

Thursday, the 2nd day of April, 1868.

The Council met at 11 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Ker, Trutch, O'Reilly, Cox, Ball, Elwyn, Smith, Robson, Macdonald, Helmcken, DeCosmos, Walkem, Wood, Barnard, Spalding, Pemberton, Stamp.

The Minutes of the previous Meeting were read and confirmed.

The Hon. the Presiding Member produced a *Dedimus Potestatem* from his Excellency the Governor, empowering him to swear in Members of Council during the Session.

The same was read aloud by the Presiding Member, as follows:

L.S.

FREDERICK SEYMOUR.

To William Alexander George Young, Esquire, Presiding Member of the Legislative Council of British Columbia, and whom else it may concern;

Greeting.

KNOW YE that FREDERICK SEYMOUR, ESQUIRE, Governor of the Colony of British Columbia, reposing especial trust and confidence in the fidelity, learning, and integrity of the said William Alexander George Young, and under and by virtue of all powers and authorities him the said Frederick Seymour, as such Governor, in that behalf enabling, hath appointed, and by these presents doth give and grant unto, the said William Alexander George Young, full power and authority to administer the customary oath to Members of the Legislative Council, during the present Session.

GIVEN under my hand and seal, at New Westminster, British Columbia, this second day of April, A D. 1868, and in the thirty-first year of Her Majesty's Reign.

The Hon. the Attorney General then introduced a new Member of Council, Warner Reeve Spalding, Esquire, to whom the Hon. the Presiding Member administered the customary Oath of Allegiance and Office.

The Hon. Mr. Spalding then took his seat at the Council.

Pursuant to the Order of the day, the consideration of His Excellency the Governor's Message No. 1 was taken up.

The Hon. Mr. Walkem moved, the Hon. Mr. Stamp seconding:

That this Council having been requested by His Excellency the Governor to assist him with their advice in coming to a decision as to the selection of a Seat of Government for the United Colony of British Columbia, is of opinion, after careful consideration of His Excellency's Message and its Enclosures on the subject, that Victoria is the place most suitable for the Seat of Government of the United Colony.

Moved in amendment by the Hon. Mr. Robson, the Hon. Mr. Barnard seconding:

Whereas it is highly probable that this Colony will very shortly form a part of the new Dominion of Canada;

And, whereas, under Confederation the Seat of Government will naturally gravitate towards the centre of population on the Mainland;

And, whereas, a considerable expenditure of Revenue would be involved in the removal of the Seat of Government to Victoria;

And, whereas, reaction has already set in on the Mainland against the removal of the Seat of Government to Victoria;

And, whereas, it is probable that were the Seat of Government now removed to Victoria, the people on the Mainland would be found, in less than twelve months, petitioning for its restoration to the Mainland;

And, whereas, the frequent removal of the Seat of Government involves great expense and inconvenience, and exerts a most injurious influence upon the public mind, by keeping up a continual agitation upon the subject, and destroying confidence;

And, whereas, the Constitution of this Council is not of that representative character which should entitle it to deal with such a question as the removal of the Seat of Government, where it has been established by Law;

And, whereas, there is every reason to believe that a dissolution of this Council and a direct appeal to the Country would demonstrate that a large majority of the *bona fide* Colonists are averse to the removal of the Seat of Government to Victoria;

And, whereas, the removal of the Seat of Government from where it is at present established would inflict serious injury upon an important community of British Subjects, without securing any compensating advantages to the Colony at large;

Be it therefore Resolved;

That this Council is of opinion that it would be inexpedient to remove the Seat of Government, at least until the Colony shall possess such full powers of self Government as will render its Legislature competent to deal with the question, and such fixity of population and permanent interests as may indicate, with some degree of clearness, a site which would prove to be permanently suitable.

Whereupon a debate arose.

On the amendment being put, the Council divided.

Ayes 5.

Messrs. Crease,
Hamley,
Barnard,
Robson,
Ball.

Noes 14.

Messrs. Smith,
Spalding,
Ker,
Elwyn,
Wood,
Walkem,
Macdonald,
Helmcken,
DeCosmos,
Stamp,
Pemberton,
Cox,
O'Reilly,
Trutch.

The names having been taken down by the Clerk, pursuant to request.
So the amendment was lost.

The Hon. Mr. Robson rose to speak to a question of privilege.

The Hon. the Presiding Member ruled that it could not be brought before the Council until after the question now before it was disposed of.

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

Ayes 14.

Messrs. Smith,
Spalding,
Ker,
Elwyn,
Wood,
Walkem,
Macdonald,
Helmcken,
DeCosmos,
Stamp,
Pemberton,
Cox,
O'Reilly,
Trutch.

Noes 5.

Messrs. Crease,
Hamley,
Barnard,
Robson,
Ball.

The names having been taken down by the Clerk, pursuant to request.
So it was carried in the affirmative, and Resolved accordingly.

The Hon. Mr. Robson rose to speak to a question of privilege.

On the motion of the Hon. Mr. Helmcken, Ordered that the House be cleared of strangers.

House cleared accordingly.

On the question of privilege having been decided on, the Hon. Mr. Helmcken moved that the motion standing in his name be considered at a later period.
Ordered accordingly.

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

That the Petition relating to an increase of the Duties of Customs upon Fruits, &c., be referred to His Excellency the Governor.

On the question being put the Council divided.

Ayes 11, Noes 1.

So it was carried in the affirmative, and Resolved accordingly.

On the motion of the Hon. Mr. Trutch, the Council adjourned during pleasure.

The Council having resumed its sitting,

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

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

That the said Bill be referred to a Select Committee, to be named by the Presiding Member.

On the question being put the Council divided.

Ayes 14, Noes 3.

So it was carried in the affirmative, and Ordered accordingly.

The Presiding Member appointed the following Hon. Members accordingly:
The Hon. Messrs. Ball, Wood, Walkem, DeCosmos, Robson.

On the Order of the day being read for the third reading of the Limitation of Actions Bill,

The Hon. Mr. Helmcken moved, the Hon. Mr. Walkem seconding,
That the Bill be read third time this day six months.

On the question having being put the Council divided.

Ayes 3, Noes 11.

So the amendment was lost.

The Hon. Mr. DeCosmos moved the Hon. Mr. Macdonald seconding,
That the said Bill be recommitted.

On the question being put, the Council divided.

Ayes 11. Noes 2.

So it was Resolved in the affirmative, and Ordered accordingly to be recommitted tomorrow.

On the Order of the day being read for the motion on the alteration of the constitution of the Council,

On the motion of the Hon. Mr. DeCosmos, Ordered that the same be postponed.

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

That the construction of a Waggon Road between Goldstream and Cowichan, by way of Sayward's Saw-mill, Mill Creek, being urgently required, it is desirable that the convict labour be employed thereon, for the formation and completion thereof.

On the question being put the Council divided.

Ayes 8, Noes 6.

So it was carried in the affirmative, and Resolved accordingly.

On the Order of the day being read for the motion of the Hon. Mr. Helmcken on the Vancouver Island Road Act being applied to the New Westminster District,

Ordered that the same be postponed till Monday next.

Pursuant to the Order of the day, the Hon. Mr. Robson moved, the Hon. Mr. DeCosmos seconding,

That an humble address be presented to His Excellency the Governor, asking that a careful survey be made during the ensuing summer, in order to ascertain the best route for the extension of the Pitt River Road, on the north side of Fraser River, as far as St. Mary's Mission, with a view to its ultimate

extension to the head of navigation on the Lower Fraser; and that so soon as a final survey shall have been made, the road shall be laid off in sections, of say one mile each, and given out to contract, payment for the same to be made one-third in money and two-thirds in Land Scrip to be issued by the Government.

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

On the Order of the day being read for a motion standing in the Hon. Mr. Barnard's name, in regard to Road Tolls,

Ordered that the same be postponed till to-morrow.

On the motion of the Hon. Mr. Robson, Ordered that the Standing Orders be suspended.

Standing Orders suspended accordingly.

The Hon. Mr. Robson then presented a Petition from the Howe Sound Copper Company.⁶

Ordered that the same be received and read.

Read accordingly.

Ordered that the same be considered to-morrow.

Then, on the motion of the Hon. Mr. Helmcken, the Council adjourned till 2 o'clock to-morrow.

Friday, the 3rd day of April, 1868.

The Council met at 2 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, O'Reilly, Ker, Elwyn, Cox, Robson, Ball, DeCosmos, Smith, Macdonald, Spalding, Stamp, Wood, Pemberton, Helmcken, Walkem.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. DeCosmos gave notice of motion.

The Hon. Mr. Macdonald gave notice of motion.

The Hon. Mr. Smith gave notice of motion.

The Hon. Mr. Helmcken gave notice of motion.

The Hon. Mr. Robson rose to speak to a question of privilege.

On the motion of the Hon. Mr. Helmcken, Ordered that the House be cleared of strangers.

House cleared accordingly.

The question having been decided, Ordered that the doors be thrown open.

⁶ *Ibid.*, pp. iii-iv.

On the Order of the day being read for a motion, in reference to Road Tolls, standing in the name of the Hon. Mr. Barnard,
Ordered that the same be postponed till Monday.

On the Order of the day being read for the recommittal of the Limitation of Actions Bill,

The Hon. Mr. Helmcken moved that the recommittal be postponed till Wednesday next.

On the question being put the Council divided.

Ayes 12, Noes 5.

So it was carried in the affirmative and Ordered accordingly.

On the Order of the day being read for the consideration of the Petition of the Howe Sound Copper Company,

On the motion of the Hon. Mr. Robson, the Hon. Mr. Crease seconding,
Ordered that the Council do go into Committee on the same.

The Council went into Committee accordingly.

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

1. That this Committee is of opinion that some general law regulating the acquisition of Mineral Lands is urgently required.

2. That the Petition of the Howe Sound Copper Company be referred to the Executive, with the recommendation that the Company be permitted to purchase, at the upset price of one dollar per acre, a tract of land suited to their purposes.

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

Then, on the motion of the Hon. Mr. Robson, the Council adjourned till 3 o'clock p. m. on Monday, the 6th instant.

Monday, the 6th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, Elwyn, Cox, DeCosmos, Robson, Smith, Wood, Spalding.

The Minutes of the previous Meeting were read over and confirmed.

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

Message No. 2.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council a Report from the Chief Commissioner of Lands and Works, shewing the progress of the efforts making in this Colony to procure a direct communication with Canada.⁷

*Government House,
6th April, 1868.*

⁷ *Ibid.*, pp. iv–viii.

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

Message No. 3.

FREDERICK SEYMOUR.

The Governor has to acknowledge the receipt of the Resolution from the Legislative Council, passed on the 30th March, requesting him to lay before the Council the correspondence with the Imperial and Canadian Governments respecting the admission of this Colony into the Dominion of Canada.

He does not feel justified in forwarding to the Council the reports he has received of conversations with the Governor of Canada, which were not of a strictly official nature.

He used in the address with which he opened the Session the precise words of Her Majesty's Secretary of State, on the subject of confederation with the Eastern Provinces.

*Government House,
6th April, 1868.*

The Hon. Mr. Wood gave notice of motion.

On the Order of the day being read for a motion standing in the name of the Hon. Mr. Helmcken, on the subject of Free Trade on the North-west Coast,
Ordered that the same be postponed.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos asked leave to introduce the Investment Saving Bill.

Ordered that leave be granted.

The Hon. Member accordingly presented a copy of the said Bill, and moved that the same be now read first time.

Ordered that the said Bill be now read first time.

Read first time accordingly.

Second reading ordered for Thursday, the 16th instant.

On the Order of the day being read for a question to be asked by the Hon. Mr. Macdonald of the Acting Colonial Secretary,
Ordered that the same be postponed.

On the Order of the day being read for a motion standing in the name of the Hon. Mr. Helmcken, on the subject of the V. I. Road Act,
Ordered that the same be postponed.

On the Order of the day being read for a question to be asked by the Hon. Mr. Smith of the Acting Colonial Secretary,
Ordered that the same be postponed till Wednesday, the 15th instant.

Pursuant to the Order of the day, the Hon. Mr. Robson moved (for the Hon. Mr. Barnard, absent), the Hon. Mr. De Cosmos seconding,

That an humble address be presented to His Excellency the Governor, enquiring whether it is the intention of the Government, pursuant to a Resolution passed by this Council during last Session, to abolish the Road Tolls, either in whole or in part, during the present year.

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

On the Order of the day being read for a motion standing in the name of the Hon. Mr. Helmcken, in reference to certain Petitions relating to a Court of Appeal Ordered that the same be postponed.

Then, on the motion of the Hon. Mr. Wood, the Council adjourned till Wednesday, the 15th Instant, at 3 o'clock.

Wednesday, the 15th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, O'Reilly, Cox, DeCosmos, Helmcken, Elwyn, Robson, Spalding, Walkem, Wood, Smith.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. DeCosmos presented a Petition from certain inhabitants of the District of Saanich.⁸

Ordered that the same be received and read.

Read accordingly.

Ordered that the said Petition be considered to-morrow.

The Hon. Mr. Wood presented a Petition from certain Fire Insurance Agents and Merchants at Victoria.⁹

Ordered that the same be received and read.

Read accordingly.

Ordered to be considered to-morrow.

The Hon. Mr. Robson gave notice of motion.

The Hon. Mr. Walkem gave notice of motion.

The Hon. the Acting Colonial Secretary gave notice that he would introduce the Estimates on Monday next.

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

That the progress and prosperity of the country would be promoted were a portion of land, conveniently situated, upon the northern extremity of the North-west Coast, marked off, dedicated, and devoted to the prosecution of Free Trade in certain articles required by and suited to the nature of the commerce of that section of the Colony.

That this Council earnestly recommends the Executive to carry out the spirit and intention of the above Resolution, in such manner and under such conditions it may deem advisable or expedient.

Whereupon a debate arose.

⁸ *Ibid.*, p. ix.

⁹ *Ibid.*, p. ix.

The Hon. Mr. Walkem moved that the debate on this motion be postponed till Wednesday.

The Hon. Member then asked leave to withdraw the said motion for postponement.

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

Ayes 12. Noes 3.

So it was carried in the affirmative, and Ordered accordingly.

Motion for postponement of debate withdrawn accordingly.

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

Ayes 3. Noes 12.

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

Pursuant to the Order of the day, the Hon. Mr. Helmcken (in the absence of the Hon. Mr. Macdonald) asked the Hon. the Acting Colonial Secretary whether the Contract for carrying the Mails from New Westminster to the Upper Country has been given out, and if so, to whom, for what term, and on what conditions?

The Hon. Mr. Young replied.

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

That in the opinion of this Council the extension of the Vancouver Island Road Act to the Districts immediately surrounding New Westminster, would be advantageous.

The Hon. Mr. Crease moved in amendment, the Hon. Mr. Trutch seconding,

That in the opinion of this Council the introduction of a general Road Act on the principle of the existing Vancouver Island Road Act, amended to apply to the whole Colony, is desirable.

Whereupon a debate arose.

On the amendment being put the Council divided.

Ayes 7, Noes 8.

So it passed in the negative, and the amendment was lost.

On the original question being put the Council again divided.

Ayes 10, Noes 5.

So it passed in the affirmative, and was Resolved accordingly.

Pursuant to the Order of the day, the Hon. Mr. Smith asked the Hon. the Acting Colonial Secretary if any provision has been made for the transmission of regular Mails between Victoria and the Kootenay and Columbia Districts? and if none, to ask that a sum of not less than \$3,000 be placed on the Estimates for that purpose.

The Hon. Mr. Young replied.

Pursuant to the Order of the day, the Hon. Mr. Wood asked the Hon. the Attorney General whether it is the intention of the Government, during the present

Session, to proceed further with the assimilation of the laws of the two former Colonies of British Columbia and Vancouver Island?

The Hon. Mr. Crease replied.

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

That the Petitions relating to a Court of Appeal be referred to His Excellency the Governor.

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

On the Order of the day being read for the recommittal of the Limitation of Actions Bill.

On the motion of the Hon. Mr. DeCosmos, the Council adjourned till 3 o'clock to-morrow.

Thursday, the 16th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, O'Reilly, Ker, Elwyn, Cox, Robson, Ball, DeCosmos, Smith, Spalding, Wood, Helmcken, Walkem.

The Minutes of the previous Meeting were read and confirmed.

The Hon. the Attorney General gave notice of motion.

The Hon. Mr. DeCosmos gave notice of motion.

The Hon. Mr. Helmcken gave notice of motion.

The Hon. Mr. Ball, Chairman of the Select Committee appointed to report on the Supreme Court Bill, handed in a Report,

Ordered that the same be read.

Read accordingly as follows:—

Your Committee having taken into consideration the subject of the Supreme Court Bill, beg to report that in their opinion the Bill in question in no way meets the requirements of the Colony, and that they have, in consequence, prepared a Bill establishing a single Supreme Court, and abolishing the present inconvenient anomaly of two distinct Courts, which Bill they request may become law.

They further recommend that the Bill now before the House be modified so as to confine its provisions to the removal of doubts as to the status of the Supreme Court of Vancouver Island.

(Signed) H. M. BALL,
Chairman.

Ordered that the Report be printed, and considered on Monday next.

On the Order of the day being read for the second reading of the Loan Societies Bill, a debate arose.

Which having terminated, and the question being put, the Council divided.

Ayes 12, Noes 2.

So it was carried in the affirmative, and the Bill was read second time.
Ordered to be committed on Tuesday next.

On the Order of the day being read for the consideration of the Petition from the Saanich settlers,

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

That the Petition of the Settlers of Saanich and Lake Districts, respecting the improvement of Saanich Road, be referred to His Excellency the Governor, requesting that a sum of \$5,000 be placed on the Estimates to carry out the prayer of the Petitioners.

The Hon. the Chief Commissioner moved in amendment, the Hon. Mr. Ball seconding,

That the words "requesting," to the end of sentence, be omitted, and that there be substituted the words "with a recommendation that it be favourably considered."

On the Resolution as amended being put, it was carried unanimously, and Resolved accordingly.

On the Order of the day being read for the consideration of the Petition from certain Fire Insurance Agents and Merchants in Victoria,

The Hon. Mr. Wood moved, the Hon. Mr. Walkem seconding,

That the Petition from sundry Fire Insurance Agents and others, be referred to His Excellency the Governor, with the recommendation that the Magistrates throughout the Colony should be clothed with powers to enable them to hold Inquests upon Fires.

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

On the Order of the day being read for the consideration of a Petition from certain Settlers on the Buonaparte River.

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

That the Petition from Settlers in the Buonaparte District respecting the Indian Reserves be transmitted to His Excellency the Governor, with the recommendation that the prayer may be granted.

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

Pursuant to the Order of day, the Hon. Mr. Robson moved, the Hon. Mr. DeCosmos seconding,

That an humble address be presented to His Excellency the Governor, requesting that copies of official reports, or any other official information, upon the proposed new cut of the Cariboo Road, *via* Williams Lake, may be laid before this Council.

On the question being put, the Council divided.

Ayes 3. Noes 12.

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

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

The Hon. Member asked leave to withdraw the same.

Ordered that leave be granted.

Withdrawn accordingly.

Then, on the motion of the Hon. Mr. DeCosmos, the Council adjourned till 3 o'clock to-morrow.

Friday, the 17th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, O'Reilly, Ball, Wood, Robson, DeCosmos, Helmcken, Elwyn, Spalding, Walkem.

The Minutes of the previous Meeting were read and confirmed.

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

Message No. 4.

FREDERICK SEYMOUR.

In compliance with a Resolution of the Legislative Council, passed on the 26th March, the Governor forwards a Return shewing the amount of money disbursed for School purposes on the Mainland for the year 1867.¹⁰

*Government House,
16th April, 1868.*

Ordered that the same be printed.

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

Message No. 5.

FREDERICK SEYMOUR.

In accordance with the desire expressed by the Legislative Council, the Governor lays before the House copy of a Report which he has received from the Chief Commissioner of Lands and Works, respecting the Indian Reserves on the Lower Fraser.¹¹

*Government House,
17th April 1868.*

Ordered that the same be printed.

The Hon. Mr. Robson presented the Petition of Samuel Weaver Herring.

Ordered that the same be received and read.

Read accordingly.

Ordered that the same be considered on Monday next.

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

Pursuant to the Order of the day, the Hon. the Attorney General asked leave to bring in Trustees' Relief Bill.

Ordered that leave be granted.

¹⁰ *Ibid.*, p. ix.

¹¹ *Ibid.*, p. x.

Ordered that the said Bill be now read first time.

Read first time accordingly.

Second reading ordered for Tuesday next.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos asked leave to introduce the Barristers' and Attorneys' Bill.

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

Read first time accordingly.

The Hon. Mr. DeCosmos moved that the said Bill be read second time on Wednesday next.

The Hon. the Attorney General, in amendment, for Friday next.

On the amendment being put, the Council divided.

Ayes 6, Noes 6.

Which being a tie vote, the Presiding Member cast his vote in the negative.

So the amendment was lost.

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

Ayes 9, Noes 3.

So it was carried in the affirmative, and Ordered that the said Bill be read second time on Wednesday next.

Pursuant to the Order of the day, the Hon. Mr. Helmcken asked leave to bring in the Sisters of St. Ann's Society Bill.

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

Read first time accordingly.

Second reading ordered for Monday next.

On the Order of the day being read for the recommittal of the Limitation of Actions Bill,

The Council went into Committee on the said Bill accordingly.

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

The Hon. the Attorney General moved that the said Bill be now read third time.

The Hon. Mr. Walkem moved in amendment, the Hon. Mr. Robson seconding,

That the words in Clause 1 "and the Extension of Limitations of Foreign Actions Act, 1861," be struck out.

On the amendment being put the Council divided.

Ayes 9, Noes 3.

So it passed in the affirmative, and was Ordered accordingly.

Ordered that the Bill as amended be read a third time.

Read third time accordingly, and Resolved that this Bill do pass, and its title be "The Limitation of Actions Ordinance, 1868."

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

Monday, the 20th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Cox, Ball, O'Reilly, Elwyn, DeCosmos, Helmcken, Wood, Robson, Smith, Spalding.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. DeCosmos gave notice of motion.

The Hon. Mr. Robson gave notice of motion.

Pursuant to the Order of the day, the Hon. the Acting Colonial Secretary introduced the Estimates for 1868.

Ordered that the same be printed, and that the Council do go into Committee of Supply on Wednesday next.

On the Order of the day being read for the consideration of the Report of the Select Committee on the Supreme Court Bill,

Ordered that the consideration of the same be deferred till Wednesday next.

On the Order of the day being read for the consideration of the Petition of Samuel Weaver Herring,

The Hon. Mr. Robson moved that the Council do go into Committee on the same.

Ordered accordingly.

The Presiding Member resumed the Chair, the Committee having risen without sending in a report.

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

That this Council would recommend to the consideration of the Executive, the expediency and advisability of opening at least a trail (practicable for laden mules) through the Eagle Pass.

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

Pursuant to the Order of the day, the Sisters of Saint Ann's Society Incorporation Bill was read the second time.

Ordered to be committed to-morrow.

Then, on the motion of the Hon. Mr. Ball, the Council adjourned till 3 o'clock to-morrow.

Tuesday, the 21st day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, Elwyn, O'Reilly, Cox, DeCosmos, Helmcken, Smith, Wood, Spalding.

The Minutes of the previous Meeting were read over and confirmed.

The Hon. the Attorney General gave notice of motion.

The Hon. Mr. Helmcken gave notice of motion.

On the Order of the day being read for the Committal of the Investment Loan Bill.

On the motion of the Hon. Mr. DeCosmos, Ordered that the same be postponed till to-morrow.

Pursuant to the Order of the day, the Trustees' Relief Bill was read second time.

Ordered to be committed forthwith.

The Council went into Committee accordingly.

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

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

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

Message No. 6.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council a Return that he has caused to be prepared, shewing the Duties of Customs levied on certain staple articles in British Columbia, Great Britain, the United States, Canada, and other principal British Colonies.

The Return will be interesting to the Honorable Council. It is not, however, the Governor's intention to introduce any measure for altering the Duties of Customs during the present Session.

*Government House,
21st April, 1868.*

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

The Hon. Member being absent, the motion was dropped.

Pursuant to the Order of the day, the Council went into Committee on the Sisters of St. Ann's Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Spalding, Chairman of the Committee, reported that he had been directed to enquire of the Hon. the Presiding Member if an amendment proposing to leave out all words in the first Section of the Bill before the Committee after the first word "That" was in order.

The Hon. the Presiding Member ruled that such amendment was in order, there being no rule to the contrary in the Standing Orders governing the proceedings of the Council.

The Council went again into Committee.

On the Presiding Member resuming the Chair, the Hon. Mr. Spalding reported the Bill complete with certain amendments.

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

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

Wednesday, the 22nd day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, O'Reilly, Cox, DeCosmos, Helmcken, Elwyn, Robson, Spalding, Walkem, Wood, Smith, Stamp, Pemberton.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. DeCosmos presented a Petition from certain Barristers and Attorneys.¹²

Ordered that the same be received and read.

Read accordingly.

Ordered that the same do lie on the table.

The Hon. Mr. DeCosmos presented a Petition from the Mayor and Corporation of Victoria.¹³

Ordered that the same be received and read.

Read accordingly.

The Hon. Mr. DeCosmos moved that the Standing Orders be suspended, to enable him to ask leave to introduce a Bill to carry out the prayer of the Petition just presented.

Ordered accordingly, and Standing Orders suspended.

The Hon. Member asked leave to bring in the Victoria Patent Slip Bill.

Ordered that leave be granted.

The Hon. Member accordingly introduced the said Bill.

Ordered to be read first time at once.

Read first time accordingly.

Ordered to be read second time on Friday.

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

The Hon. Mr. Walkem gave notice of motion.

The Hon. Mr. Robson gave notice of motion.

The Hon. Mr. DeCosmos gave notice of motion.

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

On the Order of the day being read for the second Reading of the Barristers' Bill,

The Hon. Mr. Wood moved that the Bill be read second time this day six months.

Whereupon a debate arose.

Which having terminated, and the amendment being put, the Council divided.

Ayes 3, Noes 14.

So the amendment was lost.

Ordered that the said Bill be now read second time.

Read second time accordingly.

Ordered to be committed to-morrow.

¹² *Ibid.*, p. xi.

¹³ *Ibid.*, p. xi.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos asked leave to introduce the Drawbacks Bill.

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

Read first time accordingly.

Ordered to be read second time on Friday next.

On the Order of the day being read for the Council to go into Committee of Supply,

On the motion of the Hon. Mr. Helmcken, Ordered that the same do stand first on the Order of the day for to-morrow.

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

On the Presiding Member resuming the Chair, the Hon. Mr. Spalding, Chairman of the Committee, reported certain progress made with the Bill, and asked leave to sit again.

Ordered that leave be granted for to-morrow.

Pursuant to the Order of the day, the Hon. the Attorney General introduced the Fire Inquest Bill.

Ordered that the said Bill be now read first time.

Read first time accordingly.

Ordered to be read the second time on Friday.

On the motion of the Hon. the Attorney General, Ordered that the third reading of the Trustees' Relief Bill be taken next in order.

Bill read third time accordingly, and Resolved that this Bill do pass, and its title be the "Trustees' Relief Ordinance, 1868."

On the motion of the Hon. Mr. Helmcken, Ordered that the third reading of the St. Ann's Society Bill be taken next in order.

Bill read third time accordingly, and it was Resolved that this Bill do pass, and that its title be "The Sisters of St. Ann Ordinance, 1868."

On the Order of the day being read for a motion in the name of the Hon. Mr. Helmcken.

Ordered that leave be granted to withdraw the same.

Withdrawn accordingly.

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

Thursday, the 23rd day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Ker, Trutch, O'Reilly, Cox, Ball, Elwyn, Smith, Robson, Helmcken, DeCosmos, Walkem, Pemberton, Wood, Spalding, Stamp.

The Minutes of the previous Meeting were read and confirmed.

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

Message No. 7.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, in Her Majesty's name, to a Bill entitled "An Ordinance to establish a standard of Weights and Measures."

*Government House,
22nd April, 1868.*

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

Message No. 8.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that he has assented, in Her Majesty's name, to a Bill entitled "An Ordinance for the more effectual protection of Her Majesty's Naval and Victualling Stores."

*Government House,
22nd April, 1868.*

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

Message No. 9.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council a Petition he has received from the Municipal Council, New Westminster, praying for a compensation on the removal of the Capital of the United Colony from that City.¹⁴

The Governor personally sympathizes deeply with all those who suffer loss or disappointment by the altered circumstances of the Colony.

*Government House,
23rd April, 1868.*

Ordered that the enclosure be printed.

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

Message No. 10.

FREDERICK SEYMOUR.

In compliance with the Resolution of the Legislative Council, passed on the 27th of March, the Governor forwards a Return shewing the number of Pre-emptions upon Crown Lands in 1867, and also the number of acres sold and leased; and also the total Revenue derived in 1867 from pre-emptions, sales, and leases of Crown Lands made in that year; and also enumerating the different sections of the Colony in which Crown Lands have been pre-empted, sold, or leased in 1867.¹⁵

*Government House,
23rd April, 1868.*

The Hon. Mr. Walkem presented a Petition from the Cherry Creek Silver Company.¹⁶

Ordered that the same be received and considered to-morrow.

The Hon. Mr. Pemberton gave 2 notices of motion.

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

¹⁴ *Ibid.*, p. xii.

¹⁵ *Ibid.*, p. xii.

¹⁶ *Ibid.*, p. xiii.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the following sums voted, and Resolutions passed, and asked leave to sit again.

Department of Governor	\$2,550 00
Legislative Council	900 00
Colonial Secretary	8,680 00
Treasurer	4,800 00
Auditor General	5,050 00
Chief Commissioner of Lands and Works	4,590 00
Customs	12,926 80
Registrar General	785 00
Harbour Master	1,800 00
Post Office	2,200 00
Supreme Court	3,450 00
Attorney General	500 00
High Sheriff	750 00

Resolved, That this Council recommend that so soon as may be the offices of Registrar General of British Columbia and Stipendiary Magistrate of New Westminster be amalgamated.

Resolved, That this Council recommend that the salary of the Postmaster of Victoria be \$2,000 instead of \$1,450.

Resolved, That this Council recommend that the allowance for clerical assistance in the Attorney General's Office be \$1,000, and that the word "Clerk" be substituted for "Clerical assistance."

Ordered that the Report of the Committee of Supply be adopted, and that leave be granted for the Committee to sit again to-morrow.

Pursuant to the Order of the day, the Hon. Mr. Helmcken asked leave to introduce the Hudson's Bay Titles Bill.

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

Read first time accordingly.

Second reading ordered for to-morrow.

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

Ordered that the same be discussed in Committee of Supply.

Pursuant to the Order of the day, the Hon. Mr. Stamp asked if it is the intention of the Government to grant relief to Saw-mills, by Drawback on lumber exported from the Colony, equal to the duties paid on goods consumed in the production of such lumber, or otherwise?

In reference to which the Hon. Mr. Helmcken moved, the Hon. Mr. De-Cosmos seconding,

That this Council is of opinion that the subject of Drawbacks on Lumber should receive the earnest attention of the Government.

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

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

Message No. 11.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council, in accordance with a Resolution passed on the 23rd March, a Return giving a Comparative Statement of the Civil List of British Columbia in 1863, and that for the United Colony in 1867; the Returns in the latter case indicating the appointments rendered necessary by the incorporation of Vancouver Island with the Mainland.¹⁷

*Government House,
23rd April, 1868.*

Ordered to be printed.

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

That an address be presented to His Excellency the Governor, praying that he will inform this Council of the reply of Her Majesty's Government to a Resolution passed April 2nd, 1867, in answer to His Excellency's Message No. 32.

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

Pursuant to the Order of the day, the Hon. Mr. Stamp asked the Hon. the Acting Colonial Secretary, what steps, if any, have been taken by the Government of this Colony towards the formation of a Dry Dock at Esquimalt, or any other part of the Colony.

The Hon. the Acting Colonial Secretary replied.

In reference to this question, the Hon. Mr. Stamp moved, the Hon. Mr. DeCosmos seconding,

That an humble address be presented to His Excellency the Governor, to inquire what steps, if any, have been taken by the Government of this Colony, towards the formation of a Dry Dock at Esquimalt, or any other part of the Colony.

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

On the Order of the day being read for the second reading of the Fence Bill.

Ordered that the same be postponed till to-morrow.

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

Friday, the 24th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Trutch, Hamley, Ker, Spalding, Cox, Wood, Ball, O'Reilly, Smith, Walkem, Helmcken, DeCosmos, Stamp, Robson, Pemberton, Elwyn.

The Minutes of the previous Meeting were read and confirmed.

¹⁷ *Ibid.*, p. xiii–xv.

The Hon. Mr. Helmcken gave notice of motion.

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

Ordered that the same be considered later in the day.

On the Order of the day being read for the second reading of the Drawback Bill. A debate arose, which having terminated, and the question being put, The Council divided.

Ayes 10. Noes 5.

So it was passed in the affirmative, and the Bill was read second time accordingly.

Ordered to be committed to-morrow.

Pursuant to the Order of the day, the Fire Inquest Bill was read second time.

Ordered to be committed on Monday.

On the Order of the day being read for the consideration of the Cherry Creek Silver Mining Company's Petition.

Ordered that the same be considered in Committee.

The Council went into Committee accordingly.

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

Resolved, That this Council recommend that His Excellency be pleased to consider favourably the prayer of the Petition of the Cherry Creek Silver Mining Company, as to the objectionable covenants of the lease.

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

Pursuant to the Order of the day, the Hon. Mr. Pemberton moved, the Hon. Mr. DeCosmos seconding,

That a respectful address be presented to His Excellency the Governor, to enquire whether Her Majesty's pleasure has been signified with regard to the proposed Ordinance respecting the disposal of the Crown Lands, which His Excellency, in his speech of the 2nd April, 1867, stated he would transmit with the Resolutions passed by the Council in favor of a system of Free Grants of Land.

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

Pursuant to the Order of the day, the Hon. Mr. Pemberton asked to be informed of the Expenditure and Income of the Assay Office since the date of the last Return made to Council.

The Hon. the Acting Colonial Secretary replied.

Pursuant to the Order of the day, the Hudson's Bay Titles Bill was read second time.

Ordered to be committed on Monday next.

On the Order of the day being read for the Council to go into Committee of Supply,
Ordered that the Council do go into Committee later in the day.

On the Order of the day being read for the second reading of the Fence Bill, the
Council divided.

Ayes 6. Noes 5.

So it passed in the affirmative, and the Bill was read second time.
Ordered to be committed on Monday next.

On the Order of the day being read for the second reading of the Patent Slip Bill,
Ordered that the same be deferred till to-morrow.

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

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

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

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

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

Ordered that leave be granted for to-morrow.

The Council then adjourned till 8 o'clock p. m.

On the Council resuming its Session,

Pursuant to a deferred Order of the day, the Hon. Mr. DeCosmos moved,
the Hon. Mr. Stamp seconding,

The following Address to Her Majesty, on the subject of Confederation with
the Dominion of Canada:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign:

We, your Majesty's dutiful and loyal subjects, the Members of the Legislative Council of British Columbia, in Session convened, would most respectfully represent:

I. That in an Act passed in the thirtieth Year of Your Majesty's Reign, entitled "The British North America Act, 1867," provision is made for the admission of British Columbia into the Dominion of Canada.

II. That the 146th Section of the said Act declares that British Columbia may be admitted into the Dominion of Canada, provided that addresses to Your Majesty, containing the terms and conditions of such admission, shall be passed by the Houses of Parliament of Canada and the Legislature of British Columbia.

III. That Your Majesty's dutiful and loyal subjects the Inhabitants of British Columbia, most earnestly desire that such admission may take place without delay, on the terms and conditions hereinafter enumerated.

IV. That, being fully convinced that such admission would, in a marked degree, strengthen British power and influence, and establish more firmly British Institutions in Your Majesty's Possessions in North-west America, and generally throughout all British North America, and faithfully representing as we do the general and expressed wishes of the Inhabitants of this Colony, we earnestly desire that such admission may take place without delay, on the terms and conditions hereinafter enumerated.

V. Therefore, we, Your Majesty's dutiful and loyal subjects, the Members of the Legislative Council of British Columbia, humbly pray that Your Majesty may be graciously pleased to admit, without delay, the Colony of British Columbia into the Dominion of Canada, in accordance with the provisions of "The British North America Act, 1867," and on the terms and conditions following:—

1. The limits of British Columbia, on and after admission, to be the same as at present.

2. The Dominion of Canada to become liable for the Public Debt of British Columbia, and make the same a charge on the Consolidated Revenue Fund, the said Debt not to exceed One million five hundred thousand Dollars (\$1,500,000.)

3. British Columbia to be liable for such portion of her Funded and Floating Debts as may exceed the said \$1,500,000.

4. The Dominion of Canada to pay annually out of her Consolidated Revenue Fund, in semi-annual advances, to British Columbia for the support of her local Government and Legislature, the sum of \$110,000, and also, an Annual Grant in aid of the local Government of British Columbia, equal to Eighty Cents per head of the population of British Columbia, the minimum number of said population, including Indians, not to be estimated at less than 40,000, at any time, and the increase of population after admission to be the increase of population other than Indians, and the said increase of population to be determined by census or otherwise as may from time to time be expedient.

5. All Crown Lands, Mines, Minerals, and Royalties situate in British Columbia at the time of admission, and all sums of money then due or payable, or that may afterwards accrue for such Crown Lands, Mines, Minerals, and Royalties to belong to British Columbia and be under the exclusive control of its Government and Legislature.

6. All Stocks, Cash, Bankers' Balances, and Securities for money belonging to British Columbia, at the time of admission, to be the property of British Columbia.

7. All public Works and Property of British Columbia at the time of admission, to belong to the Colony of British Columbia.

8. The Dominion of Canada to construct within three years after admission of British Columbia, a good Overland Waggon Road extending from Lake Superior, Ontario, to the head of navigation on Lower Fraser River, British Columbia, and to commence the construction of the same through the Rocky Mountains within one year after admission.

9. The Imperial Government to guarantee a Loan to construct the said Overland Road, if deemed expedient.

10. British Columbia to be represented in the Senate by not less than two Members, and in the Commons by not less than three Members, at any time.

11. At the first election of Representatives to the Commons and until otherwise provided by the Parliament of Canada, the Lieutenant Governor of British Columbia to proclaim what shall be the qualifications and disqualifications of Representatives and Electors, the boundaries of Electoral Districts, and the laws governing such Elections.

12. At the time of admission, the Revenue Laws of the Dominion of Canada to extend and apply to British Columbia, and thereupon the Revenue Laws of British Columbia thereby affected to be null and void, and all Duties and Revenues derived in and from British Columbia under the Revenue Laws of the Dominion of Canada to belong to Canada.

13. The exclusive powers of Provincial Legislatures enumerated in the Ninety-second Section of "The British North America Act, 1867," and all other provisions of the said Act that extend and apply generally to the Provinces of the Dominion of Canada and that may be applicable to British Columbia, except as otherwise in this Address provided, to extend and apply to British Columbia, at and from the time of admission.

14. Except as otherwise provided, all Laws in force in British Columbia, at the time of admission, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial existing therein at the time of admission to continue in British

Columbia as if such admission had not taken place; subject nevertheless to be repealed, abolished, or altered by the Parliament of Canada or by the Legislature of British Columbia, according to the authority of the said Parliament or of the said Legislature, under "The British North America Act, 1867."

15. Until the Parliament of Canada provides otherwise, all Officers of British Columbia, at and from the time of admission, having duties to discharge in relation to matters other than those coming within the Classes of Subjects assigned by "The British North America Act, 1867," to the Provinces, to be Officers of Canada.

16. And generally all such unenumerated provisions, acts, and things as may be necessary to the due and proper execution of the terms and conditions hereinbefore enumerated and to the granting of the Prayer of this Address.

17. And as in duty bound we will ever pray.

The Hon. Mr. Wood moved in amendment, the Hon. Ball seconding.

That this Council, while confirming the vote of last Session in favor of the general principle of the desirability of the union of this Colony with the Dominion of Canada, to accomplish the consolidation of British interests and institutions in North America, are still without sufficient information and experience of the practical working of Confederation in the North American Provinces, to admit of their defining the terms on which such a union would be advantageous to the local interests of British Columbia.

Whereupon a debate arose, which having terminated,

The Hon. Mr. DeCosmos moved that the Standing Orders be suspended, in order to enable him to withdraw his motion.

The question of suspending the Standing Orders having been put and lost, the amendment was put.

The Council divided.

<i>Ayes</i> 12.	<i>Noes</i> 4.
Messrs. Trutch,	Messrs. Stamp,
O'Reilly,	DeCosmos,
Cox,	Robson,
Wood,	Walkem.
Pemberton,	
Helmcken,	
Smith,	
Elwyn,	
Ker,	
Ball,	
Spalding,	
Crease.	

The names having been taken down by the Clerk, pursuant to request. So the amendment was carried, and it was Resolved accordingly.

The Hon. Mr. DeCosmos called on for Monday, his motion on the alteration of the Constitution of the Council.

Then, on the motion of the Hon. Mr. Helmcken, the Council adjourned till 11 o'clock to-morrow.

Saturday, the 25th day of April, 1868.

The Council met at 11 o'clock, pursuant to adjournment.

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Ker, Trutch, O'Reilly, Cox, Ball, Elwyn, Smith, Robson, Helmcken, DeCosmos, Walkem, Pemberton, Wood, Spalding, Stamp.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. Helmcken presented a Petition from certain Merchants and others in Victoria, against the Patent Slip Bill.¹⁸

Ordered that the same be received and read.

Read accordingly, and Ordered to lie on the table.

The Hon. Mr. Helmcken moved that the Standing Orders be suspended, to enable him to introduce a Bill.

Standing Orders suspended accordingly.

The Hon. Mr. Helmcken brought in the Anatomical Studies Bill.

Ordered to be read first time at once.

Read first time accordingly.

Ordered to be read second time on Monday next.

On the Order of the day being read for the Council to go into Committee of Supply, and on the question being put the Council divided.

Ayes 10, Noes 6.

So it was Ordered that the Council do now go into Committee of Supply.

At which stage of the proceedings of the Council, the annexed Protest against the Estimates for 1868 was placed on the Minutes:—

1st. That for several years past the Expenditure of the Colony has been continued at a rate out of all proportion with its resources and small number of fixed white population.

2nd. That the Secretary of State for the Colonies laid down a rule in Despatch (No. 23, dated April 30th, 1866,) that the Expenditure of the year must be reduced to such an amount as may be covered by a Revenue calculated on the actual average receipts of the past two years, the wisdom of which rule was highly appreciated by the inhabitants of this Colony.

3rd. That the actual Revenue of 1866 was \$437,018, of 1867 \$475,250, and the actual average of the past two years \$456,134. Notwithstanding which, the Estimated Revenue on which the Government now propose to base the Expenditure of 1868 is \$576,000, being in excess of the rule so laid down by \$119,866.

4th. That no public work of consequence is contemplated in the proposed Estimates for 1868, the sum named for such purposes being barely sufficient to keep existing works in repair.

5th. Therefore that it is to amalgamation of offices and a reduction of the Civil List that a saving must be looked for.

¹⁸ *Ibid.*, p. xvi.

6th. That such amalgamations and reductions must necessarily be the work of the Executive Government, and not of the Legislative Council, after the printed Estimates are submitted to the latter in detail.

(Signed) J. D. PEMBERTON,
A. DECOSMOS,
J. S. HELMCKEN,
EDWD. STAMP.

The Council then went into Committee of Supply.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the following sums voted, and Resolutions passed, and asked leave to sit again.

Police and Gaols, Victoria and New Westminster	\$17,831 25
Stipendiary Magistrate, &c., Columbia and Kootenay	10,600 00
" " Cariboo	14,900 00
" " Hope, Yale, and Lytton	6,700 00
" " Lillooet, Clinton & Soda	
Creek	4,400 00
" " Nanaimo	2,430 00
Pensions, &c.	3,395 00
Revenue Services, exclusive of Establishments	500 00
Administration of Justice	5,200 00
Charitable Allowances	5,000 00
Police and Gaols, exclusive of Establishments	13,000 00
Rent	700 00
Transport	5,910 00
Works and Buildings	5,300 00
Roads, Streets, and Bridges	50,000 00
Miscellaneous Services	9,000 00
Interest	99,840 00
Drawbacks and Refund of Duties	1,100 00
Redemption of Bonds	40,000 00
Sinking Fund	50,197 00
Temporary Loans	70,000 00
Government Vessels	11,000 00
Light-houses	10,000 00

Resolved, That this Council is of opinion that the withdrawal of the Stipendiary Magistrates from their respective Districts for any longer period than is absolutely necessary for the transaction of public business is highly detrimental to the interests of the Colony.

Resolved, That this Committee is of opinion, that the amalgamation of the Gaols of Victoria and New Westminster is advisable, and that such amalgamation would be attended with a considerable diminution of expense if the Prisons were concentrated.

Resolved, That this Council recommend that the Salary of the Gold Commissioner for the Columbia and Kootenay District be increased to \$3,400; and also, that the Salary of the Clerk be increased to what it was last year.

Resolved, That this Committee recommend the item for Hospitals to be increased to \$10,000.

Resolved, That the Council recommend that the item of Rent be increased by \$350, to pay for the Rent of the Magistrate's residence at Nanaimo.

Resolved, That the Government be requested to place on the Estimates the sum of \$2,000, to improve the Indian Trail from Lytton to Lillooet, on the East side of the Fraser.

Resolved, That the Government be requested to place on the Estimates the sum of \$3,000, to improve the Trail from the Douglas Street Road to Burrard Inlet, by way of False Creek.

Resolved, That His Excellency the Governor be requested to appropriate a sum sufficient for the construction of a Trail between Williams Creek and Musquito Creek.

Resolved, That the Officers connected with the Assay Office be attached to some other Department, so that their large amount of unemployed time may be used for the benefit of the public; or that the Government consider the possibility of the removal of the Assay Office to some mineral locality in which the time of the Department may be fully occupied with advantage to the Colony.

Ordered that the Report of the Committee be adopted,¹⁹ and that leave be granted to sit again on Monday next.

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

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

The Hon. Mr. Helmcken moved that the Bill be recommitted, with instructions to divide the Bill into two parts.

Ordered accordingly that the Bill be recommitted later in the day.

Pursuant to the Order of the day, the Hon. Mr. Helmcken asked leave to bring in Fruits Customs Reduction Bill.

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

Read first time accordingly.

Second reading ordered for Monday next.

On the Order of the day being read therefor, Ordered that the second reading of the Patent Slip Bill be deferred till Monday.

On the Order of the day being read for the third reading of the Barristers' Bill, Ordered that the same be taken further on in the day.

The Council then adjourned till 8 p.m.

¹⁹ *Ibid.*, pp. xvi-xvii.

On the Council resuming its sitting, pursuant to order, the Council went again into Committee on the Supreme Court Bill,

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

Ordered that leave be granted for Monday next.

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

Monday, the 27th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Cox, Elwyn, O'Reilly, DeCosmos, Helmcken, Wood, Robson, Spalding.

The Minutes of the previous Meeting were read and confirmed.

The Hon. Mr. DeCosmos presented the Petition of Thomas Spence.

Ordered that the same be received and read.

Read accordingly.

Ordered to be considered on Tuesday.

The Hon. Mr. Helmcken gave notice of motion.

The Hon. Mr. DeCosmos gave notice of motion.

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

Message No. 12.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council, a correspondence which has passed between His Grace the Principal Secretary of State, himself, and the Attorney General, respecting the effect of the Act of Union upon the Legislative Constitution of the Colony.²⁰

*Government House,
27th April, 1868.*

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

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee, reported the following sums voted,

Education \$ 6,000,

Conveyance of Mails 29,400,

the following Resolutions, and that the Estimates are now complete.

Resolved, That this Committee recommend that the item for Education be increased to \$10,000.

Resolved, That a Select Committee be appointed to enquire into the external Postal Service of this Colony.

Ordered that the report be adopted.

²⁰ *Ibid.*, pp. xvii–xviii.

Pursuant to the last Resolution, the Presiding Member named the following Hon. gentlemen to form a Select Committee to report upon the external Postal Service:—

The Hon. Messrs. Crease, Hamley, Trutch, Robson, Helmcken.

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

Message No. 13.

FREDERICK SEYMOUR.

In reply to the Resolution passed by the Legislative Council, on the 6th April, the Governor regrets to have to state that the present condition of the Colonial Finances will not allow of his proposing any abolition or reduction of the Road Tolls during the present year.

*Government House,
27th April, 1868.*

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

Message No. 14.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council, extracts from two Despatches which he has received from the Secretary of State for the Colonies,²¹ and recommends that the following amendments be made in the Bill entitled "An Ordinance to assimilate the Law affecting the Limitation of certain causes of Actions and Suits":—

That the words "and 'The extension of Limitation of Foreign Actions Act, 1861,' of the formerly separate Colony of Vancouver Island are" be inserted in Section I., after the figures "1860," and that the word "is" in the first line of the same Section be struck out.

*Government House,
27th April, 1868.*

On the motion of the Hon. the Attorney General, Ordered that the said Message be considered in Committee.

The Council went into Committee accordingly.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly, Chairman of the Committee handed in a Resolution, with the request to know, as a point of order, if such Resolution could properly be before the Committee when taken in consideration with Clause 28 of the Standing Orders.

The Hon. the Presiding Member ruled, that if the Resolution in question were by way of an amendment on an original motion to make the alterations sent down by His Excellency, it would be in order; but that if it were to be an original motion, apart from the question, it would be out of order.

The Council went again into Committee.

On the Presiding Member resuming the Chair, the Hon. Mr. O'Reilly handed in the annexed Report for adoption by the Council:—

Resolved, That the Governor be acquainted that the Council has agreed to the amendments proposed by His Excellency to the "Ordinance to assimilate the Law affecting the Limitation of certain causes of Suits and Actions;" but that the Council recommend that a Bill be introduced to provide for the Limitation of Actions at Law, during the present Session.

Ordered that the Report be adopted.

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

²¹ *Ibid.*, p. xix.

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

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

On the Order of the day being read for the committal of the Hudson's Bay Titles Bill,
Ordered that the same be deferred till to-morrow.

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

On the Presiding Member resuming the Chair, the Hon. Mr. Spalding, Chairman of the Committee, reported progress, asking leave to sit again, and handed in the annexed Resolution for the adoption of the Council:—

That a Committee on the Fence Bill recommend that the same be referred to a Select Committee.

Ordered that the Report be adopted.

Pursuant to the above Resolution, the Hon. the Presiding Member named the following Honorable gentlemen to form a Select Committee on the Fence Bill:—

The Hon. Messrs. Robson, DeCosmos, Wood, Ball, Elwyn.

On the Order of the day being read for a motion of the Hon. Mr. DeCosmos on the alteration of the Constitution,

Ordered that the same be deferred till to-morrow.

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

Ordered to be committed to-morrow.

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

Message No. 15.

FREDERICK SEYMOUR.

The Governor lays before the Legislative Council a Bill entitled "An Ordinance to appropriate the sum of Three Hundred and Fifty-Eight Thousand Nine Hundred and Twenty-Three Dollars and Five Cents, out of the General Revenue of the Colony, for the contingent service of the year 1868."

*Government House,
27th April, 1868.*

The Hon. the Attorney General moved that the above Bill be read first time to-morrow.

The Hon. Mr. Helmcken in amendment, that it be referred to Committee of Ways and Means.

On the amendment being put the Council divided.

Ayes 3, Noes 7.

So the amendment being lost, and the original motion having been put and carried,

Ordered that the Supply Bill be read first time to-morrow.

On the motion of the Hon. the Attorney General, Ordered that the following Bills be placed on the Order of the day to-morrow, in the annexed rotation:—

Committal.—Supreme Court Bill.

„ Intestate Estate Sale Bill.

3rd Reading.—Barristers' Bill.

Then, on the motion of the Hon. the Attorney General, the Council adjourned till 1 o'clock, p.m., to-morrow.

Tuesday, the 28th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Trutch, Ker, Ball, Elwyn, O'Reilly, Cox, DeCosmos, Helmcken, Robson, Wood, Spalding.

The Minutes of the previous Meeting were read over and confirmed.

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

Message No. 16.

FREDERICK SEYMOUR.

The Governor has received the Resolution of the Legislative Council of the 2nd of April, expressing the opinion that Victoria is the place most suitable for the Capital of the United Colony. Her Majesty's Government would seem to lean to the same opinion. Under these circumstances, the Governor will cause to be proclaimed, on the Queens' birthday, the selection of the Capital within the Town which bears Her Royal name.

*Government House,
28th April, 1868.*

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

Message No. 17.

FREDERICK SEYMOUR.

The Governor has duly received the Resolution of the Legislative Council, agreeing that an address be presented to him, praying that he will inform the Council of the reply of Her Majesty's Government to a Resolution, passed April 2nd, 1867, recommending that the salary of the Governor be paid from Imperial funds, and that the Executive have power to simplify, centralize, and reduce the departmental system, so as to lessen the public expenditure to such a figure as the Colony is able to stand.

As regards the first point, he would state that he believes the condition of the finances of the Colony generally is engaging the attention of the Secretary of State.

As regards the second, he has to remark that very considerable powers for effecting retrenchment are confined to the Governor. He is loath, however, at all times to deceive legitimate expectations, and to reduce, without absolute necessity, respectable public officers to poverty.

*Government House,
28th April, 1868.*

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

Message No. 18.

FREDERICK SEYMOUR.

The Governor has received the Resolution of the Legislative Council, passed on the 23rd instant, requesting to be informed what steps, if any, have been taken by the Government of this Colony towards the formation of a Dry Dock at Esquimalt, or any other part of the Colony.

Very lengthy correspondence has passed on this subject between His Grace the Secretary of State, Rear-Admiral the Hon. G. F. Hastings, and the Governor, but it would not be convenient to the public service to lay it before the Council.

Every effort is being made to carry into effect a work of such great importance as that in question.

*Government House,
28th April, 1868.*

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

Message No. 19.

FREDERICK SEYMOUR.

The Governor has to acknowledge the receipt of a Resolution from the Legislative Council, passed on the 24th Instant, enquiring whether Her Majesty's pleasure has been signified with regard to the proposed Ordinance of last Session, respecting the disposal of the Crown Lands.

No decision has been received. It is but right to inform the Council, that the Land Bill was accidentally somewhat later in transmission than some of the others.

*Government House,
28th April, 1868.*

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

On the Order of the day being read for the first reading of the Bill of Supply,

The Hon. Mr. Helmcken moved that the said Bill be referred to Committee of Ways and Means.

On the amendment being put, the Council divided.

Ayes 3, Noes 8.

So the amendment was lost.

Ordered that the Supply Bill be read first time.

Read first time accordingly.

Ordered to be read the second time to-morrow.

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

On the Presiding Member resuming the Chair, the Hon. Mr. Spalding, Chairman of the Committee, stated that he had been directed to report the Bill with amendments.

The Hon. Mr. Trutch moved that this Bill be recommitted, to alter Sections 1 and 3.

On the question being put, the Council divided.

Ayes 8. Noes 3.

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

Messrs. Trutch.

Messrs. Helmcken,

O'Reilly,

Hamley,

Wood,

DeCosmos.

Ker,

Ball,

Spalding,

Crease,

Robson.

So it was carried in the affirmative, and Ordered accordingly.

The Council went again into Committee.

On the Presiding Member resuming the Chair, the Hon. Mr. Spalding reported that in pursuance of an instruction of the Council, the Committee had divided the Bill into two, viz.:—The Courts Declaratory Ordinance, 1868, and The Supreme Courts Ordinance, which were now reported complete with amendments.

Ordered that the Report be adopted, and that these Bills be severally read third time to-morrow.

Pursuant to the Order of the day, the Council went again into Committee on the Intestate Estate Sale Bill.

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

Ordered that the Report be adopted, and that the Bill be read third time at once.

Bill read third time accordingly, and Resolved that this Bill do pass, and its title be "The Intestate Estate Sale Ordinance, 1868."

On the Order of the day being read for the third reading of the Barristers' Bill,
Ordered that the same be deferred till to-morrow.

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

That a respectful address be presented to His Excellency the Governor, requesting that the following Return may be furnished to the Council, viz.:— the Arrears of Expenditure outstanding and unpaid at the close of the year 1867, and the indebtedness of the Colony.

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

On the Order of the day being read for a motion of the Hon. Mr. DeCosmos, on Confederation,

Ordered that the same do lapse.

Pursuant to the Order of the day, the Council went into Committee to consider the Petition of Thomas Spence.

On the Presiding Member resuming the Chair, the Hon. Mr. Cox, Chairman of the Committee, handed in the annexed Resolution for the adoption of the Council:—

Resolved, That the Petition of Thomas Spence be referred to His Excellency the Governor with the recommendation that the prayer therein contained be granted.

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

Pursuant to the Order of the day, the Fire Inquest Bill was read third time, and it was Resolved that this Bill do pass, and that its title be the "Fire Enquiry Ordinance, 1868."

On the Order of the day being read for the Committal of the Hudson's Bay Company Titles Bill.

Ordered that the same be deferred till to-morrow.

On the Order of the day being read for a motion of the Hon. Mr. DeCosmos on the Constitution of the Council,

Ordered that the same be taken as the first Order for to-morrow.

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

Wednesday, the 29th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Hamley, Spalding, Helmcken, DeCosmos, Ker, Smith, Elwyn, Cox.

The Minutes of the previous Meeting were read and confirmed.

Pursuant to the Order of the day, the Hon. Mr. DeCosmos moved, the Hon. Mr. Helmcken seconding, the following Resolution:—

That His Excellency the Governor be respectfully requested to cause to be introduced into the Council, an Ordinance making at least two-thirds of the Council elective.

That the Council in making this request, are impressed with the conviction that at this juncture of the affairs of the Colony, it is expedient to alter the Constitution of the Council, in order to meet the generally expressed wishes of the inhabitants of the Colony.

On the question being put, the Council divided.

Ayes 4, Noes 4.

The names were then taken down by the Clerk, as follows:—

Messrs. Smith,	Messrs. Hamley,
Helmcken,	Spalding,
DeCosmos,	Ker,
Elwyn,	Cox.

Which being a tie vote, the Hon. the Presiding Member cast his vote with the Ayes.

So it passed in the affirmative, and was Resolved accordingly.

On the Order of the day being read for the Committal of the Hudson's Bay Titles Bill,

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

Pursuant to the Order of the day, the Hon. Mr. Helmcken asked leave to introduce a Bill amending the Civil List.

Ordered that leave be granted.

The Hon. Member accordingly presented the said Bill, and moved it be now read first time.

On the question being put the Council divided.

Ayes 3, Noes 5.

The names having been taken down as follows:—

<i>Ayes 3.</i>	<i>Noes 5.</i>
Messrs. Smith,	Messrs. Elwyn,
Helmcken,	Ker,
DeCosmos.	Cox,
	Spalding,
	Hamley.

So it passed in the negative, and the Bill was thrown out.

Pursuant to the Order of the day, the Supply Bill, 1868, was read second time.

Ordered to be committed later in the day.

Pursuant to the Order of the day, the Courts Declaratory Bill was read third time, and it was Resolved that this Bill do pass, and that its title be "The Courts Declaratory Ordinance, 1868."

Pursuant to the Order of the day, the Barristers' Bill was read third time, and it was Resolved that this Bill do pass, and that its title be "The Legal Professions Ordinance, 1868."

On the Order of the day being read for the third reading of the Supreme Court Bill.
Ordered that the same be deferred till later in the day.

On the Order of the day being read for the second reading of the Patent Slip Bill,
Ordered that the same be deferred till later in the day.

On the Order of the day being read for the second reading of the Fruits Bill, the Council divided.

Ayes 7, Noes 1.

So it was carried in the affirmative, and the Bill read second time accordingly.
Ordered to be committed later in the day.

On the Order of the day being read for the Committal of the Anatomy Bill,
Ordered to be committed later in the day.

On the Order of the day being read for the Committal of Loan and Investment Bill,
Ordered to be Committed later in the day.

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

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

Ordered that the Report be adopted, and the Bill read third time at once.

Read third time accordingly, and Resolved that this Bill do pass, and its title be "An Ordinance to appropriate the sum of Three Hundred and Fifty-Eight Thousand Nine Hundred and Twenty-Three Dollars and Five Cents, out of the General Revenue of the Colony, for the contingent service of the year 1868."

The Hon. Mr. Smith moved that the Standing Orders be suspended, to enable him to give notice of motion.

Standing Orders suspended accordingly.

The Hon. Member then gave notice of motion.

Then, on the motion of the Hon. Mr. Helmcken, the Council adjourned till 8 o'clock p.m. this evening.

The Council resumed its sitting at 8 o'clock p.m., the following Hon. Members being present:—Messrs. Young, Crease, Trutch, Ker, Spalding, Cox, Wood, Ball, O'Reilly, Elwyn, Helmcken, DeCosmos, Robson.

The Hon. Mr. Robson gave notice of motion.

Pursuant to Order, the Council went into Committee of the Hudson's Bay Titles Bill.

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

Ordered that the Report be adopted, and that the Bill be read third time at once.

Bill read third time accordingly, and it was Resolved that this Bill do pass, and that its title be "The Hudson Bay Titles Confirmatory Ordinance, 1868."

Pursuant to Order, the Council went into Committee on the Drawbacks Bill.

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

Ordered that leave be granted for to-morrow.

The Hon. the Attorney General moved that the Standing Orders be suspended to enable him to bring in a Bill.

Standing Orders suspended accordingly.

The Hon. Member then introduced the The Thompson River Bridge Bill.

Ordered to be read first time at once.

Read first time accordingly.

Second reading ordered for to-morrow.

Pursuant to Order, the Supreme Court Bill was read third time, and it was

Resolved that the said Bill do pass, and that its title be "The Supreme Courts Ordinance, 1868."

The Hon. the Attorney General moved that the Standing Orders be suspended to enable him to bring in a Bill.

Standing Orders suspended accordingly.

The Hon. Member then introduced the County Courts Bill.

Ordered to be read first time at once.

Read first time accordingly.

Ordered to be read second time to-morrow.

On the Order of the day being read for the second reading of the Patent Slip Bill, a debate arose.

Which having terminated, and the question of the second reading being put, the Council divided.

Ayes 2. *Noes* 10.

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

Ayes.

Messrs. DeCosmos,
Helmcken.

Noes.

Messrs. Crease,
Wood,
Cox,
O'Reilly,
Trutch,
Robson,
Elwyn,
Smith,
Spalding,
Ker.

So it was passed in the negative, and the Bill was thrown out.

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

On the Presiding Member resuming the Chair, the Hon. Mr. Ball, Chairman of the Committee, reported that he had been directed to obtain the decision of the Presiding Member, as to whether it was competent for this Council to initiate a Bill increasing or establishing a tax.

The Hon. the Presiding Member reserved his judgment.

Pursuant to Order, the Council went into Committee on the Anatomy Bill.

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

Ordered that leave be granted for to-morrow.

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

Thursday, the 30th day of April, 1868.

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

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

Present,—The Hon. Messrs. Young, Crease, Hamley, Ker, Elwyn, Cox, Robson, Ball, DeCosmos, Smith, Spalding, Wood, Helmcken.

The Minutes of the previous Meeting were read and confirmed.

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

Pursuant to the Order of the day, The Hon. Mr. Smith moved, the Hon. Mr. Spalding seconding,

That this Council recommend that Flour manufactured from grain grown in the Colony be allowed to pass over the Public Roads free of Tolls, and that His Excellency be respectfully requested to take the matter under his immediate consideration.

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

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

That this Council recommends the payment, at as early a period as may be, of the debts of the Royal Columbian Hospital, amounting to some \$3,000, in consideration of such debt not having arisen from any unusual expenditure in the management of the institution, nor from any decrease of private subscriptions, but simply from the inability of the Government, owing to the financial condition of the Colony, to give, during the years 1866 and 1867, the customary assistance, although the same was specially provided for by the Estimates of each year. The Council would more particularly press this question as the

withdrawal of the Seat of Government from New Westminster will, to a marked degree, affect the donations towards the support of the institution, while the number of patients will in no way diminish thereby.

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

That after the figures "\$3,000," in second line, the words "and the debts of the Royal Hospital, Victoria," be added; and that the words at the end of the motion, from "The Council" down to "thereby" be erased.

On the question of these amendments being put, it was carried in the affirmative,

And on the question of the Resolution being passed as amended, being put, it passed in the affirmative, and was Resolved accordingly.

Pursuant to the Order of the day, the Thompson River Bridge Bill was read second time.

Ordered to be committed to-morrow.

Pursuant to the Order of the day, the County Courts Bill was read second time.

Ordered to be committed to-morrow.

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

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

On the question of the adoption of the Report being put the Council divided.

Ayes 7. Noes 7.

Which being a tie vote, the Hon. the Presiding Member cast his vote with the Noes.

So the Report was lost, and the Bill thrown out accordingly.

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

Message No. 20.

FREDERICK SEYMOUR.

The Governor acquaints the Legislative Council that the Law Officers of the Crown are of opinion that the Legislature of this Colony had not power, under Section 15 of the Imperial Act 20° and 21° Victoria, Cap. 62, to admit, by local Ordinance, foreign bottoms to the Colonial trade, and that the provisions of Section 5 of this Ordinance (No. 29, 1867) are repugnant to the 168th Section of the Imperial Act 16° and 17° Victoria, Cap. 107, and that the object desired by that (5th) Section can only be attained in the manner provided by the 328th Clause of the same Act.

It becomes necessary, therefore, that this Section, though unobjectionable in the opinion of Her Majesty's Government in point of policy, should be repealed.

The Governor, therefore, lays before the Legislative Council a Bill for the purpose.

The question of proceeding under the 328th Clause may well await another Session.

*Government House,
30th April, 1868.*

Ordered that the said Bill (Shipping Amendment Bill) be now read first time.

Read first time accordingly.

Ordered that the Standing Orders be suspended to enable the Bill to be read second time forthwith.

Standing Orders suspended accordingly.

Bill read second time accordingly.

Ordered to be committed later in the day.

Pursuant to the Order of the day, the Council went into Committee on the Loan and Investment Bill.

On the Presiding Member resuming the Chair, the Hon. Mr. Cox, Chairman of the Committee, reported that he had been instructed to seek the ruling of the Presiding Member on the following point of order:—

That during the discussion of the Bill, attention was called to the fact of there being no quorum.

The questions arising out of this, were as follows:—

Whether the Council could carry on business in Committee without a quorum? and if not, what was the course to be adopted on it being found that no quorum existed?

The Hon. the Presiding Member ruled, that there was nothing in the Standing Orders regulating the matter, he should, therefore, rule in accordance with usual Parliamentary practice:—

That when a quorum was found to be wanting in Committee, no business could be transacted until a quorum had been made, when business could at once be proceeded with. In the event of no quorum being made, that the Council would in due course be adjourned, without a question first put, by the Senior Member present in order of precedence.

The Council went again into Committee.

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

Ordered that leave be granted.

Then, on the motion of the Hon. Mr. Ball, the Council adjourned till 8 o'clock p. m. this evening.

The Council resumed its sitting at 8 p. m., pursuant to adjournment.

Present,—The Hon. Messrs. Young, Hamley, Trutch, Ker, O'Reilly, Cox, Smith, Wood, Robson, DeCosmos, Helmcken, Spalding, Ball.

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

On the Presiding Member resuming the Chair, the Hon. Mr. Cox, Chairman of the Committee, stated that he had been directed to report progress.

On the question of the adoption of the Report being put the Council divided.

Ayes 5, Noes 6.

So the motion was lost, and the Bill lapsed.

Pursuant to Order, the Council went into Committee on the Anatomy Bill.

On the Presiding Member resuming the Chair, it was found that the Committee had risen without report.

So the Bill lapsed.

On the Order of the day being read for the commital of the Fruits Bill,

The Hon. the Presiding Member gave his judgment on the question of order that had been referred to him on the occasion of this Bill being last in Committee, as follows:—

The point submitted to me for decision is whether the Bill is a Tax Bill? and if it be a Tax Bill, whether it is in order, having originated in the Legislative Council?

I have examined the Bill, and find that it proposes to increase the Duties of Customs at present levied on certain Fruits. It is, therefore, undoubtedly a Bill imposing Taxes, and being such I must rule that it is out of order, as it originated in the Council.

The constitutional responsibility of proposing Taxes rests with the Crown. It is for the people to grant or refuse.

This responsibility cannot be constitutionally assumed by any Legislative body, unless such body be specially empowered thereto by statutory enactment.

No such power is delegated to this Council.

I have considered the point raised that the Governor, as Representative of the Crown, can undoubtedly propose Tax Bills; and as the Governor is a Member of, and can sit in, this Council, therefore such Bills can originate in this Council; but I must hold that this circumstance does not affect the question.

The Governor, as a Member of this Council, simply acquires thereby the same Legislative functions as any other Member; as a Member of the Council, he possesses no more power than any other Member; he is governed by the same Standing Orders, and must conform to the same rules. Such Legislative functions are wholly distinct and separate from his Executive office as a Representative of the Crown.

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

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

Ordered that leave be granted.

Pursuant to Order, the Council went into Committee on the Shipping Bill.

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

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

Pursuant to Order, the Council went into Committee on the Thompson Bridge Bill.

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

Ordered that leave be granted for to-morrow.

Then, on the motion of the Hon. Mr. Crease, the Council adjourned till 12 o'clock to-morrow.
