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

The Council met this day at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Hons. D. Fraser, R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Bill Entitled "An Act to Establish The Postal Service" came up for a 3rd reading.

The Attorney General moved That the Bill be recommitted.

2nded by the Treasurer.

The Hon. Donald Fraser moved as an amendment that the Bill be read a third time.

2nded by the Hon. Henry Rhodes.

The amendment that the Bill be read a 3rd time having been put the following were the ayes & noes:

For the 3rd reading, Mr. Fraser, Mr. Rhodes, Mr. Finlayson.

Against the 3rd reading, The Col. Secy., the Atty. Genl., The Treasurer, The Surveyor General.

The Bill was ordered to be recommitted the ayes & noes being the same.

A Bill Entitled The Bills of Sale Act Amendment Act 1866 then came up for a 3rd reading.

The 3rd reading of the Bill was lost.

The Council then adjourned till Monday next at 2.

Presiding Member,  
Joseph Needham

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

The Council met at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Attorney General moved 2nded by the Hon. Donald Fraser That A Bill Entitled An Act to extend the time limited by the Harewood Railway Act 1864 be read a 3rd time and passed.

The Bill passed a 3rd reading accordingly nem. con.

The Council then went into Committee Mr. Rhodes in the Chair upon A Bill Entitled the Homestead Act 1866.

Progress in the Bill was reported and the Council adjourned until Wednesday next at 2 O'clock.

Presiding Member  
Joseph Needham

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

The Council met at ½ past 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Attorney General gave notice of intention to bring in a Bill Entitled An Act to amend the law of Evidence and also A Bill Entitled An Act to amend The Indian Liquor Act, 1860.

The Council then went into Committee on The Postal Service Bill.

The Colonial Secretary in the Chair.

The Hon. Donald Fraser moved the following amendment in Clause I.

After the word "appoint" on the 2nd line of Clause I to strike out the word "such person" and to insert the words "One of his Executive Council or other Government officer" and after the word "be" on the third line of the same clause to insert the word "honorary".

2nded by the Hon. H. Rhodes.

On the amendment being put the following were the Ayes & Noes,

For the amendment—Mr. Rhodes, Mr. Fraser.

Against the amendt. The Chief Justice the Attorney General, the Treasurer.

The amendment was lost and the Clause, as read, passed.

The Presiding Member of the Council having resumed the Chair.

The Bill was reported complete and was read a 3rd time and passed the Council.

The Council then went into Committee on A Bill to amend the law of imprisonment for debt.

Progress was reported and the Council adjourned until Monday next at 2 O'clock.

Presiding Member  
Joseph Needham

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

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

Messages from the Legislative Assembly were read transmitting,

A Bill Entitled "The Harewood Railway Company Extension Act, 1866" the amendment of the Council thereto having been agreed to by the House, and

(1) A Bill Entitled An Act respecting Ferries.

(2) A Bill Entitled An Act for securing Liens to Mechanics and others.

On motion of the Hon. Donald Fraser 2nded by the Colonial Secretary the foregoing Bills were read a 1st time.

The Attorney General pursuant to notice introduced the following Bills and moved that they be read a 1st time. The Treasurer 2nded.

(1) A Bill Entitled An Act to amend The Indian Liquor Act 1860.

(2) A Bill Entitled An Act to amend the Law of Evidence.

The Bills were read a 1st time nem. con.

The Council then went into Committee and progress was reported with the following Bills,

1. The Homestead Bill
2. The Imprisonment for debt Bill

The Council then adjourned until tomorrow at 2 O'clock.

William A. G. Young  
Presiding Member

### Tuesday, the 13th day of February, 1866

The Council met this day at 2 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The Attorney General moved 2nded by the Treasurer that A Bill Entitled An Act to amend the Law of Evidence be read a 2nd time and also a Bill to amend the Indian Liquor Act.

Agreed to nem. con. and the Bills were ordered to be Committed.

The Council adjourned until Thursday next at 2.

William A. G. Young  
Presiding Member

### Thursday, the 15th day of February, 1866

The Council met this day at 2 O'clock.

Present: The Colonial Secretary, The Attorney General, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

The Council resolved itself into Committee The Hon. H. Rhodes in the Chair on a Bill to amend the Law of Evidence.

The Bill was reported complete without amendments.

The Council then went into Committee The Hon. Henry Rhodes in the Chair on a Bill to amend the Indian Liquor Act 1860.

Progress was reported and leave asked to sit again.

Leave granted.

The Council then adjourned until tomorrow at 2.

William A. G. Young  
Presiding Member.

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

The Council met this day at 2 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Bill Entitled An Act to amend the Law of Evidence was read a 3rd time and passed.

The Council then went into Committee on a Bill Entitled "An Act to amend The Indian Liquor Act, 1860."

The Committee reported the Bill complete with amendments.

The Council then adjourned until Tuesday next at Two O'clock.

Presiding Member  
Joseph Needham

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

The Council met this day at Two O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

A Bill Entitled "An Act to amend The Indian Liquor Act, 1860" came up for a 3rd reading.<sup>4</sup>

The Colonial Secretary moved that the Bill be recommitted.

2nded by the Attorney General and agreed to nem. con.

The Hon. Henry Rhodes in the Chair.

The Committee reported the Bill complete with amendments.

The Bill was then read a 3rd time & passed nem. con.

Mr. Finlayson not voting.

The Council then adjourned until Friday next at 2.

Presiding Member  
Joseph Needham

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<sup>4</sup> Here the original contained the following paragraph which was struck out and initialled in the margin by the clerk, E. J. Nesbitt:

"The Chief Justice said he wished it to be placed on record that he objected to the Bill generally and that he thought it would fail altogether in its objects—the mode in which it is intended that penalties should be considered objectionable in the extreme and he was strongly against the clause authorizing the infliction of corporal punishment which he was of opinion was a most barbarous one to have recourse to."

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

The Council met this day at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Surveyor General, The Hons. D. Fraser, Henry Rhodes, R. Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Hon. Henry Rhodes moved That A Bill Entitled An Act respecting Barristers and Attorneys at Law be now read a 2nd time.

The Hon. Donald Fraser moved as an amendment that the words from "now" to the end of the sentence be left out and the words "read this day six months" be inserted.

2nded by the Attorney General and carried.

The Colonial Secretary moved 2nded by the Hon. Donald Fraser That A Bill to amend The law of Partnership be read a 2nd time.

Bill read a 2nd time nem. con. and ordered to be committed.

The Council then adjourned until Wednesday next at 2 O'clock.

Presiding Member  
Joseph Needham

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

The Members of the Legislative Council met the Members of the Legislative Assembly, this day at 2 O'clock, in conference, on the subject of the Union of the Colonies of Vancouver Island & British Columbia.

The Assembly having withdrawn.

The following resolution was received from that body.

That this House having been advised that it is the intention of Her Majesty's Government to unite the Colonies of Vancouver Island & British Columbia would respectfully pray that H. M. Government will be pleased to leave the questions of the seat of Government & fiscal policy to the decision of the United Legislatures of Vancouver Island & British Columbia.

That this Resolution be transmitted by Telegraph to Her Majesty's Government.<sup>5</sup>

The following amendment was agreed to by the Council and forwarded to the Assembly.

Paragraph 1. To leave out all the words after "having" on the 1st line down to "British Columbia" on the 9th line and to substitute in place thereof the following

"just learned that the union of Vancouver Island and British Columbia has been determined upon by Her Majesty's Government would respectfully pray

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<sup>5</sup> This resolution was substituted for the following one, which was then crossed out by the clerk:

"That this House having just heard that the Union of Vancouver Island and British Columbia has been determined upon by Her Majesty's Government would respectfully pray that the Secretary of State for the Colonies will be pleased to postpone the fixing of the permanent seat of Government until it shall be determined by the people of the united Colonies.

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

that the Secretary of State for the Colonies will be pleased to postpone the fixing of the permanent seat of Government until the wishes of the people of the two Colonies be ascertained."

Paragraph 2. After word "transmitted" in 1st line insert "to His Excellency the Governor with the respectful request that he will forward the same." After the word "Government" add "also by Post by the outgoing mail."

The Council then adjourned *sine die*.

Presiding Member  
Joseph Needham

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

The Council met this day at two O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Honble. Henry Rhodes.

The Minutes of the last meeting having been read and Confirmed.

The Colonial Secretary moved that A Bill Entitled "An Act to amend The Franchise Act, 1859" be read a 2nd time.

Hon. Henry Rhodes 2nded and the Bill passed a 2nd reading nem. con. and was ordered to be committed.

The Council then resolved itself into Committee on a Bill Entitled "An Act to amend the law of Partnership."

The Colonial Secretary in the Chair.

The Bill was reported from the Committee as complete with amendments.

The Council then adjourned until Friday next at two O'clock.

William A. G. Young  
Presiding Member

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

The Council met this day at 2.30 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, Hons. R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Message from the Legislative Assembly was read transmitting A Bill Entitled "The District Court Act 1866," with amendments.

After some discussion it was agreed that the consideration of the amendments be postponed till the next meeting of the Council.

The Council then adjourned until two o'clock on Tuesday next the 20th Instant.

Presiding Member  
Joseph Needham

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**Wednesday, the 21st day of March, 1866<sup>6</sup>**

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The Council met this day at 2:30 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Hons. R. Finlayson, Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read & confd.

A communication from the Legislative Assembly was read returning A Bill Entitled "The District Court Act 1866", certain amendments having been made thereto.

The Council amended the amendments of the Lower House.

The Council then went into Committee on A Bill Entitled "An Act to amend The Franchise Act 1859."

The Hon. Henry Rhodes in the Chair.

Progress in the Bill was reported & leave asked to sit again.

The Council then adjourned until Friday next the 23 Instant at 2. O'clock.

Presiding Member

Joseph Needham

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<sup>6</sup> These minutes are dated 23 March 1866 in the original, but both *The Daily British Colonist* and the *Victoria Weekly Chronicle* report the meeting as having occurred on 21 March.

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**Friday, the 23rd day of March, 1866**

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The Council met this day at 2 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons. H. Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confirmed.

The Hon. Donald Fraser gave notice that at the next meeting of Council he will ask leave to move a Resolution of the House to ask His Excellency the Governor to be pleased to furnish this House with a Return of Taxes due upon Real Estate and unpaid up to the date of such Return, specifying the property upon which such taxes are unpaid the amounts unpaid in each case, the year or years for which the same are due and unpaid, and the names of the owners by whom such taxes are due and unpaid.

The Council then resolved itself into Committee on A Bill Entitled An Act to amend "The Franchise Act 1859."

The Hon. H. Rhodes in the Chair.

The Committee reported progress & asked leave to sit again, which having been granted,

The Council adjourned until Tuesday next the 27th Instant at 2. O'clock.

William A. G. Young

Presiding Member

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

The Council met this day at 3 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, R. Finlayson, H. Rhodes.

The Minutes of the last meeting having been read & confirmed.

A communication from the Legislative Assembly was read transmitting the following Bills Entitled as follows,

- (1) "The Temporary loan Act, 1866."
- (2) "The Vancouver Island Road & Public Works Loan Act, 1866."
- (3) "The Real Estate tax repeal Act 1866."
- (4) "The Trade Licence Amendment Act 1866."
- (5) "The Salaries Tax repeal Act, 1866."
- (6) "The Stock & Carcass Amendment Act, 1866."
- (7) "The Liquor Licence Act, 1866."
- (8) The Harbour Dues Amendment Act, 1866.

On Motion of the Attorney General 2nded by Mr. Fraser the foregoing Bills were read a 1st time nem. con.

Mr. Fraser, pursuant to notice, moved That An Address be presented to The Governor praying His Excellency to be pleased to furnish the Legislative Council with a return of the Taxes due upon Real Estate and unpaid up to the date of such Return specifying the property upon which such taxes are unpaid the amounts unpaid in each case the year or years for which the same are due and unpaid and the names of the owners by whom such taxes are due and unpaid.

The Motion was agreed to nem. con.

The Council then went into Committee. Mr. Rhodes in the Chair on a Bill Entitled "The Franchise Act 1859 Amendment Act 1866."

Progress was reported in the Bill and leave asked to sit again which having been granted.

The Council adjourned until Tomorrow at 2 O'clock.

Presiding Member  
Joseph Needham

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

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons. Donald Fraser, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Communication from the Legislative Assembly was read returning A Bill Entitled "The Districts Court Act, 1866" the amendments of the Council to the amendments of the Assembly not having been agreed to.

The Consideration thereof was postponed.



The Colonial Secretary gave notice that at the next meeting of the Council he will ask leave to bring in a Bill Entitled An Act to establish a volunteer Force.

The 2nd reading of 8 Bills which were received from the Legislative Assembly and read a 1st time at the last meeting of the Council was postponed.

The Council then went into Committee on "A Bill to amend The Franchise Act, 1859."

Mr. Rhodes in the Chair.

Progress in the Bill was reported and leave granted to sit again.

The Council then adjourned until tomorrow at 2 O'clock.

Presiding Member  
Joseph Needham

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

The Council met this day at 2.30.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons. D. Fraser, R. Finlayson, Henry Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Leg. Ass. was read transmitting A Bill entitled An Act to incorporate the Town of Nanaimo.

The Colonial Secretary moved 2nded by the Hon. D. Fraser that the Bill be read a 1st time.

Agreed to nem. con. and the Bill passed a 1st reading.

The Colonial Secretary pursuant to notice introduced A Bill entitled An Act to establish A Volunteer Force and moved that the Bill be read a 1st time.

The Bill passed a 1st reading nem. con.

The Council then went into Committee Mr. Rhodes in the Chair upon a Bill Entitled An Act to amend The Franchise Act 1859.

Progress was reported & leave asked to sit again.

The Council then adjourned until Wednesday next at two O'clock.

William A. G. Young  
Presiding Member

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

The Council met at 2.30 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confirmed.

A letter from the Colonial Secretary was read transmitting a Communication he had received from Mr. Thomas Parker requesting him to lay before the Legis-

lative Council A Petition from the Residents of Nanaimo praying the Council not to pass A Bill Entitled An Act to incorporate the Town of Nanaimo.

The Petition having been read was ordered to be laid upon the table.

The Attorney General gave notice for leave to bring in the following Bills,

A Bill to establish a standard of weights & measures.

A Bill to regulate the Registration of Births deaths & Marriages.

On motion of the Attorney General 2nd by Mr. Fraser A Bill to establish a Volunteer Corps was read a 2nd time—nem. con. and ordered to be committed.

The Council then adjourned till tomorrow at ½ 2.

Presiding Member  
Joseph Needham

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

The Council met this day at ½ past two O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Treasurer, The Sur. General, The Hons. Henry Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confd.

The Attorney General moved That leave be given to introduce a Bill Entitled An Act to regulate the use of Weights & Measures and that the said Bill be now read a 1st time. 2nded by the Col. Secretary and agreed to nem. con.

The Attorney General also moved for leave to bring in A Bill Entitled An Act to provide for the registration of Births Deaths & Marriages and that the Bill be now read a 1st time. 2nded by the Col. Secy.—and agreed to nem. con.

The Council then resolved itself into Committee upon A Bill Entitled An Act to establish a Volunteer Corps.

The Treasurer in the Chair.

Progress in the Bill was reported and leave asked to sit again which having been granted.

The Council adjourned until Monday next at two O'clock.

Joseph Needham  
Presiding Member

### Tuesday, the 10th day of April, 1866

The Council met this day at 2.30.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Surveyor General, The Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confd.

The Chief Justice announced that he had received a communication from the Clerk of the Legislative Assembly forwarding "A Bill Entitled An Act to explain & amend The Victoria incorporation Act, 1862."

The Colonial Secretary moved that the Bill be read a 1st time.

2nded by the Attorney General.

The Bill passed a 1st reading nem. con.

The Colonial Secretary with the permission of the Council read a communication he had received from a Committee appointed at a public meeting to assist Mr. Cunningham—the Representative of Nanaimo in the Legislative Assembly—to frame a Bill to incorporate Nanaimo representing that the signatures to the Petition to the Council against the passing of A Bill Entitled An Act to incorporate the Town of Nanaimo had been obtained by fraud misrepresentation and undue influence and praying the Council to delay the consideration of the Bill for one week.

The consideration was delayed accordingly, nem. con.

Upon motion of the Colonial Secretary 2nded by the Atty. General A Bill Entitled An Act to establish a System of Weights & Measures was read a 2nd time nem. con. & ordered to be committed.

A Bill to provide for the registration of Births deaths & Marriages was upon motion of the Atty. General 2nded by the Col. Secretary also read a 2nd time nem. con. and committed.

The Council then adjourned until tomorrow at two O'clock.

William A. G. Young  
Presiding Member

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

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The Council met this day at 2.30.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Hons. D. Fraser, R. Finlayson.

The Minutes of the last meeting having been read & confd.

The Council resolved itself into Committee upon A Bill Entitled An Act to establish A Volunteer Force.

The Treasurer in the Chair.

The Bill was reported complete with amendments.

The Council then adjourned until Friday next at 2 O'clock.

Joseph Needham  
Presiding Member

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

The Council met this day at three O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Hon. D. Fraser.

The Minutes of the last meeting having been read & confd.

A message from the Lower House was read by the Chief Justice forwarding A Bill Entitled An Act for the protection of Inventions.

On motion of the Col. Secy. the Bill was read a 1st time nem. con.

On motion of the Col. Secy. A Bill Entitled An Act to establish A Volunteer Force was read a 3rd time and passed the Council nem. con.

The Council then adjourned until Tuesday next two O'clock.

William A. G. Young  
Presiding Member

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

The Council met this day at 2.30.

Present: The Col. Secretary, The Atty. General, The Treasurer, Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confd.

The Presiding Member read a Communication from the Lower House transmitting A Bill Entitled An Act to amend "The Real Estate Tax Act 1862."

On motion of the Treasurer 2nded by the Atty. General The Bill was read a 1st time nem. con.

The Order of the day being the 2nd reading of A Bill to incorporate the Town of Nanaimo.

The Colonial Secretary read a Communication he had received from Messrs. Parker Peek & Tranfield of Nanaimo praying that the Council will cause an investigation to be made in regard to the genuineness or otherwise of the signatures to the Petition against the Nanaimo Incorporation Bill.

A Petition was also read praying that the Council do pass the Bill to incorporate the Town of Nanaimo.

The Hon. D. Fraser moved 2nded by the Attorney General That the order for the 2nd reading on this day of the Nanaimo Incorporation Bill be discharged and that the Bill together with the various Petitions that have been sent to the Council pro and con be referred to a Select Committee in order that evidence may be heard in support of the allegations that have been made in reference thereto.

The motion was agreed to nem. con. and the following gentlemen nominated as a Select Comtee.: The Atty. General, Mr. Fraser, Mr. Rhodes.

The Council then adjourned until tomorrow at 3.

Joseph Needham  
Presiding Member

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**Wednesday, the 18th day of April, 1866**

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The Council met this day at 3.30.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Bill entitled "An Act to amend the Real Estate Tax Act, 1862" came up for a 2nd reading.

Colonial Secretary moved 2nded by the Atty. General that the Bill be read a 2nd time.

On the Question being put, The Bill passed a 2nd reading.

Mr. Fraser non content.

The Council then adjourned until tomorrow at two O'clock.

William A. G. Young  
Presiding Member

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

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The Council met this day at 2.30.

Present: The Colonial Secretary, The Attorney General, The Treasurer, The Surveyor General, The Hon. R. Finlayson, The Hons. D. Fraser, H. Rhodes.

The Minutes of the last meeting having been read & confd.

The Council went into Committee upon a Bill Entitled "An Act to amend the Real Estate Tax Act 1862."

The Treasurer in the Chair.

The Bill was reported complete with amendments.

The Treasurer moved that the Bill be recommitted.

Mr. Fraser 2nded the motion.

On the question being put the following were the Ayes & Noes:

For the recommitment: The Treasurer, Mr. Fraser, Mr. Finlayson.

Against: The Atty General, Sur. General, Mr. Rhodes.

The casting vote of the Presiding Member was given against the recommitment—motion lost.

The Attorney General moved The Sur. Genl. seconded That the Standing Orders of the Council be suspended.

On the motion being put the ayes & noes were

Against the suspension: The Treasurer, Mr. Fraser, Mr. Finlayson.

For the suspension: The Atty. Genl., the Sur. Genl., Mr. Rhodes.

The Chairman gave his casting vote for the suspension of the orders.  
Motion carried.

The Attorney Genl. moved that the Bill be read 3rd time.

Mr. Rhodes 2nded.

Content: The Atty Genl., The Sur. Genl., Mr. Rhodes.

Non content: The Treasurer, Mr. Fraser, Mr. Finlayson.

The casting vote of the Chairman was with the contents.

The Bill was read a 3rd time and passed the Council.

The Council then adjourned until Monday at two.

William A. G. Young  
Colonial Secretary and  
presiding Member

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

The Council met this day at 2.30.

Present: The Col Secy., The Atty. Genl., The Treasurer, Hons. H. Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confirmed.

The Council adjourned until Wednesday next the 25th Instant at 3 O'clock.

Joseph Needham  
President

### Friday, the 27th day of April, 1866

The Council met at three O'clock.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Hons. H. Rhodes, Donald Fraser.

The Minutes of the last meeting having been read & confd.

Upon motion of the Colonial Secretary the consideration of the 2nd reading of the following Bills was fixed for Wednesday next—viz.

The Temporary loan Act 1866.

The Vancouver Island Road and Public Works loan Act.

The Real Estate Tax repeal Act 1866.

The trade licence amendment Act 1866.

The Salaries tax Act repeal Act 1866.

The Stock & Carcass amendment Act 1866.

The Liquor licence Act, 1866.

The Harbor dues amendment Act 1866.

Mr. Fraser 2nded the motion. Agreed to.

The Council then took into consideration a message from the Leg. Assembly disagreeing to the amendments of the Council to the Amendment of the House of Assembly to A Bill Entitled "The District Court Act, 1866."

The Council modified their amendments and then adjourned until Wednesday next at two o'clock.

William A. G. Young  
Col. Secty. and  
Presiding Member

### Wednesday, the 2nd day of May, 1866

The Council met at 3 O'clock.

Present: The Col. Secretary, The Atty. Genl., The Treasurer, The Sur. Genl., Messrs. Finlayson, Fraser.

The Minutes of the last meeting having been read & confd.

On motion of Mr. Fraser the Order of the day for the 2nd reading of the 8 money Bills enumerated on the Minutes of the last meeting of the Council was postponed and Monday the 7th Instant fixed for the 2nd reading thereof.

The Council then went into Comtee. The Treasurer in the Chair on the Franchise Bill.

On motion of Col. Secy. 2nded by Mr. Fraser & agreed to nem. con.

All the Clauses of the Bill were recommitted.

The Committee reported progress at clause XV.

The Council adjourned till Monday the 7th May next.

Joseph Needham  
President

### Monday, the 7th day of May, 1866

The Council met this day at two O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Treasurer, The Sur. Genl., The Hons. Henry Rhodes, D. Fraser.

The Minutes of the last meeting having been read & confirmed.

Mr. Fraser from the Select Committee to whom was referred a Bill entitled An Act to incorporate the Town of Nanaimo together with the various Petitions pro & con in order that evidence might be taken in support of allegations made in reference thereto, presented the report of the Committee, which upon motion

of the Treasurer 2nded by the Surveyor General was ordered to be received and laid upon the Table for future consideration. Agreed to nem. con.

The order of the day being the 2nd reading of the 8 Money Bills enumerated in the Minutes of the 23 April last.

The Surveyor General moved that A Bill entitled The Real Estate Tax Act repeal Act 1866" be read a 2nd time.

To which it was moved by the Colonial Secretary as an Amendment and 2nd by Mr. Fraser That the Bill be read this day six months.

Amendment agreed to nem. con. and the 2nd reading of the Bill lost.

The Surveyor General moved 2nd reading of A Bill Entitled "The Trade Licence Act amendment Act 1866."

Upon motion of the Col. Secretary 2nded by Mr. Rhodes & agreed to nem. con. The Bill was ordered to be read this day six months.

The Surveyor General moved that A Bill Entitled The Stock & Carcass Act amendment Act be read a 2nd time.

The Colonial Secretary moved as an Amendment that the Bill be read this day six months.

2nd by Mr. Fraser and agreed to nem. con.

The Surveyor General moved the 2nd reading of A Bill Entitled The Harbor Dues Amendment Act 1866.

The Col. Secy. moved as an amendment that the Bill be read this day six months. 2nd by Mr. Rhodes and agreed to nem con.

The Sur. Genl. moved the 2nd reading of A Bill Entitled "An Act to repeal the Salaries Tax Act, 1866."

The Col. Secy. moved that the Bill be read this day six months.

2nded by the Atty. General and agreed to nem. con.

The Sur. General moved the 2nd reading of a Bill Entitled The Vancouver Island Road and Public Works Loan Act, 1866.

The Col. Secy. moved as an amendment that the Bill be read this day six months. 2nded by Mr. Fraser and agreed to nem. con.

The Sur. General moved the 2nd reading of A Bill Entitled the temporary loan Act, 1866.

The Col. Secy. moved as an amendment that the Bill be read this day six months. 2nded by the Atty. Genl. and agreed to nem. con.

The Sur. Genl. moved the 2nd reading of A Bill Entitled "The Liquor Licence Act, 1866."

2nded by the Col. Secy. & agreed to nem. con.

Bill passed a 2nd reading & was ordered to be committed.

The Council then adjourned till Wednesday next at two.

William A. G. Young  
Colonial Secretary  
and presiding Member



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**Wednesday, the 9th day of May, 1866**

The Council met this day at two O'clock.

Present: The Col. Secretary, The Atty. General, The Treasurer, The Surveyor General, Messrs. Fraser, Finlayson, Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read requesting a Conference with the Council upon the subject of the amendments to A Bill Entitled "The District Courts Act, 1866."

The Council agreed that a Conference should take place and fixed Friday next at three O'clock for the purpose.

Mr. Fraser gave notice that at the next meeting of Council he would ask leave to move for the following Return.

1. The cost of drafting & of printing Bills and other Papers for the Council and for the Assembly during the present Session.
2. The Cost of furnishing all Returns ordered by the House of Assembly during the same Session.
3. The same as regards the Council—same period.
4. To whom payment has been made for these services; and if any sums are owing therefor to state to whom.

The Council then went into Committee upon the Franchise Bill.

The Treasurer in the Chair.

The Presiding Member having resumed the Chair.

The Bill was reported complete with amendments.

Upon motion of Mr. Fraser 2nd by Mr. Rhodes The Bill was read a 3rd time and passed the Council nem. con.

The Council then went into Committee upon the Liquor Licence Amendment Bill. Progress was reported and the Council adjourned until Friday next at two O'clock.

Joseph Needham  
President

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

The Council met this day at two O'clock.

Present: The Chief Justice, The Col. Secretary, The Attorney General, The Treasurer, Mr. Fraser.

The Minutes of the last meeting having been read & confirmed.

The Members of the Council met a Committee of the Legislative Assembly in conference upon the subject of the amendments of the Council to A Bill Entitled The District Court Act 1866.

The Council then adjourned until Monday at two O'clock.

William A. G. Young  
Presiding Member

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### Monday, the 14th day of May, 1866

The Council met this day at two O'clock.

Present: The Col. Secretary, The Atty. General, The Treasurer, Hon. H. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A Message was read forwarding a Bill to Encourage the Establishment of Investment, Savings and Loan Societies also A Bill Entitled "The Sanitary Commission Act 1866."

Upon motion of the Treasurer 2nded by Mr. Rhodes the foregoing Bills were read a 1st time nem. con.

The Council then went into Committee upon A Bill Entitled "The Liquor Licence amendment Act, 1866."

The Treasurer in the Chair.

The Bill was reported complete with amendments.

The Council adjourned until Thursday next at two.

William A. G. Young  
Colonial Secty. & Presiding Member

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### Thursday, the 17th day of May, 1866

The Council met this day at 3 O'clock.

Present: The Col. Secy., The Treasurer, Mr. Fraser.

The Minutes of the last meeting having been read & confirmed.

A message from the Governor was read forwarding copy Reports of Her Majesty's Secretaries of Embassy & Legation respecting Coal.

Upon motion of the Treasurer 2nded by Mr. Fraser A Bill Entitled An Act to amend the Liquor licence Act 1861 was read a 3rd time and passed the Council with amendments.

The Council then adjourned until tomorrow at two O'clock.

William A. G. Young  
Colonial Secty. & Presiding Member

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### Friday, the 18th day of May, 1866

The Council met at two O'clock.

Present: The Colonial Secretary, The Atty. General, The Treasurer, Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read & confirmed.

The Council went into Committee upon the Homestead Bill.

The Treasurer in the Chair.

Mr. Fraser read a Communication from the Victoria Chamber of Commerce in favour of a Homestead Law.

Progress was reported with the Bill and leave asked to sit again, which having been granted.

The Council adjourned until Tuesday at two O'clock.

William A. G. Young  
Col Secty. and Presiding Member

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

The Council met this day at two O'clock.

Present: The Col. Secretary, Attorney General, Messrs. Finlayson, Rhodes.

The Minutes of the last meeting having been read and Confirmed.

A message from the Legislative Assembly was read returning A Bill Entitled "The District Courts Act 1866" which had passed the Legislative Assembly as amended in the Conference holden on the 11th Instant.

The Bill then passed the Council nem. con.

The Council then went into Committee upon the Homestead Bill.

Mr. Rhodes in the Chair.

Progress was reported & leave asked to sit again which having been granted.

The Council adjourned until tomorrow at two O clock.

Joseph Needham  
President

### Monday, the 28th day of May, 1866

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Atty. General, The Treasurer, Messrs. Rhodes, Fraser.

The Minutes of the last meeting having been read and confirmed.

A message from the Legislative Assembly was read returning A Bill Entitled An Act to amend "The liquor Licence Act, 1861" which had been further amended by the Assembly.

The amendments were agreed to by the Council.

A Bill Entitled An Act to incorporate the Town of Nanaimo then came up for a 2nd reading—on the question being put.

The Col. Secretary moved as an amendment that the Bill be read this day six months.

Mr. Fraser 2nded and the amendment was carried *nem. con.*

A Bill Entitled The Sanitary Commission Act 1866. came up for a 2nd reading and upon motion of the Colonial Secretary 2nded by the Atty. General was ordered to be read this day six months—*nem. con.*

The Colonial Secretary moved 2nded by Mr. Fraser that A Bill Entitled The Victoria Incorporation Act 1862 Amendment Act, 1866, be read a 2nd time.

On the question being put the Bill passed a 2nd reading *nem. con.* and was Committed.

The Council then adjourned until tomorrow at two O'clock.

Joseph Needham

### Tuesday, the 29th day of May, 1866

The Council met this day at 3 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Treasurer, Mr. Finlayson.

The Minutes of the last meeting having been read & confd.

The following Bills came up in Committee viz. Weights & Measures Bill & Bill to provide for the registration of Births Deaths & Marriages.

It was ordered that the consideration thereof be postponed *sine die. nem. con.*

The consideration of the Imprisonment for debt Bill and Homestead Bill was postponed until next meeting of the Council.

The Council then adjourned until tomorrow at 2.

Joseph Needham  
President

### Thursday, the 7th day of June, 1866

The Council met this day at 2 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., Messrs. Fraser, Rhodes, Finlayson.

The Minutes of the last meeting having been read and confirmed.

Mr. Fraser pursuant to notice given on the 9th May last that he would at the next meeting of the Council move for a Return of the cost of printing for the two

branches of the Legislature during the last and present Session, with the permission of the Council moved nunc pro tunc<sup>7</sup> that His Excellency The Governor be respectfully requested to cause the said return to be furnished to the House.

The motion was agreed to nem. con.

Mr. Fraser gave notice that at the next meeting of Council he would ask leave to move for a return of the amount belonging to the Crown land fund now on hand, Of the amount past due Of the amount now owing and when the amount owing becomes due and payable.

The Bill to amend the Law of Partnership Came up for a 3rd reading.

The Col. Secy. moved that the Bill be recommitted.

Mr. Fraser 2nded.

Bill recommitted nem. con.

Col. Secy in the Chair.

The President having resumed the Chair.

The Bill was reported complete and upon motion of the Col. Secretary 2nded by Mr. Fraser was read a 3rd time and passed the Council nem. con.

The Council then went into Committee on The Imprisonment for debt Bill.

Mr. Rhodes in the Chair.

Progress was reported and the Council adjourned till 2 O'clock on Monday next.

William A. G. Young

Col. Secty. as Presiding Member

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<sup>7</sup> I.e., now instead of then.

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## Monday, the 11th day of June, 1866

The Council met at 2 o'clock.

Present: The Col. Secretary, The Atty. Genl., The Treasurer, The Sur. General, Mr. Fraser.

The Minutes of the last meeting having been read & confirmed.

A message from the Legislative Assembly was read transmitting A Bill Entitled An Act to amend the Indian liquor Act, 1860, and also A Bill Entitled the Spring Ridge Water Company's Act 1866.

Upon motion of Mr. Fraser 2nded by the Treasurer The two Bills were read a 1st time.

Mr. Fraser pursuant to notice moved for Returns in reference to Crown revenue.

The Homestead Bill was then recommitted.

The Treasurer in the Chair.

Progress was reported and the Council adjourned until Wednesday at ½ two.

William A. G. Young

Col. Secty. as presiding Member

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### Friday, the 15th day of June, 1866

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The Council met this day at 3 O'clock.

Present: The Colonial Secretary, The Attorney General, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

The Attorney General gave notice that he would move for leave to bring in a Bill to regulate the duties of coroner.

The Council then went into Committee on the Homestead Bill.

The Surveyor General in the Chair.

The Bill was reported complete with amendments.

The Council then went into Committee on the imprisonment for debt Bill.

The Surveyor General in the Chair.

The Bill was reported complete with amendments.

The Council then adjourned until Monday at 2.30.

Joseph Needham  
President

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

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The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Treasurer, Messrs. Finlayson, Fraser, Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from His Excellency the Governor was read transmitting the following Resolutions passed by the Legislative Assembly, for the consideration and opinion of the Legislative Council.

Resolutions passed the Legislative Assembly the 15 June, 1866.

The House of Assembly of Vancouver Island having considered the condition of the Colony is of opinion,

1st. That the Country suffers intensely from causes in a great measure attributable to the continued separation of Vancouver Island and British Columbia and to the very expensive and irresponsible character of the Government of both Colonies.

2. That the population of Vancouver Island and British Columbia which exclusive of Indians, does not exceed Ten thousand persons cannot, with its other weighty liability afford more than a salary of Two thousand Pounds for a Governor with proportionate salaries for necessary heads of Departments.

3. In view of the above facts the House is of opinion that nothing short of immediate Union of Vancouver Island and British Columbia under a constitution apportioning Representation according to population and giving to the Peoples Representatives control over the mode and amount of taxation and expenditure can stay the rapid decline of both countries and restore the confidence of the Public.

4. The House in transmitting the above to Her Majesty's Principal Secretary of State for the Colonies feeling deeply the injury which both Vancouver Island and British Columbia are sustaining from the present state of uncertainty and suspense on the question of Union would respectfully ask for a reply by telegraph as to the

intentions of Her Majesty's Government with regard to the matter during the present Session of the Imperial Parliament, Ordered, That the above resolutions be transmitted to His Excellency the Governor praying that he will cause the same to be telegraphed forthwith to Her Majesty's Principal Secretary of State for the Colonies.

The consideration of the above Resolutions was fixed as the order of the day for tomorrow.

A Message from the Legislative Assembly was read forwarding counter amendments to the Franchise Bill.

Ordered to be laid upon the Table.

The Attorney General pursuant to notice moved for leave to bring in a Bill Entitled An Act to regulate the holding of Coroners Inquests in Vancouver Island and its Dependencies.

The Bill was read a 1st time.

Upon motion of the Colonial Secretary 2nded by the Atty. General The Homestead Bill was read a 3rd time and passed the Council nem. con.

Upon motion of the Col. Secy. 2nded by the Atty. General A Bill Entitled The debtors relief Act, 1866, was read a 3rd time and passed nem. con.

Upon motion of the Colonial Secretary a Bill Entitled "The Spring Ridge Water Company's Act, 1866," was referred to a Select Committee.

The President nominated the following Gentlemen: Mr. Finlayson, Mr. Fraser, Mr. Rhodes.

The Council then went into Committee on the Victoria Incorporation Act amendment Bill.

The Col. Secy. in the Chair.

Progress was reported and the Council adjourned until tomorrow at 2.30 O'clock.

Joseph Needham  
President

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

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer, The Sur. Genl., Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read and confirmed.

The Council went into consideration of the Message of His Excellency the Governor enclosing copy of Resolutions of the Legislative Assembly in regard to the state of the Colony.

The Council adjourned until Thursday next at 10 A. M. for the purpose of continuing the consideration thereof.

Joseph Needham  
President

### Thursday, the 21st day of June, 1866

The Council met this day at 10 o'clock.

Present: The Chief Justice, The Col. Secy., The Atty. Genl., The Treasurer, The Sur. General, Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read and confd.

The Colonial Secretary moved that a Bill Entitled "The Coroners Jury Act, 1866" be read a 2nd time.

The Attorney General 2nded the motion and the Bill was read a 2nd time nem. con.

The Council then resumed the consideration of the Resolutions of the Legislative Assembly enclosed in Message of H. E. the Governor of 18 June 1866.

Upon motion of the Hon. D. Fraser 2nded by Hon. R. Finlayson The following Resolutions passed the Council, The Attorney General non. content,

That an humble Address be presented to H. E. the Governor acknowledging receipt of and thanking His Excellency for his Communication of the 18th Instant transmitting certain Resolutions of the Legislative Assembly "on the State of the Colony" for the consideration and opinion of this House.

That the following Resolutions embodying the opinion of this House upon the subject of the Assembly's Resolutions be presented to His Excellency for transmission to Her Majestys Principal Secretary of State for the Colonies.

Resolved—That the Legislative Council of Vancouver Island and its Dependencies having taken into its serious consideration the Resolutions above alluded to feels considerable difficulty in suddenly expressing a decided opinion upon the varied and important subjects embraced in those Resolutions.

That the Council cannot agree in thinking that the Government of this Colony is irresponsible in its character and it fails to see the connection between the depression which at present exists and the constitution of the Government.

That in the opinion of this Council that depression is owing mainly to the decrease of the Mining population of the neighbouring Colony diminishing the Trade of Victoria: to overtrading: to differential duties imposed by the Sister Colony and since the Entire separation of the two Governments in 1864 to Excessive commercial credits: to speculations in Mining Adventures to a course of political agitation which has had the effect of paralyzing credit and repelling capital.

That it appears however to the Council that the evil has been aggravated by the uncertainty and suspense which have so long existed on the question of Union; and that it would be highly expedient that the final decision of Her Majestys Government on that subject should be obtained and communicated with as little delay as possible.

Upon motion of the Col. Secy. 2nded by the Treasurer A Bill Entitled "the Mechanics Lien Act 1866," was ordered to be read this day six months nem. con.



Upon motion of the Col. Secy. 2nded by the Atty. Genl. A Bill Entitled An Act respecting Ferries was ordered to be read this day six months nem. con.

Upon motion of the Atty. General 2nded by Mr. Finlayson A Bill respecting the descent of real Property was ordered to be read this day six months—nem. con.

The Council then resolved itself into Comtee. and took into consideration the Comtee. amendments of the Legislative Assembly to the amendments of the Council to the Franchise Bill.

The Committee reported that some of the amendments had been agreed to and others not agreed to.

Mr. Fraser gave notice that he would at the next meeting of Council move a Resolution in regard to the differential duties charged by the Colony of British Columbia on Vancouver Island merchandize.

Council adjourned until Monday at 2.30.

Joseph Needham  
President

### Monday, the 25th day of June, 1866

The Council met this day at half past two O clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer, The Sur. General, Messrs. Fraser, Finlayson.

The Minutes of the last meeting having been read and confirmed.

A message from the Governor was read transmitting copy of a Despatch from the Secy. of State for the Colonies in reference to the sale of liquor to Indians.

Ordered to be laid upon the table.

Mr. Fraser pursuant to notice moved the following Memorial. Mr. Finlayson 2nded. Agreed to nem. con.

Resolved unaminously this 25 day of June 1866 that the following Memorial on the subject of the differential duties levied upon the Merchandize of this Colony be addressed to Her Majesty's Principal Secy. of State for the Colonies and that His Excellency be respectfully requested to be pleased to forward the same, namely:

To the Right Honble. Edward Cardwell, Esquire,

H. M. Principal Secretary of State for the Colonies.

The Memorial of the Legislative Council of Vancouver Island & its Dependencies respectfully sheweth.

That your Memorialists submit for consideration the following facts.

2. That goods shipped from Vancouver Island to British Columbia are by the mode of valuation adopted in British Columbia charged with a greater amount of duty than Goods shipped from any other Country.

3. That this differential duty is so great that upon an Invoice of £1000. of goods from the United States or France or any other Country—taken as an illustration—

the duty levied amounts to £200, only while on an Invoice of the same amount from Vancouver Island it amounts to £300.

4. That while such differential duty fails to produce any advantage to British Columbia it has a tendency ruinous to the Trade of Vancouver Island.

5. That the above duties are levied under an Ordinance passed in British Columbia on the 15 day of February 1865.

6. That the above Ordinance is contrary to the Royal Instructions issued by the Imperial Govt. to the Governor of B. Columbia paragraph 14 which forbids the imposition of differential duties.

7. That such a tariff is contrary to the comity which ought to exist between two sister Colonies: contrary to the true interests of both and calculated to inspire disunion and hostility between them.

8. That having regard to the above facts and believing that the said Ordinance has not yet been ratified by the Queen in Council.

9. Your Memorialists humbly pray that the same may be disallowed as being prejudicial to the true interests of both Colonies, injurious to the trade of Vancouver Island;—contrary to the letter and spirit of the Royal instructions and opposed to the Imperial policy of free and unrestricted Trade.

And your memorialists will ever pray.

Upon motion of the Sur. General A Bill for the Protection of Inventions passed a 2nd reading and was committed.

The Council then went into Committee on the Coroners Bill.

The Col. Secy in the Chair.

The Bill was reported complete without amendments.

Mr. Finlayson presented a petition numerously signed by parties praying the Council to pass the Law legalizing the sale of liquor to Indians.

Ordered to be laid upon the Table.

The Amendments on the Amendments of the L. Assembly were then read a 2nd time and passed.

The Council then adjourned until tomorrow at 2.30.

William A. G. Young  
Col. Secty. as presiding Member

## Tuesday, the 26th day of June, 1866

The Council met this day at Three O'clock.

Present: The Colonial Secy., The Attorney General, The Surveyor General.

The Minutes of the last meeting having been read and confirmed.

A Bill Entitled "The Coroners Jury Act, 1866," was read a third time and passed the Council.

The Council then adjourned until Monday next at 2.30 O'clock.

Joseph Needham  
President

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

The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer, Messrs. Fraser, Rhodes.

The Minutes of the last meeting having been read & confd.

Mr. Fraser presented a Petition signed by 123 persons against the passing by the Council of the Bill to legalize the sale of liquor to Indians.

It was ordered that The Petition be laid upon the Table.

On motion of the Attorney General 2nded by Mr. Fraser A Bill Entitled An Act to encourage the Establishment of Investment, Savings and loan Societies was read a 2nd time nem. con. and committed.

The Council then went into Committee on A Bill Entitled the Victoria Incorporation Act amendment Act 1866.

Mr. Fraser in the Chair.

Progress was reported and the Council adjourned until Tuesday next the 10th Instant at 11 O'clock A. M.

Joseph Needham  
President

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**Tuesday, the 10th day of July, 1866**

The Council met this day at 11 O'clock A.M.

Present: The Chief Justice, The Colonial Secretary, The Attorney General, The Treasurer, The Sur. General, Messrs. Fraser, Rhodes.

The Minutes of the last meeting having been read & confd.

A message from the Legislative Assembly was read transmitting A Bill Entitled The Temporary Loan Act 1866.

A message was also read covering the Franchise Bill the Amendments of the Council not having been agreed to by the Assembly.

Upon motion of the Colonial Secy. 2nded by the Treasurer, The Temporary Loan Bill was read a 1st time nem. con.

The Council then resumed the consideration, in Committee, of a Bill Entitled An Act to amend the Victoria Incorporation Act 1862.

Progress was reported and leave obtained to sit again.

Upon motion of the Col. Secy. 2nded by the Treasurer the Standing orders of the Council were suspended and A Bill Entitled The Temporary Loan Act, 1866 read a 2nd time.

Mr. Fraser non content.

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

Joseph Needham  
President

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

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The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Treasurer, Messrs. Fraser, Rhodes.

The Minutes of the last meeting having been read & confd.

Upon motion of the Col. Secy. 2nded by the Treasurer A Bill Entitled "The Temporary Loan Act, 1866" was read a third time and passed the Council nem. con.

The Council then adjourned until Monday the 16th Instant at 2.30.

William A. G. Young  
Col. Secty. and presiding Member

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### Tuesday, the 24th day of July, 1866

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The Council met this day at 2.30 O'clock.

Present: The Col. Secretary, The Atty. General, Messrs. Rhodes, Fraser.

The Minutes of the last meeting having been read & confirmed.

The Council took into consideration a Message from the Legislative Assembly returning A Bill Entitled An Act to amend "The Franchise Act 1859" the amendments of the Council thereto not having been agreed to.

Upon motion of Mr. Fraser 2nded by Mr. Rhodes It was ordered that the Bill do lie on the table.

The Council then went into Committee on the Victoria Incorporation Act amendment Bill.

Mr. Rhodes in the Chair.

Progress was reported and leave asked to sit again which having been granted.

The Council adjourned 'till 2.30 on Friday next.

William A. G. Young  
Col. Secty. and presiding Member

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### Tuesday, the 14th day of August, 1866

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The Council met this day at 2 30 O'clock.

Present: The Colonial Secretary, The Attorney General, The Treasurer, Mr. Rhodes.

The Minutes of the last meeting having been read and confirmed.

A message from the Governor was read enclosing copy of papers which had been presented to the Imperial Parliament in reference to the proposed union of Vancouver Island and British Columbia.

A message from the Legislative Assembly was read returning a Bill Entitled "an Act to Exempt the Homestead from forced sale and seizure in certain cases—" with two Amendments thereto and which were agreed to by the Council.

A message was also read enclosing a Bill Entitled An Act to amend the Victoria & Esquimalt Harbour dues Act 1862.

The Bill was read a 1st time nem. con.

A further message was received and read returning A Bill to amend the Law of Arrest and imprisonment for debt which had passed the Legislative Assembly.

It was ordered that the Bill be engrossed and sent up for the Assent of His Excellency the Governor.

The Council then adjourned until Friday at two O'clock.

Joseph Needham  
President

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### Friday, the 17th day of August, 1866

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The Council met this day at 2.30 O'clock.

Present: The Chief Justice, The Col. Secy., The Atty. General, The Treasurer.

The Minutes of the last meeting having been read & confirmed.

A message from the Lower House was read returning a Bill Entitled The Coroner's Jury Act, 1866 with amendments.

Upon motion of the Colonial Secretary 2nded by the Treasurer the amendments were agreed to nem. con.

A message was also read transmitting A Bill Entitled "An Act to amend the Road Act, 1860."

Upon motion of the Col. Secy. 2nded by the Treasurer The Bill was read a 1st time nem con.

A message was also read transmitting a Bill Entitled An Act to apply the sum of \$248,963  $\frac{32}{100}$  to the service of the year, 1866.

Upon motion of the Col. Secy. 2nded by the Treasurer The Bill passed a 1st reading.

The Council then took into consideration the amendments made by the Lower House to the Homestead Bill.

Upon motion of the Col. Secy. 2nded by the Treasurer The amendments were agreed to.

The Council then adjourned until Wednesday next at two.

William A. G. Young  
Col. Secty. & presiding Member

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**Wednesday, the 22nd day of August, 1866**

The Council met at 2.30 O'clock.

Present: The Colonial Secretary, The Treasurer, Mr. Rhodes.

The Minutes of the last meeting having been read and confd.

Upon motion of the Treasurer 2nded by Mr. Rhodes A Bill Entitled An Act to amend "the Road Act 1860" was read a 2nd time and committed.

The order of the day being the 2nd reading of A Bill Entitled An Act to apply the sum of \$248,963<sup>3</sup>/<sub>100</sub> to the service of the year 1866.

Mr. Rhodes moved the 2nd reading.

On the question being put, The Treasurer non content.

The Chairman voted for the 2nd reading and the Bill passed a 2nd reading accordingly and was committed.

The Council then adjourned until Monday at two O'clock.

President  
Joseph Needham

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

The House met this day at 3 O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Hon. H. Rhodes.

The Minutes of the last meeting having been read & confd.

The Atty. General gave notice of motion to bring in a Bill to regulate the law of trespass on land by cattle and other animals and also A Bill to amend the Bill of Sale Act 1861.

The Council then resolved into Committee on a Bill to apply the sum of \$248,963<sup>3</sup>/<sub>2</sub> to the service of the year, 1866.

Mr. Rhodes in the Chair.

The Bill was reported complete with amendments.

The House then went into Committee on a Bill to amend the Road Act, 1860.

Mr. Rhodes in the Chair.

The Bill was reported complete without amendments—and the Council adjourned until tomorrow at two O'clock.

Joseph Needham  
President

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**Tuesday, the 28th day of August, 1866**

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The House met at 3 O'clock.

Present: The Chief Justice, The Col. Secretary, The Atty. General, The Hon. Henry Rhodes.

The Minutes of the last meeting having been read & confd.

The Attorney General pursuant to notice brought in a Bill to regulate the law of trespass on land by cattle and other animals and moved that it be read 1st time.

Col. Secy. 2nded the motion and the Bill passed a 1st reading.

The Atty. General also, pursuant to notice brought in A Bill to amend the Bill of Sale Act 1861 and moved that it be read a 1st time.

The Col. Secy. seconded the motion and the Bill passed a 1st reading nem. con.

Upon motion by the Col. Secy. 2nded by Mr. Rhodes A Bill to amend the Road Act, 1860, was read a 3rd time and passed.

Upon motion of the Col. Secy. 2nded by Atty. General The Appropriation Bill was read a 3rd time and passed.

The House then went into Committee with Patent Bill—Mr. Rhodes in the Chair.

The Bill was reported complete with amendments.

Upon motion of the Col. Secy. 2nded by the Atty. General The Bill was read a 3 time & passed the Council.

The Council then went into Committee on A Bill to amend the Victoria Incorporation Act 1862.

Mr. Rhodes in the Chair.

The Bill was reported complete with amendments and upon motion of the Col. Secy. 2nded by the Atty. General The Bill was read a 3rd time & passed.

The Col. Secy. moved that a Bill Entitled The Harbor dues Amendment Act be read a 2nd time.

2nded by the Atty. General & Bill passed a 2nd reading nem. con.

The Council then adjourned until tomorrow at two O'clock.

Joseph Needham

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**Wednesday, the 29th day of August, 1866**

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The Council met this day at 3 O'clock.

Present: The Chief Justice, The Col. Secretary, The Attorney General, Mr. Rhodes.

The Minutes of the last meeting having been read & confirmed.

A message was received & read returning A Bill to amend the Victoria Incorporation Act 1862, the Legislative Assembly not agreeing to the amendments of the Council thereto.

A message was also read returning A Bill Entitled An Act to grant the sum of \$248963<sup>32</sup>/<sub>100</sub> to the service of the year, 1866, the amendments of the Council not having been agreed to.

Upon motion of the Col. Secy. the Consideration of the Message was fixed for tomorrow.

Atty. Genl. moved the 2nd reading of The Cattle trespass Bill.

Bill passed 2nd reading nem. con.

The Atty. Genl. moved 2nd reading of Bill of Sale Amendment Act.

Bill passed 2nd reading nem. con.

Council then went into Committee on the Harbor dues Amendment Bill.

Mr. Rhodes in the Chair.

The Bill was reported complete with amendments.

The Council then adjourned till tomorrow at two.

William A. G. Young  
Colonial Secretary as Presiding Member

### Thursday, the 30th day of August, 1866

The Council met this day at 3 O'clock.

Present: The Col. Secretary, The Atty. General, Messrs. Rhodes, Finlayson.

The minutes of the last meeting having been read & confd.

Upon motion of the Atty General The Harbour dues Act Amendment Bill was read a 3rd time & passed.

The Council then resolved into Committee to consider a message from the Legislative Assembly stating that they had not agreed to the Amendments of the Council to A Bill to apply the sum of \$248963<sup>32</sup>/<sub>100</sub> to the service of the Year, 1866.

Mr. Finlayson in the Chair.

The Presiding Member having resumed the Chair.

The Committee reported that the message had been considered and certain resolutions adopted.

The Resolutions having been read were agreed to unanimously.

Resolved—That this Council has unanimously agreed to the grant to the Crown of \$248,963<sup>32</sup>/<sub>100</sub> for the public service of the Colony for the year 1866, but this Council has been compelled to reject the Schedule accompanying the Bill in which such grant was made by the Legislative Assembly inasmuch as that Schedule contained numerous tacks or clauses wholly foreign to the principle and purport of the Bill to which it was attached and of which it purported to form apart and in particular reproduced one measure which this Council had already this Session rejected.



That while this Council does not desire to interpose between the Crown and the Legislative Assembly in matters of supply and is prepared by its vote to confirm and support any constitutional application of public moneys towards the various and necessary objects of the public service yet at the same time it feels bound to record its deliberate opinion that any attempt on the part of the Legislative Assembly to coerce the action of the Legislative Council by annexing to Supply Bills matters foreign to their expressed object and purport is both irregular and unconstitutional and calculated seriously to embarrass public affairs and to impede the progress and prosperity of the Colony.

Resolved—That the Supply Bill be sent Back to the Legislative Assembly with a copy of the foregoing Resolution.

The Council then went into Committee on the Cattle trespass Bill.

The Atty. Genl. in the Chair.

The Bill was reported complete and was read a 3rd time & passed.

The Council in Committee on the Bill of Sale Act Amendment Act.

The Atty. Genl. in the Chair.

The Bill was reported complete and read a 3rd time & passed.

The Council then adjourned till tomorrow at 2.

William A. G. Young  
Colonial Secretary as Presiding Member

### Friday, the 31st day of August, 1866

The Council met this day at two O'clock.

Present: The Colonial Secretary, The Atty. General, Messrs. Rhodes, Finlayson.

The Minutes of the meeting having been read & confd.

A message from the Legislative Assembly was read returning A Bill Entitled An Act to amend the Victoria & Esquimalt Harbours dues Act, the amendments of the Council thereto having been agreed to save the one made to clause III.

The Council agreed to waive its amendment and adjourned 'till tomorrow at 11 O'clock.

Joseph Needham  
President

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

The Council met at 11 A.M.

Present: The Chief Justice, The Col. Secretary, The Acting Atty. General, The Treasurer, The Acting Surveyor General, Mr. Rhodes.

The Minutes of the last meeting having been read & confirmed.

A message from the Legislative Assembly was read transmitting the following Resolutions:

Resolved, That the House in reply to the Resolutions of the hon. Legislative Council, dated August 30, 1866, is of the following opinion:

1. That the Legislative Council does not possess any constitutional right to originate, amend or alter a bill granting a supply to the Crown, or to alter, amend, or strike out the schedule of any such bill or any part thereof, or even to suggest to this House a desire to amend, alter, or strike out any part of a Bill granting a supply to the Crown, or even to correct any portion of such Bill, unless the same is clearly a clerical error contrary to the resolutions of this House in Supply, or even to return such a bill to this House except when assented to by the Council.

2. That this House recognizes no right or privilege whatever, in the Hon. Legislative Council, respecting a bill in which this House grants a supply to the Crown, except the constitutional right to reject or assent to such bill.

3. That this House possesses the sole and exclusive right to grant supplies to the Crown, and in every Bill of Supply to limit the time for which such grant shall be made, to name the amount of money to be expended for each and every service chargeable on the general revenue, and to attach such conditions to every such grant as in the judgment of this House is right, proper, and for the public good.

4. That the hon. Legislative Council, in striking out the Schedule to the Bill of Supply for 1866, with the intention of leaving the total grant for 1866, viz.: the sum of \$248,963.32, to be expended at the discretion of the Executive independently of the wishes of this House; and in twice returning such Bill so amended to this House (without the Schedule) has exceeded its lawful authority, has violated the undoubted privileges of this House, has endangered the liberties of the people and of this House, and has interposed an unlawful authority between this House and the Crown, thereby retarding the best interests of the country by preventing this House from granting a Supply to the Crown for the current year.

5. That this House denies that the Schedule to the Bill of Supply contains any "tacks", "clauses" or provisions "foreign to the principle and purport" of the said Bill, or anything that this House has not a lawful and undoubted right to attach thereto.

6. That if any one measure is reproduced in the schedule which the Legislative Council has rejected this session, this House is not aware of it; but even if such one measure so rejected has been reproduced, and if such one measure is a condition attaching to the duties of any public officer paid out of the general revenue, this House maintains that it had and has an undoubted right to attach such a condition thereto. That even if such condition or "one measure" were attached unconstitutionally to the Supply Bill (which this House denies) the only authority that the hon. Legislative Council could constitutionally exercise, would be the right to assent to or reject the Bill as a whole; but it possesses no authority to attempt to amend a Bill of Supply for any such cause.

7. That this House deliberately, and unequivocally declares that it has not made "any attempt" whatever "to coerce the action of the Legislative Council" by inserting anything whatever in the Supply Bill or in the Schedule thereto. That whatever provisions there may be in the body of the Bill of Supply or in the Schedule thereto, have been made in the exercise of the undoubted right of this House to grant a Supply to the Crown, subject to such limitations as in the judgment of this House are best calculated to guard against an undue expenditure of the general revenue, and at the same time to "promote the progress and prosperity of the Colony."

Resolved, That the above Resolutions be transmitted to the Legislative Council.

The Col. Secretary moved that the following Resolution be entered on the Minutes of the Council.

That this Council has received the resolutions of the Legislative Assembly, dated the 31st August, 1866. That this Council does not concur in the statements therein contained, the same being in opposition to documentary evidence that has been and is before the Council.

In doing so he commented upon the Resolutions of the Assembly *seriatim*, and he pointed out that the principal matters comprised in those Resolutions were really foreign to the point at issue between the Council and the Assembly—that point was not any assumption by the Council of equal rights with the Assembly in respect of Bills of Supply—he would not assert that the Council did not possess equal rights, but at all events the Council if they did, following the principle of the constitution but were in reality in opposition to and could be controverted by the Documentary Evidence he has cited, *viz.*, the Royal Commission & Instructions and the Schedule to the so-called Supply Bill, but as the Session would last but for a few hours longer, and as the Supply Bill had not been sent back from the Lower House he thought it inexpedient for the Council to do more than to record the receipt of the Resolutions and the dissent of the Council from their tenor and he concluded by formally moving the adoption of the Resolution he had laid upon the Table, at the same time emphatically disclaiming any participation on the part of the Council in the absence this year of a Supply Bill.

The Attorney General concurred generally in what had been stated by the Hon. the Colonial Secretary. He stated that the Bill sent up as a Supply Bill might with equal propriety have been called a Bill for the repeal of the Real Estate Tax Act, and to regulate other matters, and he characterized it as improper and unconstitutional in form. He deprecated any Colonial Legislature arrogating to themselves the right of exercising the time honored powers and privileges of the House of Lords and Commons in England and he maintained that the Legislature of this Colony could only frame Bills with constitutional limits and those limits were to be found in the source of their power—the Royal Commission and Instructions. He concluded by seconding the Resolution of the Hon. Colonial Secretary.

The Hon. Mr. Rhodes concurred in the Resolution but considered that full minutes of the proceedings should be entered on the Records of the Council to explain what was the nature of the Documentary evidence alluded to in the Resolution.

The Hon. the Treasurer stated that altho' absent at the two previous sittings he entirely agreed in the action of the mother Country, did not desire, upon the present occasion, to exercise any such right—that was not the question at issue. That question was at present confined solely to the mixing up of different matters in one and the same Bill which the Legislature were forbidden to do by the Queen's Instructions, which Instructions virtually formed the Constitution of the Colony, and in mixing up those matters foreign to the title and purport of the Bill the Assembly did through the Agency of the Supply Bill seek to coerce the action of the Council and to restrict its powers. He pointed out that all the powers and privileges claimed and asserted by the Assembly in those Resolutions were founded upon no authority whatever, that they were a mere series of assertions which were in no way borne out by the evidence before the Council, *viz.* the Queen's Commission and Instructions to the Governor which were the source from whence the Assembly as well as the Council derived their legislative powers and he called especial attention to

the Resolutions in respect of the reproduction of measures which had already been rejected by the Council and the consequent attempt to "coerce" the Council. He was of opinion that a direct denial was given to the statements made in those Resolutions by the Schedule of the so called Supply Bill—A Bill to repeal the Real Estate Tax Act had in the earlier part of the Session been sent up from the Lower House and had been rejected by the Council. The so called Supply Bill had passed through the Lower House *subsequently* to that rejection and in the Schedule of the Bill as subsequently passed a clause was inserted providing for the repeal of the Real Estate Tax Act. If the previous Bill had *not* been rejected by the Council why the insertion of that clause? He therefore contended that the Entire Resolutions of the House were not only a series of unsupported statements of the Council in respect of this matter and would support the motion of the Hon. Colonial Secretary.

The Resolution was then put and carried unanimously.

The Colonial Secretary moved that a copy of the Resolution of this Council of the 30th August 1866 and of the present Resolution and Minutes of proceedings be forwarded for the information of His Excellency The Governor.

2nded by Mr. Rhodes and carried unanimously.

A message with The Bill of Sale Act amendment Act 1866 which had passed the Legislative Assembly was read.

The Council then adjourned until this day week.<sup>8</sup>

<sup>8</sup> Governor Kennedy prorogued the legislature on 1 September 1866. In keeping with the terms of the Franchise Act, 1859, which limited the duration of the House to three years from the date of its first meeting, he dissolved the legislature on 2 September 1866. *Government Gazette Extraordinary*, Vancouver Island, 1 September 1866.