

### Wednesday, the 7th day of June, 1865

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

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

The last minutes having been read and confirmed.

The following Communication was read from His Excellency The Governor.

No. 73.

Vancouver Island  
Government House,  
Victoria 7th June, 1865

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

In reply to the Resolutions of the Legislative Assembly dated 2nd June, 1865, I have the honor to state that it will involve considerable labor and delay to furnish copies of the plans and specifications for building the Dredge and Punts for the same and the tug, and that I would therefore suggest that they should be inspected at the Land office where the Acting Surveyor General will give every information and facility.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant

(Sd.) A. E. Kennedy  
Governor

Dr. Powell from the conference upon "A Bill Entitled An Act respecting the Medical Board and Practitioners in Medicine and Surgery" reported "That the Honble. the Legislative Council would take under consideration the objections made by the House to the Amendments made by the L. C. to above Bill."

Mr. De Cosmos from the Conference upon "A Bill The Mercantile Law Amendment Act" reported "That the Honble. The Legislative Council would take under consideration the objections made by the House to the Amendments made by the L. C. to above Bill."

#### Order of the Day.

Resolution "Marriage License fee \$10.00" reported from Committee "Ways and Means" yesterday, confirmed.

Ordered "That A Bill be brought in in conformity with above Resolution."

Resolution "For detail of certain items of Supplemental Supply" reported from Comtee. "Supply" yesterday—confirmed.

Resolution H. Excy. *Communication* (No. 69) in re "Steam Communication with Panama" reported from Comtee. of the whole House yesterday, confirmed.

Bills read a 2nd time and committed.

A Bill To facilitate and explain the remedies of Creditors against the lands of their Debtors.

On question that "A Bill Intituled An Act to confirm certain Titles to real property in Vancouver Island and its Dependencies" be now Read a 2nd time—The House divided.

## Question

*Ayes: 4.*

Messrs. Burnaby

Powell

Dickson

De Cosmos

*Noes: 4.*

Messrs. Duncan

Dennes

Carswell

McClure

Mr. Speaker gave his casting vote with the "Ayes."

The Bill was then read a 2nd time and committed.

On motion by Mr. Dennes, seconded by Mr. Duncan Ordered "That An Address be presented to His Excy. The Governor for a return of the Number of Plaints issued in the Inferior Court of Civil Justice from First of January 1860 till third of May, 1865."

In Comtee. of the whole House, The Report of the Comtee. in re "The Victoria Harbour Dredging Machine."

Mr. Speaker left the chair.

Mr. Dennes in chair of Comtee.

Mr. Speaker resumed the chair.

The Chairman reported A Resolution "That the Dredging Apparatus be at once suspended, and that His Excellency be respectfully requested to call for tenders for the deepening [of] Victoria Harbour at so much per Ton—the parties tendering to have the use of the Dredger and Steam Tug for that purpose."

Ordered That report be agreed to.

On motion by Mr. De Cosmos, 2nded by Mr. McClure, Ordered

That the Coroner be ordered to transmit to this House a return of the number of persons upon whose bodies inquests were held by him during the respective years 1861-'62-'63 and -'64 with the accelerating causes of death.

The disposition made of the money found upon their persons.

The fees paid to the Coroner and Medical Practitioners for evidence and post mortem examinations.

The House then adjourned till tomorrow.<sup>67</sup>

J. S. Helmcken

Speaker.

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**Friday, the 9th day of June, 1865**


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

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

The last minutes having been read and confirmed.

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<sup>67</sup> According to the *Colonist*, 9 June 1865, the House did not sit for lack of a quorum.

The following Communications were read from His Excellency the Governor.

No. 74 dated 8th June 1865—enclosing “A Bill To impose a Tax of one half of one per centum upon all real Estate within the City of Victoria and for other purposes relating thereto” altered by the Attorney General in accordance with what is understood to be the wish of the House.

No. 75—dated 8th June, 1865 in reply to a Resolution of this House of the 7th June requesting a Statement in detail of the manner in which the following sums (disbursed beyond the specific amounts voted) have been expended, viz.:

Supreme Court	\$ 3,279.89
Attorney General	1,203.03
Works & Buildings	13,625.32

Ordered to be referred to Committee of Supply.

No. 76—dated 9th June, 1865—enclosing “A Bill To amend the Victoria Pilot Act, 1864” and “A Bill To impose a Tax on Salaries and for other purposes.”

A Communication was read from the Honble. L. Council transmitting “A Bill Entitled the Stock and Carcass Act” with the following Amendment by the Honble. L. Council

In Clause 3 insert the words “The Governor of the said Colony for the time being” in lieu of the words “His Excellency.”

Also “A Bill To amend the Victoria Harbour Dues Act 1862” with Amendments by the Honble. the L. Council.

The Honble. L. Council Amendments to the before mentioned Bills were Read a first time.

Also a *Communication* fm. the Honble. L. Council enclosing “A Bill Entitled The Trade’s License Amendment Act, 1865” with certain Amendments by the Honble. the L. Council.

Amendments Ordered to be printed.

On question that The Resolutions reported from *Committee* of the whole House on the 7th Inst. in re “The Victoria Harbour Dredging Machine” be confirmed. The House divided.

*Ayes:* 3.

Messrs. De Cosmos  
McClure  
Dickson

*Noes:* 3.

Messrs. Trimble  
Dennes  
Cochrane

Mr. Speaker gave his casting vote with the *Ayes*.

The above mentioned Resolutions were then confirmed.

A Communication was read from the Honble. L. Council insisting upon its amendments to “A Bill Entitled An Act respecting the Medical Board and Practitioners in Medicine and Surgery.”

Insisting also upon its Amendments to “A Bill Entitled the V.Id. Mercantile Law Amendment Act.”

Notices of Motion—3, Mr. De Cosmos.<sup>68</sup>

„ „ „ —1 Dr. Dickson—“Ways and Means.”<sup>69</sup>

On question “that Mr. Speaker do now leave the chair” upon the Order of the Day—the House, being counted and a quorum not being found present, adjourned till Monday the 12th Inst.

J. S. Helmcken

### Monday, the 12th day of June, 1865

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

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

The last minutes having been read and confirmed.

A Communication (No. 77) from His Excy. the Governor was read, as follows.

Vancouver Island  
Government House  
Victoria, 10th June 1865

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

Referring to the Resolution of the Legislative Assembly that the Sum of Ten Dollars be charged for every Marriage License issued, to be paid into the General Revenue of the Colony, I have the honor to inform you that the small amount of fees at present received from the issue of Special Licenses by the Governor of the Colony is in my opinion a part of the Crown Revenue and is now under consideration of Her Majesty's Secretary of State for the Colonies.

I have the honor to be, Sir  
Your most obedient Servant,  
(Sd.) A. E. Kennedy  
Governor

Ordered to be referred to Committee.

Amendment by the Honble. The Legislative Council (R. f. 268 [p. 348 above]) to “A Bill Entitled the Stock and Carcass Act” was Read a 2nd time and agreed to.

<sup>68</sup> Motion Book, 1865–66, p. 4: “On Monday next, I will move:—

“That His Excellency the Governor be respectfully requested to communicate for the information of this House any despatches in his possession from Her Majesty's Government in reference to the resolutions of this House dated January 27, 1865 respecting A union of this Colony with British Columbia.

“Also, any despatches from Her Majesty's Government respecting an address of this House to His Excellency the Governor dated June 27, 1864 respecting Hudson Bay Company's affairs.

“Also, any despatches from Her Majesty's Government in reference to resolutions of the House dated Novr. 21, 1864 respecting the Crown lands & Civil List.”

<sup>69</sup> Motion Book, 1865–66, p. 3: “That all emoluments whatsoever, directly or indirectly accruing to any officer of the government paid by fixed salary, other than those which are recognized by law, shall be paid into the general revenue of the colony.”

Amendments by the Honble. Legislative Council to "A Bill Entitled The Harbour Dues Amendment Act, 1865" as follows.

In title—After word "Victoria" insert the words "and Esquimalt."

In preamble—After the word "Victoria" insert the words "and Esquimalt."

Clause 1. Insert after "Victoria" the words "and Esquimalt."

After Clause 1. Insert the following Clause.

That the "Victoria and Esquimalt Harbor Dues Act, 1862," "The Ports of Entry Act, 1863" and "this Act" shall be read together and construed as one Act for the purposes of this Act.

Clause II to be Clause III.

Read a 2nd time and agreed to.

Amendments by the Honble. The Legislative Council to "A Bill Entitled the Trade License Amendment Act, 1865" as follow

Council Chamber, June 8th, 1865.

AMENDMENTS TO A BILL ENTITLED "THE TRADE LICENSE  
AMENDMENT ACT, 1865."

Clause I. Strike out the word "hereby" in line 14.

Agreed to.

And after the word "repealed" insert "as and from the 1st day of August, 1865."

Not agreed to.

After the word "substituted" in line 15 insert the word "therefor."

Agreed to.

After the words "the 5th day of" and before "every" in line 17 insert "August 1865 and of."

Not agreed to.

After "every" insert "subsequent" in line 18.

Not agreed to.

In place of the words at the end of the clause "the month" &c, to the end of the clause insert the words "August 1865."

Not agreed to.

Clause II. Clause 2 to be added to clause numbered 10 with the following words inserted at the end of clause 2 and preceeding clause 10 viz.; "Provided always" and that clause 10 be struck out of its place at the end of the Bill.

Agreed to.

Clause 11, to be numbered clause 10.

Agreed to.

Clause 5, after first line strike out "among other things."

Not agreed to.

Line 2, after words "declared that" insert "nothing in the said recited Act shall be deemed to extend to any person taking out a retail Liquor license and that," line 6, for "provision" read "provisions;" strike out "and that persons who pay" &c., to "sale of Liquors;" strike out words from "so far as relates" down to words "of the said Act."

Not agreed to.

Insert at the end of the section, "And further that all persons taking out a retail Liquor license shall be included in the provisions of the said recited Act, except as to the sale of Liquor by retail, and that the said last mentioned persons shall include in their returns the amounts received for the sale of merchandize other than and except the sale of Liquor by retail."

Not agreed to.

Insert after section 8,

XI. Every person bound to make a return under the provisions of this or the said recited Act, and failing so to do shall be liable to a penalty not exceeding the sum of \$100, to be recovered in a summary way before any Justice of the Peace.

Agreed to.

E. J. Nesbitt  
Clerk of the Council

were Read a 2nd time and agreed to with exceptions as stated.

Ordered to be returned to the Honble. L. Council.

The House then took under consideration the *Communication* of the Honble L. Council, resulting from the conference held on the 7th Inst., in the matter of "A Bill Respecting the Medical Board and Practitioners in Medicine and Surgery" insisting upon its Amendments thereto.

The House rejected finally the said Amendments.

Dissentiente Mr. Franklin.

The House also took under consideration A *Communication* from the Honble. the Legislative Council, resulting from the Conference held on the 7th Inst. in the matter of "A Bill Entitled the Vancouver Island Mercantile Law Amendment Act, 1865."

The House rejected finally and unanimously the Bill as amended by the Honble. The L. Council.

Dr. Trimble, 2nded by Mr. Dennes, moved A Resolution.

That a Committee of Five be appointed to enquire into the contracts for the building of the Dredger and Punts, and whether the Plans and Specifications have been carried out, and whether a Commission was held before payment was made to the Contractors."

On question "that the above Resolution do now pass."

The House divided.

Question.

*Ayes:* 6.

Messrs. Trimble  
Dennes  
Franklin  
Cochrane  
Carswell  
Powell

*Noes:* 3.

Messrs. De Cosmos  
Dickson  
McClure

The Resolution was therefore carried.

Ordered "That Messrs. Cochrane, Trimble, Dennes, McClure, Franklin be a *Committee* in re the above."

On question "that 'A Bill To amend the Road Act, 1860' be now Read a 2nd time"  
—The House divided.

Question.

<i>Ayes: 5.</i>	<i>Noes: 4.</i>
Messrs. De Cosmos	Messrs. Trimble
McClure	Dennes
Dickson	Carswell
Franklin	Powell
Cochrane	

The Bill was then read a 2nd time and committed.

On question that "A Bill to amend An Act entitled the Road Act 1860, &c." be now read a 2nd time.

The House divided.

Question.

<i>Ayes: 5.</i>	<i>Noes: 3.</i>
Messrs. De Cosmos	Messrs. McClure
Franklin	Dickson
Trimble	Carswell
Dennes	
Cochrane	

The Bill was then read a 2nd time and committed.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

## Tuesday, the 13th day of June, 1865

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

Present: Mr. Speaker in Chair, Messrs. Bayley, De Cosmos, Dennes, Franklin, McClure and Drs. Powell, Tolmie, Trimble.

The last minutes having been read and confirmed.

A Communication was read from His Excellency The Governor as follows.

No. 78

Vancouver Island  
Government House  
Victoria, 13th June, 1865

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

I have the honor to acknowledge the receipt of a Resolution of the Legislative Assembly dated 12th June 1865 requesting me to communicate for the information of the House any Despatches in my possession on the subjects of "An Union of this Colony with British Columbia", the Hudson's Bay Company's affairs, and the Crown

Lands and Civil List, and to state in reply that I have not any information on these subjects beyond that of which the Legislative Assembly is already in possession.

I have the honor to be,  
 Gentlemen,  
 Your most obedient Servant  
 (Sd.) A. E. Kennedy,  
 Governor.

The House then went into Committee of Supply.

Mr. Speaker left the chair.

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

Mr. Speaker resumed the chair.

The Chairman reported that the Committee having had under consideration the question of Supply begged to Report "A Bill To apply the Sum of Fourteen thousand nine hundred and forty dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the Year One thousand eight hundred and Sixty five."

Also that the Committee having had under consideration a Comparative Statement of the Estimated and Actual Expenditure and Overdraft (H. Excy.s Communication No. 70) for 1864 had voted a Supplemental Supply of Thirty seven thousand Six hundred and Eight dollars and thirty nine cents for the service of the year one thousand eight hundred and sixty four, as follows,

Schedule		
For Establishments		
His Excellency the Governor	\$1605.86	
Legislative Council	24.78	
Legislative Assembly	276.37	
Colonial Secretary	1059.40	
Treasurer	2178.68	
Surveyor General	3088.95	
Judicial Establishments		
Supreme Court	3279.89	
Attorney General	1203.03	
Stipendiary Magistrate, Sooke	749.34	
		13466.30
For Services exclusive of Establishments		
Revenue Service	33.63	
Rent	1036.64	
Transport	136.50	
Works and Buildings	13625.32	
Interest	4990.83	
Sinking fund	4064.68	
Drawbacks and refunds	254.49	
		24142.09
		\$37608.39

Ordered that reports be agreed to respectively.

Above Bill read 1a.<sup>70</sup>

<sup>70</sup> I.e., the first time. The abbreviation 1<sup>a</sup> is from the Latin phrase *billa lecta est prima*, a form surviving from the time when at least part of the Journals of the House of Commons were entered in Latin. Hereafter the adverbial forms, *primo*, *secundo*, *tertio* are abbreviated by the clerk as 1<sup>o</sup> 2<sup>o</sup>, 3<sup>o</sup> and translate literally as firstly, secondly, and thirdly.



The Chairman also reported from Committee "Ways and Means" "A Bill To impose a Tax of one half of one per centum on all real estate within the City of Victoria and for other purposes relating thereto" and "A Bill To impose a Tax on Salaries and for other purposes" and "A Bill To amend the Victoria Pilot Act, 1860."

Ordered that reports be agreed to respectively.

In Committee of the whole House "A Bill To facilitate and explain the remedies of Creditors against the Lands of their debtors."

Mr. Franklin in the chair.

The Chairman reported progress and asked leave to sit again.

Ordered That report be received and leave granted.

Bills read first time.

A Bill To apply the Sum of Fourteen thousand Nine hundred and forty dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the service of the year One thousand Eight hundred and sixty five.

A Bill To impose a Tax on Salaries and for other purposes.

Ordered to be printed.

A Bill To amend the Victoria Pilot Act, 1860.

A Bill To impose a Tax of One half of one per centum upon all Real Estate within the City of Victoria and for other purposes relating thereto.

Ordered to be printed.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

### Wednesday, the 14th day of June, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Trimble, Tolmie, Dickson, Dennes, Bayley, De Cosmos, Franklin.

The last Minutes having been read and confirmed.

A Communication was read fm. the Honble. The Legislative Council appointing 2 p. m. on Friday (16th Inst.) for the Conference in re "A Bill Entitled An Act to grant Jurisdiction to J.P.'s and Stipendiary Magistrates in Civil Cases."

Also a Communication from the Honble. The L. Council stating that the Honble. L. Council had agreed to waive their amendments to "A Bill entitled The Trades License Amendment Act, 1865", which Amendments had not been agreed to by the L. Assembly.

Bills read 2a.

A Bill To apply the Sum of Fourteen thousand nine hundred and forty dollars out the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the year one thousand eight hundred and sixty five.

A Bill Entitled An Act to apply the sum of Thirty seven thousand Six hundred and eight dollars and thirty nine cents for the Service of the year one thousand eight hundred and sixty four.

A Bill To impose a Tax of one half of one per centum on all real estate within the City of Victoria and for other purposes relating thereto.

A Bill To impose a Tax on Salaries and for other purposes.

A Bill To amend the Victoria Pilot Act, 1860.

In Committee of Supply.

A Bill To apply the Sum of Fourteen thousand nine hundred and forty dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the year one thousand eight hundred and Sixty five.

Also "A Bill Entitled An Act to apply the sum of Thirty seven thousand Six hundred and eight dollars and thirty nine cents for the service of the year one thousand Eight hundred and sixty four."

Mr. Speaker left the chair.

Mr. Chairman "Ways and Means" in chair.

Mr. Speaker resumed the chair.

The Chairman reported that the Committee having had under consideration the above Bills begged to report the same complete respectively without Amendment.

Ordered that reports be agreed to respectively.

The House then went into Committee of the whole.

(Mr. Franklin in the chair) upon "A Bill to amend the Road Act, 1860."

Also upon "A Bill To amend An Act entitled the Road Act, 1860 & to provide otherwise for the repairs and improvements of the Roads of Vancouver Island and its Dependencies."

The Chairman reported—in regard to the First "That he had not any report to make."

In regard to the second That leave had been granted to withdraw the Bill in Committee in order that it might be amended.

Ordered that report be agreed to.

Mr. Dennes gave Notice of Motion (M. B. f. [blank]).<sup>71</sup>

Dr. Powell gave Notice of Motion (M. B. f. [blank]).<sup>72</sup>

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

<sup>71</sup> Motion Book, 1865–66, p. 4: "I give Notice that I shall on Thursday next move that the Clerk of this House make a return to the Speaker of the respective attendances of each Member of this House from 2nd Sept. 1863 to 14th June 1865."

<sup>72</sup> Motion Book, 1865–66, p. 5: "I give notice that I will move to-morrow that a select Committee be appointed to bring in a Bill to amend the Road Act of 1860."

## Friday, the 16th day of June, 1865

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

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

The last minutes having been read and confirmed.

On motion by Mr. Dennes, seconded by Dr. Powell Ordered "That Mr. Clerk of this House make a return to the Honble. The Speaker of the respective attendances of each Member of this House from 2nd September 1863 till 14th June, 1865."

The above Returns, having been presented, were read and Ordered to lie on the Table.

Bills read 3a and passed.

A Bill To apply the sum of Fourteen thousand nine hundred and forty dollars out of the General Revenue of the Colony of Vancouver Island and its Dependencies to the Service of the year one thousand Eight hundred and Sixty five.

And "A Bill Entitled An Act to apply the sum of Thirty seven thousand six hundred and Eight dollars and thirty nine cents for the Service of the Year one thousand Eight hundred and Sixty four."

On motion by Dr. Powell, Seconded by Mr. Franklin, Ordered "That Messrs. Tolmie, Franklin, Trimble, Powell, Cochrane—be a Select Committee to bring in 'A Bill To amend the Road Act, 1860'."

Order of the Day in Committee—"Ways and Means."

Chairman "Ways and Means" in Chair.

The Chairman reported that the Committee having had under consideration "A Bill To impose A Tax of one half of one per centum upon all Real Estate within the City of Victoria & for other purposes relating thereto," begged to report the same complete without Amendment.

Also "A Bill To amend the Victoria Pilot Act 1864," begged to report the same complete without Amendment.

Ordered that Reports be agreed to respectively.

The Chairman further reported that the Committee having had under consideration His Excellency's Communication "No. 77" (v. f. 270 [p. 349 above]) begged to report A Resolution "That A Bill be brought in authorising the issuing of Marriage Licenses, the fees for which shall be paid into the General Revenue of the Colony."

Ordered that report be agreed to.

Mr. Franklin from the conference reported "that the Honble. The Legislative Council explained that they had adopted their Amended 'Bill to grant jurisdiction to Justices of the Peace and Stipendiary Magistrates in Civil cases' in lieu of the Bill sent up by the Legislative Assembly in as much as the latter enacted Rules, Regulations and Forms of Court contrary to the custom in

the Superior Courts—the rules of which were subject to alteration from time to time as circumstances might require.”

In regard to the Appointment of Justices of the Peace the Council would not object to the insertion of the words “Justice of the Peace” in addition to the words “Stipendiary Magistrate”—if such amendment were acceptable to the House.

J. S. Helmcken  
Speaker

### Wednesday, the 21st day of June, 1865

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

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

The last minutes having been read and confirmed.

A Communication was read from His Excy. The Governor (No. 79, dated Victoria, 17th June, 1865) transmitting a return of the number of Plaints issued in the Supreme Court of Civil Justice fm. 1st Jany. 1860, till 3rd May, 1865” (2915 [plaints]).

Also a *Communication* from H. Excy. the Governor, as follows,

No. 80.	Vancouver Island Government House Victoria, 19th June, 1865
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To The Honble. The Speaker and Members of the Legislative Assembly  
Gentlemen,

I have the honor to acknowledge the receipt of A Resolution of the Legislative Assembly dated 7th June, 1865, in reference to certain Returns required from the “Coroner.”

In reply I have to state that I have no means of furnishing information beyond that contained in the accompanying report of the Treasurer.<sup>73</sup>

I am not in possession of any Record of the number of inquests held and there has been no report received and no payments made or demanded on Account of Coroners fees in 1865.

It is proper for me to inform the House that I am advised that there is no Coroner in this Colony having jurisdiction, and that there is no authority vested in the Government to appoint one.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant,  
(Sd.) A. E. Kennedy,  
Governor

On motion by Mr. De Cosmos (who objected that H. Excy.’s *Communication* did not furnish the information called for by this House in the *Resolution* passed on the 7th inst.), 2nded by Mr. Bayley.

<sup>73</sup> See Treasurer Alexander Watson’s reply to Governor Kennedy’s memo, 13 June 1865, Colonial Correspondence, Vancouver Island Treasury Dept., PABC.

Ordered, That James Dickson Esqre. (as Coroner) be ordered to transmit to this House a return of the number of persons upon whose bodies inquests were held by him during the respective years of 1861, '62, '63 and '64, with the accelerating causes of death.

2. The disposition made of the money found upon their persons.

3. The fees paid to the Coroner & Medical Practitioners for evidence and post mortem examinations.

Bills read 3a.

"A Bill To amend the Victoria Pilot Act, 1860" and "A Bill To impose A Tax of one half of one per centum on all real Estate within the City of Victoria and for other purposes relating thereto."

Dr. Dickson rose to a question of Privilege in re a mistaken report "Chronicle Newspaper."

Notice of Motion 1. Dr. Dickson.<sup>74</sup>

„ „ „ 2. „ „ .<sup>75</sup>

„ „ „ Mr. Dennes.<sup>76</sup>

The House then went into Committee "Ways and Means" upon "A Bill To impose a Tax on Salaries and for other purposes."

Mr. Speaker left the Chair.

The Chairman "Ways and Means" in chair.

Mr. Speaker resumed the chair.

The Chairman reported that the Committee having had under consideration the above Bill begged to report the same complete with Amendments.

Ordered that report be agreed to.

The House also went into Comtee. of the whole upon "A Bill Intituled An Act to confirm certain Titles to Real Property in Vancouver Island and its Dependencies" and upon "A Bill To facilitate and explain the remedies of Creditors against the lands of their debtors."

Mr. Speaker left the Chair.

Mr. Franklin in chair of Comtee.

Mr. Speaker resumed the chair.

<sup>74</sup> Motion Book, 1865-66, p. 5: "Tomorrow I will move that this House do fix a day to take into consideration the necessity of reducing the present Colonial expenditure for the maintenance of officers and Clerks in the public Departments, and of recommending to the Governor the amalgamation forthwith of some of the offices in order to [effect] such reduction."

<sup>75</sup> Motion Book, 1865-66, p. 6: "I. That the Governor be respectfully requested to inform this House what Salary is paid for the services of the Acting Colonial Secretary. "II. What other offices are held or duties performed by that gentleman, and the amount of Salary and fees to which he is entitled in respect thereof."

<sup>76</sup> Motion Book, 1865-66, p. 6: "I give Notice that I shall tomorrow move that the Clerk of the House make a return to the Speaker of the divisions that have taken place (except in committee) & the names of Members voting thereon from 3 Sepr. 1863 to 21 June 1865."

The Chairman reported that In regard to the first "He had not any report to make."

In regard to the second He had not any report to make.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

### Thursday, the 22nd day of June, 1865

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

Present: Mr. Speaker in the chair and Messrs. Franklin, Dickson, Powell, Dennes, De Cosmos, Carswell.

The last minutes having been read and confirmed.

A Communication (No. 81)<sup>77</sup> was read from His Excy. The Governor acknowledging receipt of a Resolution of this House dated 17th June, and a Communication (No. 82) fm. H. Excy. the Governor as follows.

No. 82

Vancouver Island  
Government House  
Victoria, 22nd June 1865

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

I deem it my duty to inform the Legislative Assembly that constantly recurring complaints are made by Indians that their potato Gardens are destroyed by pigs which are permitted to run at large, and I am advised that the existing law is insufficient to remedy the hardship thus inflicted upon the natives, which is rendered still greater by the exclusion of Indian Evidence from our Courts of Justice by which they are debarred from the remedy of a Civil action for trespass.

It cannot be expected that this state of things can long continue without leading to heart-burnings & collisions between the Settlers & Indians in outlying districts where there are neither Magistrates nor Police. I would beg for the attention of the Legislative Assembly to this end ere it becomes more serious and for their consideration whether it would not be more equitable and practicable to compel the owners of Pigs to fence them in rather than throw the onus of fencing them out upon those to whom they do not belong, a measure at all times difficult.

I will direct the Acting Attorney General to prepare A Bill amending the existing law, on being informed of the views of the Legislative Assembly in reference thereto.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant  
(sd.) A. E. Kennedy,  
Governor.

Ordered for tomorrow—"In Committee."

Bill read 3a.

A Bill To impose a Tax on Salaries and for other purposes.

<sup>77</sup> Messages to House, 22 June 1865, stating that under the terms of the Royal Instructions, the power to grant marriage licences rests exclusively with the Governor.

Mr. De Cosmos gave Notice of Motion (M. B. f. [blank]) for a Committee in re H. Excy's *Communcation* upon the subject of the Coroner.

On motion by Mr. Dennes seconded by Mr. De Cosmos Ordered "That the Clerk of this House make a return to the Speaker of the Divisions which have taken place (except in Committee) & of the names of members voting therein from 3rd Sepr. 1863 till 21st June, 1865."

Leave granted to Dr. Dickson to withdraw a Resolution "as to the necessity of reducing the present expenditure of this Colony for maintenance of officers, clerks &c," notice of which was given yesterday.

On motion by Dr. Dickson, 2nded by Mr. De Cosmos (Notice given 21st Inst.) Ordered "That H. Excy. the Governor be respectfully requested to inform this House, what offices in this Colony have been (or are now) held, what duties have been (or are now being) performed by the present Acting Colonial Secretary, and what sums of money have been paid severally by way of Salary allowances or fees to that officer for duties so performed."

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker.

### Friday, the 23rd day of June, 1865

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

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

The last minutes having been read and confirmed.

On motion by Mr. De Cosmos, seconded by Mr. McClure Ordered "That a Committee of three be appointed with instructions to report their observations with such further information as may be obtained concerning the message of His Excellency the Governor &c. accompanying return respecting 'The Coroner,' and that such Committee be empowered to send for persons and papers, if necessary."

"That a respectful address be presented to His Excellency the Governor praying that he may instruct the Acting Colonial Secretary, Acting Attorney General, and Treasurer to supply this Committee, if required, with any papers or documents in their possession concerning the subject of enquiry before it."  
(Dissentiente Mr. Franklin).

Ordered that Messrs. Bayley, Carswell, De Cosmos, be a Committee in re "the above."

Order of the Day, In Committee of the whole House, His Excellency's Communication (No. 82.) on the subject of the destruction of the Indian Potato Gardens in the outlying districts by Pigs belonging to Settlers &c.

Mr. Speaker left the chair.

Mr. Dennes in chair of the Committee.

Mr. Speaker resumed the chair.

The Chairman reported A Resolution "that this House is of opinion that the difficulties mentioned in the communication from His Excellency should be dealt with by the Executive as legislation upon the subject at the present time is neither necessary nor desirable."

Ordered "That report be agreed to."

J. S. Helmcken  
Speaker.

## Tuesday, the 27th day of June, 1865

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

Present: Mr. Speaker in the chair and Messrs. Cochrane, De Cosmos, Dennes, Dickson, Franklin, McClure, Powell, Trimble.

The last minutes having been read and confirmed.

A Communication (No. 83) was read from His Excellency the Governor.

No. 83

Vancouver Island  
Government House  
Victoria, 27th June, 1865

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

I have the honor to state that I am informed by the Acting Attorney General that "A Bill to explain 'The Chief Justices Salary Act, 1864'" will be submitted to the Legislative Assembly this day. This Bill being deemed necessary by Her Majesty's Secretary of State for the Colonies to give full effect to the intention of the Legislature I would invite the early attention of the Legislative Assembly to the subject.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant  
(Sd.) A. E. Kennedy  
Governor.

A Communication was then read from the Honble. L. Council (dated 27th June) transmitting "A Bill To explain 'The Chief Justice's Salary Act, 1864'"

Bill read a 1st time.

Also a Communication from the Honble. The L. Council transmitting "A Bill To impose a Tax on Salaries and for other purposes" with amendments thereto by the Honble. the Legislative Council.

Honble. L. Council Amendments.

Clause 1. In line 4 between the word "all" and "persons" insert the word "Male."

Clause XII. Line 6. Strike out the words "masculine gender or" and insert at the end of the clause "but nothing in this Act contained shall be held to impose any Tax on females."



The Amendments by the Honble. L. Council were not agreed to and "The Bill was ordered to be returned to the Council."

A Communication was also read from the Honble. L. Council transmitting "A Bill Respecting the Registration of Births, Deaths and Marriages in Vancouver Island" with Amendments thereto by the Honble. The L. Council.

Question proposed "that said Amendments be now Read a first time."

Amendment proposed "to leave out the word 'now' and at end of clause to insert the words 'this day 6 months'" (Mr. De Cosmos).

Question put that the word "now" stand part of the question.

*Ayes:* 2.

Messrs. Powell  
Franklin (2)

*Noes:* 4.

Messrs. De Cosmos  
Dennes  
Dickson  
McClure (4)

Dr. Dickson laid upon the table of the House certain returns ordered by this House (21st June 1865) to be returned by him as "Coroner."

On motion by Dr. Dickson "A Bill Intituled An Act to regulate the payment and application of fees for marriage Licenses" was Read a first time.

J. S. Helmcken  
Speaker

### Thursday, the 29th day of June, 1865

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

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

The last minutes having been read and confirmed.

A Communication (No. 84) was read from His Excellency the Governor as follows.

No. 84

Vancouver Island  
Government House  
Victoria, 29th June, 1865

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

I have the honor to acknowledge the receipt of an Address from the Legislative Assembly praying that I would instruct the Acting Colonial Secretary, Acting Attorney General and Treasurer to supply a Committee of the House with any papers or documents in their possession concerning the subject of enquiry before it.

In reply I have to state that I will consider the propriety of producing any departmental papers in the custody of these officers on learning the nature and particulars of those required.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant

(Sd.) A. E. Kennedy  
Governor.

[No. 85]

Vancouver Island  
Government House  
Victoria, 29th June, 1865

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

Referring to the Resolution of the House dated 9th June on the subject of Harbour Improvements I have the honor to submit a report of the Acting Surveyor General for the information of the House. It will be observed therefrom that very considerable expense must be still incurred if the views of the House be carried out.

It is reported to me that the Steam Tug though well adapted for seagoing purposes is totally unfitted for the purpose for which she was intended, namely, towing the Barges about the shoal part of Victoria Harbour—her draught of water when light being 10 feet 2 inches and with a full supply of coal between 11 and 12 feet. I would recommend that this Vessel be disposed of if a fair price can be obtained.

It is to be remembered that the Engineers of the Dredger and Steam Tug are under Articles of Agreement with the Government for an unexpired period at a Salary of from £200 to £300 per annum each and it is therefore necessary that I should be in possession of the views of the Legislative Assembly as to making provision for the resumption of the Harbor Improvements by means of Dredging at a future period.

I have the honor to be,  
Gentlemen,  
Your most obedient Servant  
(Sd.) A. E. Kennedy  
Governor.

Question put "That the consideration of the above correspondence be taken up in Committee tomorrow."

*Ayes:* 4.

*Noes:* 1.

Messrs. De Cosmos  
Dennes  
Dickson  
McClure

Mr. Franklin

Bills read a 2nd time and committed.

A Bill Entitled An Act to explain "The Chief Justice's Salary Act, 1864."

A Bill Intituled An Act to regulate the payment and application of fees for Marriage Licences.

In Committee of the whole House—The above Bills.

Mr. Dennes in chair of the Committee.

The Chairman reported. In regard to the first, The Bill complete without Amendment.

In regard to the second The Bill complete without Amendment.

Ordered that report be agreed to.

The House then adjourned till tomorrow.

J. S. Helmcken  
Speaker

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### Friday, the 30th day of June, 1865

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

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

The last minutes having been read and confirmed.

Bills read a 3rd time and passed.

A Bill Entitled An Act to explain "The Chief Justice's Salary Act 1864."

A Bill Intituled An Act to regulate the payment and application of fees for marriage Licenses.

The Order of the Day—In Committee.

His Excellency's Communication "No. 85" on subject "Victoria Harbour Dredging Machine" having been read.

Question proposed "That Mr. Speaker do now leave the chair."

Amendment proposed "to leave out after the word 'that' to the end of the sentence in order to insert the words 'the consideration of the subject be postponed till Monday' (3rd July)."

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

*Ayes: 2.*

Messrs. De Cosmos  
McClure

*Noes: 3.*

Messrs. Dennes  
Dickson  
Powell

The consideration of the above subject was postponed till Monday.

And the House adjourned till Monday (3rd July).

J. S. Helmcken  
Speaker

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### Monday, the 3rd day of July, 1865

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

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

J. S. Helmcken  
Speaker.

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### Wednesday, the 5th day of July, 1865

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

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

J. S. Helmcken  
Speaker

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## Thursday, the 6th day of July, 1865

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

Present: Mr. Speaker in the Chair and Messrs. Carswell, De Cosmos, Dennes, Cochrane, Dickson, Franklin.

The last minutes having been read and confirmed.

Mr. De Cosmos from the Select Committee ordered by the House to examine and report upon certain matters contained in a Communication (No. 80) from His Excy. the Governor on the subject of the "Coroner"—submitted the report of the Committee.

On motion by Mr. Dennes, seconded by Mr. Cochrane, Ordered that report be printed.

Division Lists of the Legislative Assembly from 3rd Septr. 1863 till 21st June 1865, Ordered by the House on the 22nd Ulto. were laid upon the table of the House.

Motion made and question put "that said Returns be printed" (Dennes).

(Minority) *Ayes*: 2.

Messrs. Dennes  
De Cosmos

(Majority) *Noes*: 4.

Messrs. Carswell  
Cochrane  
Dickson  
Franklin

The House then took under consideration certain Amendments by the Honble. The Legislative Council to "A Bill respecting Weights and Measures", as follows.

### AMENDMENTS TO "A BILL RESPECTING WEIGHTS AND MEASURES."

Preamble. Omit the words "and also the stand weight of a bushel of grain, pulse or seeds."

Agreed to.

Strike out second paragraph of Preamble.

Agreed to.

Enacting clause. After the word "Governor" insert "of the colony of Vancouver Island and its dependencies," and strike out "on her Majesty's behalf." For "of the colony of Vancouver Island and its dependencies," insert "thereof."

Agreed to.

Section I. Strike out the word "That" in commencement. At the end of the clause add the words "and no goods, commodities or other articles shall be sold except by such standard of Weights or Measures or some multiple or fractional part thereof."

Agreed to.

Provided always that nothing herein contained shall prevent the sale of any goods, commodities or other articles in any vessel or bale, or by bulk when such vessel or bale or such bulk is not represented as containing any standard

Weight or Measure, or any multiple or fractional part thereof, or any local or foreign measure, or any multiple or fractional part thereof.

Not agreed to.

Clause II to be struck out and the following inserted in lieu.

Any person selling goods, commodities or other articles except by the standard Measure or Weight aforesaid, and except as hereinbefore is excepted, shall be liable to a penalty not exceeding fifty dollars.

Not agreed to.

Clause III to be struck out.

Not agreed to.

Clause IV to be clause III.

Not agreed to.

Clause V to be clause IV.

Not agreed to.

Clause VI to be clause V.

Not agreed to.

After the word "Governor" at commencement insert the words "of the said Colony for the time being." Before the word "Governor" in line 7 insert the word "said."

Agreed to.

Clause VII to be struck out.

Not agreed to.

Clause VIII In line 4 for the letters "V. R." insert "or with some other stamp or brand to be approved by the said Governor for the time being."

Agreed to.

Clause IX, in line 5 leave out the last "to."

Agreed to.

Clause X.

Not agreed to.

Clause XI.

Not agreed to.

Clause XII, in line 5 after the word "steelyards" insert the word "balances."

Agreed to.

Clause XIII.

Strike out the words commencing with "ten dollars" to the end of the clause and in lieu insert "fifty dollars."

Agreed to.

Clause XIV, in lines 1 and 4 insert after "steelyard" and "steelyards" the words "balance" and "balances."

Agreed to.

Clause XV, in lines 6 and 7 for "of not more &c., to ten dollars" read "not exceeding fifty dollars." After "every" in line 1 for "storekeeper &c.," to "uses any," in line 4 read "person who has in his possession," in lines 5 and 6 strike out "or which &c.," to "otherwise unjust."

Agreed to.

Clause XVI to be struck out.

Not agreed to.

Clause XVII to be clause XIV line 6 strike out from "and on being convicted" to the end of the clause.

Not agreed to.

Clause XVIII, in line 4 from words "nor less than ten dollars" strike out to end of clause.

Agreed to.

Clause XIX, in last line for "twenty dollars" insert "one hundred dollars."

Agreed to.

Clause XX to be struck out.

Not agreed to.

Clause XXI to be struck out.

Not agreed to.

After section 19 insert.

XX. All articles sold by Weights shall be sold by avoirdupois weight except gold, silver, platina, diamonds, or other precious stones which may be sold by troy weight. And drugs, which when sold by retail shall be sold by apothecaries weight.

Not agreed to.

XXI. After the 31st day of Dec., 1865, no weight made of lead or pewter, or of any mixture thereof shall be stamped or used. Provided always that nothing herein contained shall prevent the use of lead or pewter or of any mixture thereof in the composition of weights, if they be wholly and substantially cased with brass, copper or iron, and legibly stamped or marked "cased" or shall prevent the insertion of such a plug of lead or pewter into weights as shall be bona fide necessary for the purpose of adjusting them and of affixing thereon the stamp hereinafter mentioned.

Agreed to.

Clause XXII, in line 3 strike out "on the oath &c., to credible witnesses."

Agreed to.

In line 7 for "one month" read "three calendar months."

Not agreed to.

In line 8 strike out words commencing "except where" to end of the clause.

Agreed to.

Clause XXIII to be struck out.

Not agreed to.

Clause XXIV to be clause XVIII, strike out last two lines commencing, "Provided always."

Not agreed to.

In reply to Dr. Dickson, Mr. Speaker stated that no reply had been received from H. E. The Governor to the Address of this House (22nd June) calling for certain returns in re the late Acting Colonial Secretary.

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

J. S. Helmcken  
Speaker

## Friday, the 7th day of July, 1865

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

A Summons to attend His Excellency The Governor having been delivered, Mr. Speaker, with the Members of the House, went up to attend His Excellency The Governor in the Honble. Legislative Council Chamber.

His Excellency then addressed both Houses of the Legislature, as follows,

### THE GOVERNOR'S SPEECH

*Honorable Gentlemen of the Legislative Council, and Gentlemen of the Legislative Assembly.*

The period has now arrived when I am able to release you from further attendance on your legislative duties.

I have in the name and on behalf of Her Majesty assented to the following Acts passed during the Session:

An Act for the Election of a Mayor and Councillors for the city of Victoria, on the 8th day of November, 1864.

An Act respecting Barristers and Attorneys at Law.

An Act to apply the sum of \$298,618.25 out of the general revenue of the colony of Vancouver Island and its dependencies to the service of the year 1865.

An Act to amend the Land Registry Act, 1860.

An Act respecting Common Schools.

An Act to repeal a portion of the First Telegraph Act, 1864.

An Act to amend the manner of taking the Verdict of a Jury in Civil Cases.

An Act to Impose Landing Permit Dues on the Importation of certain Stock and Carcases.

An Act to amend the Victoria and Esquimalt Harbour Dues Act, 1862.

An Act to amend an Act passed in the year of our Lord 1862, entitled "An Act to repeal and amend the laws affecting Trade Licenses."

An Act to grant a Supplemental Supply of \$37,608.39, for the service of the year 1864.

An Act to apply the sum of \$14,940 out the general revenue of the Colony of Vancouver Island and its dependencies, to the service of the year 1865.

An Act to impose a tax of one-half of one per centum on all real estate within the City of Victoria and for other purposes relating thereto.

An Act to explain the Chief Justice Salary Act, 1864.

I reserved A Bill to appropriate the sum of £1,200 sterling per annum from the general revenue for the colony for the salary of a Chief Justice, and the explanatory Bill since passed will, I anticipate, insure its allowance by Her Majesty.

Of these Acts I may more particularly advert to the Act to amend the manner of taking the verdict of a jury in civil cases, and that respecting Common Schools.

I anticipate substantial benefits to the community will result from these measures, and I confidently rely on the honor and character of the gentlemen composing the Board of Education for a faithful and impartial administration of their high trust in the spirit intended by the Legislature.

Gentlemen of the Legislative Assembly:

The supplies you have granted will be administered with the strictest economy consistent with the efficiency of the public service.

I have to thank you for the provision made for a residence for the Governor of this Colony, which I hope to have ready for occupation, if not completed, at a cost considerably less than the sum you have so liberally voted.

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Honorable Gentlemen of the Legislative Council and Gentlemen of the Legislative Assembly:

I now in Her Majesty's name prorogue this Council and Assembly, and they are hereby prorogued accordingly to the 3rd October next.<sup>78</sup>

J. S. Helmcken  
Speaker.

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<sup>78</sup> By successive proclamations dated 23 September, 25 October, and 11 November, Governor Kennedy further prorogued the legislature to 2 November, 16 November, and 28 November 1865.