notice issued from the Lands and Works Office on the 15th day of December,

1869, by the desire of the Governor, and purporting to be in accordance with the provisions of the 39th Clause of the "Mineral Ordinance, 1869," shall constitute one District, to be designated "New Westminster District," and return One Member;

That "Cariboo District" and "Lillooet District," as specified in the said public notice, shall constitute one District, to be designated "Cariboo District," and return One Member;

That "Yale District" and "Kootenay District," as specified in the said public notice, shall constitute one District, to be designated "Yale District," and return One Member;

That those portions of Vancouver Island known as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the Official Maps of those Districts in the Land Office, Victoria, and which Maps are designated respectively "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map A. D. 1858," shall constitute one District, to be designated "Victoria District," and return Two Members.

And, that all the remainder of Vancouver Island, and all such Islands adjacent thereto, as were formerly Dependencies of the late Colony of Vancouver Island, shall constitute one District, to be designated "Vancouver Island District," and return One Member.

On the question of the adoption of the above address being put it was carried unanimously and Resolved accordingly.

The Hon. Mr. Trutch moved, the Hon. Mr. Nathan seconding, that the following Address be presented to His Excellency the Governor:—

May it please Your Excellency:

We, the Members of the Legislature, in Council assembled, having agreed to an Address to Her Most Gracious Majesty, praying that Her Majesty will be most graciously pleased, by and with the advice of Her Most Honourable Privy Council, to admit British Columbia, under the provisions of the 146th Section of the "British North America Act," into the Dominion of Canada, on the basis of the terms and conditions offered to this Colony by the Government of the Dominion of Canada, as in such Address set forth, do hereby pray that Your Excellency may be pleased to transmit such Address to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the throne.

On the question being put, it was carried *nem. con.* and Resolved accordingly.

On the motion of Mr. Humphreys, Ordered that the Address be printed for public circulation.

On the Order of the day being read for a motion standing in the name of Mr. DeCosmos,

Ordered to be postponed till Wednesday next.

Pursuant to the Order of the day, the Hon. Mr. Carrall asked leave to bring in the Lane and Kurtz Mining Company's Bill.

Ordered that leave be granted.

The Hon. Member handed in the said Bill.

Ordered to be read first time at once.

Read first time accordingly.

Ordered to be read second time on Monday next.

Pursuant to the Order of the day, Mr. Bunster moved, Mr DeCosmos seconding—

That His Excellency the Governor be respectfully requested to cause the sum of \$2,000 to be appropriated for the purpose of building a Bridge over the Nanaimo River.

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

Pursuant to the Order of the day, Mr. Bunster moved Mr. DeCosmos seconding—

That His Excellency the Governor be respectfully requested to put in the Supplementary Estimates \$750 to build a Bridge at a suitable place across Courtney River, in Comox, so as to enable the Settlers on the south side of the River to have a ready access to the Steamboat Landing.

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

Then, on the motion of the Hon. Mr. Trutch, the Council adjourned till 1 o'clock on Monday.

Monday, the 23rd day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Helmcken, Carrall, Hamley; Messrs. Nathan, DeCosmos, Nelson, Bunster, Alston, Skinner, Cornwall, Humphreys.

The Minutes of the previous Meeting read and confirmed.

Mr. Nathan presented the Petition of the Mayor and Council of Victoria.

Ordered to be received and read. Read aloud accordingly.

Ordered to be printed and lie on the table.

Mr. Humphreys gave notice of 2 motions.

Mr. DeCosmos gave notice of 3 motions.

Mr. Bunster gave notice of motion.

Pursuant to the Order of the day, Mr. Nathan moved, Mr. DeCosmos seconding—

That His Excellency the Governor be respectfully requested to place on the Estimates a sum sufficient to secure a semi-weekly Mail Service between this and Ports on the Sound.

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

Pursuant to the Order of the day, Mr. Nathan moved—

That an Address be forwarded to the Government of Canada, representing the insufficiency of the Ten Years' Dock guarantee, and soliciting an increase of the term of years sufficient to ensure the immediate construction of the Dock.

The Hon. Mr. Carrall moved, in amendment, Mr. DeCosmos seconding—

That an humble address be presented to His Excellency the Governor, respectfully representing that doubts exist as to the sufficiency of the guarantee provided in Section 12 in the Terms of Confederation offered by the Dominion of Canada, and accepted by this Council, to ensure the construction of a Graving Dock at Esquimalt, and that this Council therefore solicit His Excellency the Governor to move the Government of the Dominion to extend the guarantee for such further period, or afford such further inducements to capitalists, as will secure the speedy completion of a work of such vital importance to the general interests not only of British Columbia but of the Dominion.

The amendment having taken the place of the original question, and having been put, it was carried in the affirmative and Resolved accordingly.

Pursuant to the Order of the day, Mr. Humphreys moved, Mr. Cornwall seconding—

That all Flour made from Wheat raised in the Colony be exempted from Road Tolls.

Mr. DeCosmos moved, in amendment, that the following words be added, Mr. Skinner seconding—

“And that His Excellency the Governor be requested to send down a Bill to the Council amending the Law, so as to ensure the exemption of Flour so manufactured.”

Amendment put and carried.

On the question as amended being put the Council divided.

Ayes 10, Noes 3.

So it was carried in the affirmative and Resolved accordingly.

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

Mr. Speaker left the Chair.

Mr. Alston in the Chair of the Committee.

On the Speaker resuming the Chair, the Chairman reported the Bill complete without amendments.

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

Pursuant to the Order of the day, the Kurtz and Lane Mining Bill was read second time.

Ordered to be committed to-morrow.

The Hon. Mr. Carrall moved the suspension of Standing Orders to enable him to give a notice of motion.

Question negatived.

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

Tuesday, the 24th day of January, 1871.

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

The Hon. Mr. Speaker in the Chair.

Present,—The Hon. Messrs. Hankin, Trutch, Phillippo, Hamley, Helmcken, Carrall; Messrs. Nathan, Nelson, DeCosmos, Bunster, Skinner, Alston, Pemberton, Cornwall, Humphreys.

The Minutes of the previous Meeting read and confirmed.

The Hon. Mr. Carrall gave a notice of motion.

The Hon. Mr. Helmcken gave a notice of motion.

Mr. Nelson gave a notice of motion.

Pursuant to the Order of the day, the Supply Bill was read the third time, and it was Resolved that this Bill do pass and its title be "An Act to appropriate the sum of \$347,535.01 out of the General Revenue of the Colony for the contingent service of the year 1871."

Pursuant to the Order of the day, Mr. Nathan asked leave to bring in a Bill to repeal the Customs Ordinance of 1870.

Ordered that leave be granted.

The Hon. mover accordingly presented the said Bill.

Ordered to be read first time. Read first time accordingly.

Ordered to be read second time to-morrow.

Pursuant to the Order of the day, the Hon. Mr. Carrall asked leave to bring in a Bill to protect Thomson's patent Road Steamers.

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

On the question of the second reading of the said Bill being put, the Hon. mover asked leave to withdraw the same.

Ordered that leave be granted. Bill withdrawn accordingly.

Pursuant to the Order of the day, Mr. Nathan moved, Mr. Cornwall seconding,—

That the Canadian Tariff be adopted simultaneously with Confederation.

The Hon. Mr. Helmcken moved in amendment, Mr. DeCosmos seconding,—

That this Council earnestly solicits His Excellency the Governor to move the Government of the Dominion to consent to the alteration of the existing British Columbia Tariff by the Legislature of the Colony during the present Session, to the following effect:—

The Duty on Spirits to be reduced to the rate imposed by the existing Canadian Tariff, viz., Eighty cents per gallon.

The Duty on Flour to be reduced to Seventy-five cents per barrel, and the Duty on Wheat to Ten cents per bushel.

This Council being convinced that such changes would result in mutual benefit to the whole Dominion and to British Columbia.

And that His Excellency be pleased to communicate this Resolution to the Governor General of Canada by Telegraph.

On the question being put as to the substitution of the amendment for the original question,

The Council divided.

Ayes 8, Noes 2.

The names, on request, being taken down as follows:—

Ayes.

Noes.

The Hon. Messrs. Helmcken,

The Hon. Mr. Carrall,

Messrs. Nathan,

Mr. Cornwall.

Humphreys,

Nelson,

DeCosmos,

Bunster,

Skinner,

Alston.

Messrs. Phillippo, Trutch and Pemberton not having voted, were counted in the affirmative, so the vote stood,—

Ayes 11, Noes 2.

And it was carried in the affirmative.

On the original question being put the Council again divided.

Ayes 9, Noes 1.

So it was carried in the affirmative and Resolved accordingly.

On the Order of the day being read for a motion standing in the name of the Member for Lillooet, motion withdrawn by leave.

Pursuant to the Order of the day, Mr. Humphreys moved, Mr. Skinner seconding,—

That an address be presented to His Excellency the Governor, praying that a sum of money be granted for the purpose of making a trail from Lytton to Lillooet.

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

Pursuant to the Order of the day, the Council went into Committee on the Kurtz and Lane Company Bill.

Mr. Speaker left the Chair.

Mr. Pemberton in the Chair of the Committee.

On Mr. Speaker resuming the Chair, the Chairman reported some progress made with the Bill, and asked leave to sit again.

Ordered that leave be granted for to-morrow.

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