
Wednesday, the 2nd day of May, 1866

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

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

The last minutes having been read and confirmed.

New Member sworn—Charles Bedford Young Esqre. for Victoria City, vice Selim Franklin Esqre., whose seat has been declared vacant.

A Communication was received from the Honble. Legislative Council transmitting further Amendments by the Honble. Legtve. Council to the Amendments of the Legislative Assembly to "The District Courts Act, 1866."

Ordered to lie on the table.

Bills Read 2o. and committed.

The Justices and Constables Fees Act, 1866.

The Spring Ridge Water Works Act, 1866.

On question put "That 'the Justices and Constables Fees Act, 1866' be printed"—the House divided.

Ayes: 2.

Messrs. De Cosmos
Dickson

Noes: 3.

Messrs. Carswell
Powell
Young

Order of the Day. In Committee—"The Investment, Savings and Loan Societies Bill, 1866."

Dr. Dickson in the Chair.

The Chairman reported progress and asked leave to sit again.

Ord. that report be agreed to.

Dr. Ash gave Notice of Motion "That the House at a future day resolve itself into Committee of the whole to consider the steps expedient to be taken in relation to the 'Dredging Machine.'"

The House then adjourned till tomorrow at 3 p.m.

J. S. Helmcken
Speaker

Thursday, the 3rd day of May, 1866

The House met this day at 3:15 p. m. pursuant to adjournment.

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

The last minutes having been read and confirmed.

Dr. Dickson gave notice of Motion, for next meeting, that the House resolve itself into Committee to take into consideration The Sanitary Condition of, and the abatement of nuisances in, the City of Victoria.

Ordered for Monday next.

“District Courts Act, 1866,” Further Amendments by the Honble. L. C. to the Amendments by the L. Assembly thereto—Ord. for Monday next.

Ordered for Monday next—Spring Ridge W. W. Co. (Lim.) Bill In Committee.

On question put that the House adjourn till Monday next (May 7) The House divided.

Ayes: 3.

Messrs. Dickson
Trimble
Young

Noes: 2.

Messrs. McClure
De Cosmos

The House then adjourned till Monday (May 7th) at 1 p.m.

J. S. Helmcken
Speaker.

Monday, the 7th day of May, 1866

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

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

The last minutes having been read and confirmed.

The Order of the Day having been read for the 2nd Reading of “The Volunteer Act, 1866” Mr. Speaker ruled that the Act was in effect a Money Act, and was an infringement of the Prerogative of this House.

The 2nd Reading of “The Volunteer Act, 1866” was then negated unanimously.

The order of the Day having been read for the 1st Reading of the Amendments by the Honble. L. Council to “The District Court Act, 1866.”

On motion of Dr. Tolmie, 2nded by Mr. Young it was Ordered that the Honble. L. Council be invited to confer with this House upon the subject of its Counter amendments to the Amendments of this House to the above last mentioned Bill.

Bills in Committee.

The Investment Savings and Loan Societies Bill, 1866.

The Spring Ridge Water Works Co. (Lim.) Bill, 1866.

Dr. Trimble in the Chair

The Chairman reported—In regard to the first The Bill complete as amended. In regard to the Second—Progress & asked leave to sit again.

Ordered That reports be agreed to respectively.

Mr. Young gave Notice of Motion.³⁹

The House then adjourned till Wednesday (9th Inst.).

J. S. Helmcken
Speaker.

Wednesday, the 9th day of May, 1866

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

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

The last minutes having been read and confirmed.

Bill read 3o.

The Investment, Savings, and Loan Societies Act, 1866.

On motion made by Mr. Young, seconded by Mr. De Cosmos, and question put "That leave be granted to introduce 'A Bill entitled An Act to establish A Volunteer Force, 1866.'" The House divided.

Ayes: 2.

Messrs. Young
De Cosmos

Noes: 4.

Messrs. Carswell
Dickson
McClure
Trimble

The Motion was therefore resolved in the negative.

The House then went into Committee of the whole, to consider the question of "The Sanitary Condition of, and the abatement of nuisances in, the City of Victoria."

Dr. Trimble in the Chair.

The Chairman reported that he had been ordered to report "A Bill Entitled An Act to authorize the appointment of a Sanitary Commission for Vancouver Island and its Dependencies and to define the powers thereof."

Ordered, "that report be agreed to."

On motion of Mr. McClure, 2nded by Dr. Trimble, it was Ordered "that the Standing Orders of the House be suspended in order to expedite the passing of the above Act."

The above last mentioned Bill was read a first, and second time and ordered to go to Committee.

The Standing Orders having again been suspended, and the Order of the Day discharged, the House went into Committee upon the above Bill.

Dr. Trimble in the Chair.

The Chairman reported that he had been ordered to report A Bill "Entitled An Act to authorise the Appointment of a Sanitary Commission for Vancouver Island and its Dependencies, and to define the powers thereof" complete as amended.

³⁹ Motion Book, 1865-66, p. 39: "To bring in a Bill Entitled An Act to establish a Volunteer Force."

Ord. that report be agreed to.

On motion of Mr. McClure, seconded by Dr. Dickson, it was Ordered "that the Standing Orders of the House be suspended in order to expedite the 3rd Reading of the above Bill."

"The Sanitary Commission Act, 1866" was then read 3o. and passed.

New Writ for Salt Spring Island and Chemainus—in the room of George Edgar Dennes Esqre. On motion of Dr. Powell, seconded by Mr. De Cosmos.

A Communication from The Honble. L. Council having been read appointing 3 p. m. on Friday (11th Inst.) to meet the House in conference upon "The District Court Act, 1866."

The House adjourned till Friday (11th Inst.) at 1 p. m.

J. S. Helmcken
Speaker

Friday, the 11th day of May, 1866

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

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

The last minutes having been read and confirmed.

A *Communication* was received from the Honble. Legislative Council transmitting certain Amendments to "A Bill to amend the Franchise Act, 1859."

Amendments read 1o.

Mr. Speaker appointed Dr. Ash (*vice* Dennes) to *Select Committee* on "Postal Bill" (Messrs. Ash, McClure, Tolmie).

In Comtee. "Spring Ridge *Water Works Co. (Lim.) Bill.*"

Dr. Trimble in the Chair.

Chairman reported progress and asked leave to sit again.

Ordered that report be agreed to.

The House then adjourned till Monday.

J. S. Helmcken
Speaker.

Monday, the 14th day of May, 1866

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

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

The last minutes having been read and confirmed.

Dr. Ash from the Select Committee Ordered by the House (15 Feb.) to examine and report upon "A Bill entitled An Act to establish the Postal Service" from the Honble. Legislative Council, brought up the report of that Committee.

Mr. Young, as one of the Managers, brought up the report of the Conference with the Honble. Legislative Council, holden on the 11th Inst. on the subject of the counter Amendments by the Honble. L. C. to the Amendments by the Legislative Assembly to "The District Court Act, 1866."

Read 2o. and committed.

Certain Amendments by the Honble. Legislative Council to "A Bill entitled An Act to amend the Franchise Act, 1859."

In Committee.

The Spring Ridge Water Works Co. (Lim.) Bill, 1866.

Mr. McClure in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be agreed to."

The House then adjourned till Wednesday next at 1 p. m.

J. S. Helmcken
Speaker.

Wednesday, the 16th day of May, 1866

A quorum not being present, the House was counted out.⁴⁰

Present: Mr. Speaker and Messrs. Dickson, Trimble, Young.

J. S. Helmcken
Speaker.

Friday, the 18th day of May, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dickson, McClure, Powell, Trimble, Young.

The last minutes having been read and confirmed.

Edward Stamp Esqre. took the oaths and his seat for the Town of Esquimalt.

A Communication (No. 18—1866)⁴¹ was read from His Excellency the Governor transmitting, in reply to a Resolution of this House passed on the 8th January,

⁴⁰ The House convened on Thursday but could not form a quorum. *Colonist*, 18 May 1866.

⁴¹ Messages to House, 14 May 1866.

1866, a Despatch from the Rt. Honble. the Secretary of State for the Colonies on the subject of "Reciprocity with the United States of America."

Also a Communication (No. 19—1866)⁴² from His Excellency The Governor transmitting a Copy of "Reports received from H. Ms. Secretaries of Embassy and Legation respecting Coal."

Also a Communication from the Honble. Legislative Council transmitting "A Bill to amend the Liquor Licence Act, 1861" with Amendments by the Honble. Legislative Council.

Amendments read 1o.

The Amendments to "The District Court Act, 1866" reported, from the Conference, on the 14th Inst. were read (as follows) and agreed to.

Clause XVI to read thus.

It shall not be necessary for the Plaintiff or the Defendant in any suit to be brought or pending in any District Court to employ A Barrister or Attorney to appear and conduct any such suit; but any such Plaintiff or Defendant either personally or through his Clerk, Agent, or Attorney-in-fact may with permission of the Judge conduct and manage any such suit—Provided always that all such services shall be performed without any charge for or in lieu of legal fees in any such suit to which any such Plaintiff or Defendant may be a party.

Dissentiente Mr. De Cosmos.

Clause XVII. Lines 3, 4, & 5, to be struck out the words commencing with "unless such Barrister" to the end of the Clause, and insert the following words "if the Judge shall certify to deprive the party of such Costs."

The Clause to read thus.

Neither the Plaintiff nor the Defendant in any suit in any District Court shall be liable to pay Costs for the Services of any Barrister or Attorney employed in any suit in any such District Court, if the Judge shall certify to deprive the party of such costs.

Dissentiente Mr. De Cosmos.

In Committee "Spring Ridge Water Works Co. (Lim.) Bill."

Dr. Trimble in the Chair.

The Chairman reported the Bill complete as amended.

Ordered that report be received and agreed to.

Dr. Dickson gave Notice of Motion for certain Returns of sums borrowed from the Banks in this Colony &c. for next meeting of the House.

The House then adjourned till Monday next at 1 p. m.

J. S. Helmcken
Speaker.

⁴² Messages to House, 15 May 1866.

Monday, the 21st day of May, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, De Cosmos, Dickson, McClure, Powell, Stamp, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

On motion of Dr. Dickson, seconded by Mr. De Cosmos, it was Ordered That a humble Address be presented to His Excy. the Governor praying that he will cause to be laid upon the table of this House, the following Returns.

1. A return of the Sums of money borrowed from the respective Banks of this Colony and due at the expiration of the year 1865; also the amount borrowed during the year 1866 and now owing on account of the General Revenue.

2. A return showing the authority under which the Governor negotiated such loans respectively.

Bills in Committee.

An Act to amend the Indian Liquor Act, 1860.

The District Municipal Act, 1866.

Mr. Young in the Chair.

The Chairman reported that he had been Ordered to report. In regard to the first the Bill complete as amended. In regard to the Second "that he had not any report to make."

Ordered that reports be agreed to respectively.

Dr. Trimble gave notices of motion (2).⁴³

The House then adjourned till Wednesday next at 1 p. m.

J. S. Helmcken
Speaker.

Wednesday, the 23rd day of May, 1866

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

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

The last minutes having been read and confirmed.

⁴³ *Chronicle*, 22 May 1866: "That a humble address be presented to His Excellency the Governor praying that he will cause to be laid upon the table of this House 'The Audited Accounts of 1865.'" Motion Book, 1865-66, p. 40. "Dr. Trimble gave notice of a bill to amend the Road Act."

On question put "that the above last mentioned Amendment by the Honble. L. Council do pass"—it was resolved in the negative (Dissentiente Dr. Dickson); the House adhering to the original text of the Bill.

Clause II. Insert at end of Clause the words "in respect of previous occupancy."

Agreed to.

Clause III. after—insert the following new Clause. [Agreed to.]

Clause IV. for the purposes of this Act, Colville Town, Nanaimo, shall be the tract of land included within a circle the radius of which shall extend one half mile from the site of the old Bastion of the Hudson's Bay Company.

On motion of Mr. McClure, 2nded by Mr. De Cosmos, it was Ordered "that the words 'Colville Town' be erased, and the word 'town' be inserted after the word 'Nanaimo' in 2nd line." To Preamble add the words "And to make other provisions in relation thereto" (agreed to).

The Amendments of the Honble. L. C. as amended by the L. A. were read 2o. and agreed to.

In Committee "The Postal Act, 1866."

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again; also a "question of order" raised in Committee and referred to Mr. Speaker in Chair as to whether said Bill was or was not a Money Bill.

Mr. Speaker ruled that as under the above Bill a charge might be involved upon the people it must be deemed A "Money Bill."

Ordered—that above Bill be rejected, as being out of order.

The House then adjourned till Monday at 1 p. m.

J. S. Helmcken
Speaker.

Monday, the 28th day of May, 1866

Present: Mr. Speaker and Messrs. Dickson, Tolmie, Young.

A quorum not being present the House did not sit.

J. S. Helmcken
Speaker

Tuesday, the 29th day of May, 1866

Present: Mr. Speaker and Mr. Carswell.

A quorum not being present the House did not sit.

J. S. Helmcken
Speaker

Wednesday, the 30th day of May, 1866

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

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

The last minutes having been read and confirmed.

A Communication (No. 20) was read from His Excellency The Governor, in reply to an address from the Legislative Assembly dated 21st May/66 (R. f. 432 [p. 477 above]) for Returns of "Sums of money borrowed from the respective Banks of this Colony and due at the expiration of the Year 1865; also the amounts borrowed during the year 1866 and now owing on account of the General Revenue" and a Return "Showing the Authority under which the Governor negotiated such loans respectively."⁴⁶

Also A Communication, in reply to An Address of this House, from His Excellency the Governor (No. 21) concerning the "Audited Accounts for 1865" stating "that in consequence of the Audit of Accounts of the Government of Vancouver Island having been Six months in arrear upon cessation of the arrangement under which the Public Accounts of V. Id. were audited by the present Auditor General of British Columbia, the audit of the Accounts was as yet incomplete (for 1865) but that they would be shortly disposed of and transmitted to this House."⁴⁷

On motion of Dr. Dickson, seconded by Dr. Trimble, it was Ordered "That His Excellencys Communication No. 20 be the Order of the day in Committee for Monday next (4th proximo)."

John Trevasso Pidwell Esqre. having been presented to Mr. Speaker as Member Elect for the District of Salt Spring Island and Chemainus, was proceeding to take the Oaths, when Mr. Young rose to a question of Privilege, which question affected the validity of the property qualification of the newly elected Member under the terms of the "Franchise Act, 1859."

Mr. Speaker ruled that the question of Privilege so raised was not in order, and that the Honble. Member whose return had been duly made to him by the Clerk of the Crown in Chancery proceed at once to take the oaths and declaration required.

Mr. Pidwell then took the oaths and his seat for Salt Spring Island and Chemainus, vice Mr. Dennes.

Mr. Young then rose to a question of Privilege and moved "That the qualification of the Honble. Member for Salt Spring Island and Chemainus be referred to an Election Committee."

Ordered that the election Committee (in re above) be balloted for, at next meeting of the House.

Mr. Young gave Notice of Motion—(Tariff Act /65 B. C.).

⁴⁶ Messages to House, 26 May 1865.

⁴⁷ Messages to House, 26 May 1865.

On motion of Mr. Young, 2nded by Dr. Dickson, it was Ordered "that a humble Address be presented to His Excy. the Governor praying that he will inform this House whether he has entered into any contract for direct Steam Communication between this port and San Francisco, by virtue of a Resolution of this House, dated 17 April last; and that His Excellency will be pleased to inform this House what the conditions are, if any such contract has been made." (Dissentiente Mr. Carswell).

Bills in Committee.

Spring Ridge Water Works Co. (Lim.) Bill.

Justices and Constables Fees Bill.

And "The Franchise Amendment Act 1866" as amended by the Honble.

L. C.

Dr. Trimble in Chair.

The Chairman reported

In regard to the 1st—the Bill complete as amended.

" " " " 2nd—Progress, and asked leave to sit again.

" " " " 3rd—Progress and asked leave to sit again.

Ordered that reports be agreed to respectively.

Ord. "that the Amendments by the Honble. L. Council to "The Franchise Amendment Act 1866" be printed.

The House then adjourned till Friday at 1 p. m.

J. S. Helmcken
Speaker.

Friday, the 1st day of June, 1866

A quorum not being present the House was counted out.

Present: Mr. Speaker and Messrs. Dickson, Young, Cochrane.

J. S. Helmcken
Speaker

Monday, the 4th day of June, 1866

A quorum not being present the House was counted out.

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

J. S. Helmcken
Speaker.

Tuesday, the 5th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dickson, Carswell, Cochrane, McClure, Pidwell, Powell, Stamp, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

A Communication (with enclosure) from H. Excellency the Governor dated 1st June, 1866, marked "confidential"⁴⁸ was read Strangers having been ordered to withdraw.

On motion of Dr. Dickson, seconded by Dr. Trimble, it was Ordered "that H. Excys. Communication (above) be considered, with H. Excys. Communication (No. 20) dated 26th Ult., in Committee of the whole House this day."

Ordered—that the House be again open to Strangers.

Bill read 3o. and passed.

Spring Ridge Water Works Co. (Lim.) Bill.

On motion of Mr. Young, 2nded by Mr. Cochrane, it was Ordered "that a humble Address be presented to His Excy. the Governor praying that he will lay before this House the views of H. M.s Government, if he has received them, respecting the 'Tariff Act, 1865' passed by the Legislature of British Columbia which Act virtually imposes differential duties on goods received from Vancouver Island at the ports of that Colony; also, praying His Excellency to inform this House what steps he has taken, if any, to prevent the said Act from receiving the sanction of H. M.'s Government."

On motion of Mr. Young, seconded by Dr. Dickson, it was Ordered "that the question of the property qualification of the Honble. Member for Salt Spring Island and Chemainus be referred to an Election Committee."

Committee was then balloted for, as follows: Mr. McClure (Chairman), Messrs. Carswell, Cochrane, Stamp, Tolmie.

The House then considered in Committee the Communications of His Excellency (No. 20) dated 26th May, 1866 and 1st June, 1866 (marked "confidential").

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be received, and leave granted."

Dr. Ash gave notice of motion.

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

J. S. Helmcken
Speaker

⁴⁸ Returns to House, 1 June 1866, transmitting a letter dated 31 May 1866 from the Manager of the Bank of British Columbia, J. G. Shepherd, informing him that the Government overdraft stood at \$79,567.00 and that no further advances would be made unless approved by the directors of the Bank.

Wednesday, the 6th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Pidwell, Tolmie, Trimble, Powell, Young.

The last minutes having been read and confirmed.

Dr. Trimble, from the Committee appointed to draft the "Supply Bill" brought up the Supply Bill (\$202,063.82).

Ordered that above Bill be considered at next meeting of House.

On motion of Dr. Tolmie (in the absence of Dr. Ash) seconded by Mr. Young—it was Ordered "that a humble Address be presented to His Excellency the Governor praying that he will cause to be laid on the table of this House a Return of the income and expenditure of the Crown Revenues of this Colony for the Years 1864 and 1865; showing the balance in hand, if any."

The House then went into Committee upon His Excellency's Communications (No. 20) dated 26th May 1866 and 1st June 1866 marked "confidential."

Dr. Trimble in the Chair.

The Chairman reported a Resolution "That the Committee consider it expedient and necessary to authorise the Governor to increase, by Ten thousand dollars, the debt due to the Bank of British North America and that a Bill be brought in making the security for the whole loan to be, a second charge upon the General Revenue of the Colony."

Ordered—that report be read 1o.

Bill in Committee.

A Bill entitled An Act to amend the Indian Liquor Act, 1860.

Dr. Powell in Chair.

The Chairman reported the Bill complete as amended.

Ordered that report be agreed to.

Dr. Tolmie gave Notice of Motion (State of the Colony).

The House then adjourned till tomorrow.⁴⁹

J. S. Helmcken
Speaker.

Friday, the 8th day of June, 1866

A Quorum not being present, the House did not sit.

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

J. S. Helmcken
Speaker

⁴⁹ According to the *Chronicle*, 7 June 1866, the House adjourned to Friday.

Monday, the 11th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, De Cosmos, Dickson, Pidwell, McClure, Powell, Tolmie, Trimble.

The last minutes having been read and confirmed.

A Communication (No. 22 dated 8th June 1866) from H. Excy. the Governor was read acknowledging receipt of Resolutions of this House dated respectively 17th April and 30th May 1866 on the subject of "direct Steam Communication with San Francisco" and stating in reply to the latter that H. Excy. had concluded a contract with the "California, Oregon, and Mexican Steamship Co." and the "California Steam Navigation Co." on virtually the same terms and conditions as with the H. B. Co. on account of the "Labouchere."

Also, A Communication (No. 23—dated 8th June 1866) from His Excellency the Governor in reply to a Resolution of this House, 5th June 1866, stating that H. Excy. is not in possession of the views of H.M.s Govt. respecting "The B. C. Tariff Act /65" [and] further, that H. Excy. has not found himself in a position to take any steps thereanent, beyond transmitting a memorial from the Victoria Chamber of Commerce.

Ordered "to lie on the table."

Mr. De Cosmos gave notice of motion, for next meeting of the House "That the House resolve itself into Committee forthwith to consider the condition of the defences of the Colony, and especially the advisability of organising the Militia for active operations in case of emergency."

On motion of Mr. De Cosmos, 2nded by Mr. Pidwell, Ordered that the Standing Orders of this House be suspended and that the following Resolution be transmitted to His Excy. the Governor, without the usual notice of motion.

Resolved "that H. Excy. the Governor be respectfully requested to communicate to the House his views respecting the Defences of the Colony, in view of the possibility of a Fenian Raid."

On motion of Dr. Tolmie, 2nded by Mr. McClure, it was Ordered "that at the next meeting this House will resolve itself into Committee to consider 'the State of the Colony'" (Dissentiente Dr. Dickson).

Bill read 3o. and passed.

"A Bill entitled An Act to amend the Indian Liquor Act, 1860" (Dissentiente Dr. Dickson).

The House then took under consideration and confirmed the Resolution reported from Committee of the whole House on the 6th Inst.: "authorising the Governor to increase the debt due to the Bank of British North America, by ten thousand dollars, and that A Bill be brought in making the security for the whole loan to be, a second charge upon the General Revenue of the Colony."

Mr. McClure from the Election Committee ordered by the House to examine and report upon the validity of the qualification (property) of the Honble. Member for Salt Spring Island and Chemainus reported "that the sitting member was legally qualified for a Seat in this House."

Dr. Ash gave notice of motion.⁵⁰

The House then went into Committee upon the Honble. L. C. Amendments to "A Bill entitled An Act to amend the Franchise Act, 1859."

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ord. that report be received and leave granted. Read 1o.

Appropriation Bill—"To apply two hundred and two thousand and Sixty three dollars and Eighty two Cents (\$202,063.82) 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 Six."

The House then adjourned till [tomorrow].

J. S. Helmcken
Speaker.

Tuesday, the 12th day of June, 1866

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

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

The last minutes having been read and confirmed.

A [confidential] Communication was read from H. Excy. the Governor, dated 12th June 1866—in reply to a Resolution of this House of yesterday—in re "The Defences of the Colony."

Ordered to be referred to Committee of the whole House.

Bill read 2o and committed—"Appropriation Bill \$202,063.82."

On motion of Mr. De Cosmos, 2nded by Mr. McClure, Ordered "that the House resolve itself into Committee of the whole forthwith to consider the condition of the defences of this Colony and especially the advisability of organising the militia for active operations in case of emergency."

The House then went into Committee upon the said last mentioned Resolution, as also upon H. Excys. Communication (12 June) above.

Mr. Pidwell in the Chair.

⁵⁰ Motion Book, 1865-66, p. 43: "That a humble Address be presented to H. E. the Governor praying that he will cause to be laid on the table of this House A Return of all salaries paid from the general, and Crown revenues inclusive from Jan. 1st 1866, Up to date."

The Chairman reported A Resolution "That the Committee recommend that a Bill be ordered to organise the Militia of the Colony":

That provision be made in such Bill for a Volunteer force.

That the Committee recommend that a Committee be appointed to frame the said Bill and to report the same without delay.

The Committee had also under consideration A Resolution of this House (11th inst) on the "State of the Colony."

The Chairman reported progress therein and asked leave to sit again.

Ord. that reports be agreed to respectively and leave granted.

In Comtee. The Honble. L. C. *Amendments* to "Franchise Act, 1866."

Dr. Trimble in Chair.

The Chairman reported the Bill complete with further Amendments.

Ord. that report be received and agreed to.

The House then adjourned till Thursday at 1 p. m.

J. S. Helmcken
Speaker.

Thursday, the 14th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Pidwell, Powell, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

Militia Bill—Messrs. De Cosmos, Pidwell, Tolmie, Ordered "to be a Select Committee to draft."

Mr. Pidwell gave Notice of motion (Returns Postal Departmt.).

Dr. Powell „ „ „ „ (Births M. D. Bill—for leave).

Mr. Pidwell „ „ „ „ (Returns Probate Court).

Order of the Day.

The order of the day having been read for the 3rd Reading of the Honble. L. C. *Amendments* to "Franchise Bill 1866"—as further amended by this House.

Dr. Dickson seconded by Mr. Young, moved that "that part of the Qualification Clause enacting 'possessing at and for 12 months immediately preceding the time of Election a yearly income of not less than fifteen hundred dollars' be recommitted."

For recommittal

Ayes: 4.

Messrs. Ash
Carswell
Dickson
Young

Noes: 6.

Messrs. De Cosmos
McClure
Pidwell
Powell
Tolmie
Trimble

The motion was therefore lost.

Dr. Dickson moved that the clause of Section VIII referring to "contracts under Government" being a disqualification be recommitted—Mr. Young seconded.

For recommitment

Ayes: 2.

Messrs. Dickson
Young

Noes: 8.

Messrs. De Cosmos
McClure
Pidwell
Powell
Tolmie
Trimble
Carswell
Young

The motion was therefore lost.

The Amendments by the Honble. L. Council (as amended by the Legislative Assembly) were read 3o. and passed.

On motion of Dr. Ash, 2nded by Dr. Trimble Ordered "that a humble Address be presented to His Excy. the Governor praying that he will cause to be laid on the table of this House a return of all salaries paid from the General and Crown Revenues from the first day of January, 1866, until the present date inclusively."

Strangers having been Ordered to withdraw The House then went into Committee upon "The State of the Colony."

Dr. Trimble in the Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be received and leave granted."

The House then adjourned till tomorrow.

J. S. Helmcken
Speaker.

Friday, the 15th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dickson, McClure, Pidwell, Powell, Tolmie, Trimble, Carswell, Young.

The last minutes having been read and confirmed.

The House took under consideration in Committee "The State of the Colony."

Dr. Trimble in the Chair.

The Chairman reported the following series of Resolutions.

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

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

2nd That the population of Vancouver Island & British Columbia which, exclusive of Indians, does not exceed ten thousand persons, cannot, with its other weighty liabilities, afford more than a Salary of £2000. for a Governor with proportionate Salaries for necessary heads of Departments.

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

4th The House, in transmitting the above to H. M.s Principal Secretary of State for the Colonies, feeling deeply the injury which both Vancouver Island and British Columbia are sustaining from the present State of uncertainty and suspense on the question of Union, would respectfully ask for a reply by Telegraph as to the intentions of H. M.s Government with regard to the matter during the present Session of the Imperial Parliament.

The House having taken the foregoing clauses (seriatim) into consideration, and having agreed to the same, Ordered "That the above Resolutions be transmitted to His Excellency the Governor praying that he will cause the same to be telegraphed forthwith to H. M.s Principal Secretary of State for the Colonies."

The Chairman also reported the following Address—

To the Rt. Honble. E. Cardwell, M. P.

H. M.s Principal Secretary of State for the Colonies &c. &c. &c.

Your Memorialists, the loyal Subjects of Her Majesty, the Members of the Legislative Assembly of Vancouver Island in Parliament assembled humbly beg to draw the attention of H. M.s Government to an Ordinance passed by the Governor and Legislative Council of British Columbia on the 15th day of Feby., 1865, Entitled "An Ordinance to amend the duties of Customs."

Your Memorialists would show that by the construction placed on that Ordinance in British Columbia it has been decided that Goods shipped from Vancouver Island are chargeable with higher duties than the same Goods shipped from any other Country; and this practice has been enforced since the passage of the Ordinance above referred to, to an extent almost amounting to a prohibition of trade with Vancouver Island. For example: a shipment of Goods arriving in British Columbia direct (say) from France invoiced at the Nett cost of £1000—or in other words the actual first cost of the Goods where purchased—is entered for duties at the nett cost aforesaid of £1000, and is charged with (say) 20 per ct. duty, as provided for by the Customs Regulations. The whole charge for duties, say 20 per ct., on £1000, will therefore be £200. Now if these same Goods or an Invoice exactly similar in price and quality is shipped from Vancouver Island and landed in British Columbia the process for assessing the duties would be as follows:

To the Nett Invoice Cost (say) in France, say £1000, is added 50 per Ct. or £500—making the Goods of the value of £1500, on which amount the duty of 20 per Ct. is charged, making the duty payable £300.

Thus; while the Shipment from France would be chargeable with duties amounting to £200, the Shipment from Vancouver Island would be chargeable with £300, or an increase of 50 per Ct. (!!!) on the amount of duties payable on precisely the same or similar invoices of Goods.

Your Memorialists, the Representatives of Vancouver Island, smarting under this mischievous Enactment, appeal against a practice which will inevitably overthrow the large and important British interests vested in this Colony. The 14th Paragraph of the Royal Instructions to the Governor of British Columbia expressly forbids the making of any law for imposing differential duties; yet, despite these instructions, the Ordinance referred to imposes really and virtually, tho' perhaps not nominally, a most onerous differential duty, which is rigorously enforced by severe penalties to the great injury of Vancouver Island, and without any benefit to British Columbia; the commerce chiefly benefitted thereby being that of San Francisco, California.

Your Memorialists, by this Petition desire to draw the attention of H.M.s Government to the real character and effect of the British Columbian "Ordinance to amend the Duties of Customs, 1865", conflicting as it does with the previous policy of H. M. Govt. in relation to these Colonies; to expose its insidious character its partial, unjust and oppressive operation on the trade and condition of this Colony, its tendency to ruin British Commercial interests on this Coast; and to induce H. M.s Government to disallow the Clauses in that Ordinance which virtually impose differential duties on the trade of Vancouver Island with British Columbia.

And Your Petitioners will ever pray—&c. &c. &c.

The House having taken under consideration and agreed to the Clauses in the preceding Address, seriatim, *Ordered* "that the Address be transmitted to His Excellency the Governor forthwith."

The House then adjourned till Monday next.

J. S. Helmcken
Speaker.

Monday, the 18th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dickson, McClure, Young, Powell, Pidwell, Tolmie, Trimble.

The last minutes having been read and confirmed.

Mr. Young gave Notice of Motion.⁵¹

On motion of Mr. Pidwell, 2nded by Dr. Trimble, *Ordered* "that a humble Address be presented to H. Excy. the Governor praying that he will cause to be laid on the table of this House information respecting the probable receipt and expenditure of the Postal Department for the current year; also, the income and expenditure on account of the Government Steamer 'Sir James Douglas' during the present year."

⁵¹ Motion Book, 1865-66, p. 44: "That as this House, to be enabled to pass a proper Bill of Supply, deems it absolutely necessary, to be put in possession of all possible information respecting the financial condition of the colony, an Humble Address be presented to His Excellency the Govr. praying that he will cause to be obtained forthwith from the treasurer to be laid before this House, a statement of the receipts of the colonial revenue from the various sources & of the disbursements that have been made from it, during the portion of the fiscal year which has elapsed up to date."

On motion of Mr. Pidwell, 2nded by Mr. De Cosmos, Ordered "that the Returns of the 'Probate Court' sent down to this House in His Excys. Communication 9th March, 1866, in compliance with an address of this House (30 Novr. /65) be referred to Committee of the whole House."

Revised Lists of Voters 1866—Communication from Revisor transmitting (dated June 1866) received and read.

A Communication (No. 24, 18th June) was received fm. His Excy. the Governor in reply to certain Resolutions of this House (15th June) upon the "State of the Colony" as follows:

No. 24

Vancouver Island
Government House, 18th June, 1866

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

I have the honor to acknowledge the receipt of your Resolutions on the State of the Colony which passed the Legislative Assembly on the 15th June 1866, accompanied by a request that I would cause the same to be telegraphed forthwith to H. M.'s Secretary of State for the Colonies.

I apprehend that any Resolutions of one branch of the Legislature having for their object a change in the form of Government and Union of this Colony with British Columbia would be valueless without the concurrence of the other Branches of the Legislature and that I should render myself responsible for the establishment of an irregular and inexpedient precedent, if I transmitted these Resolutions (passed as I understand in secret Session) without affording the Legislative Council an opportunity of expressing an Opinion upon them.

I am directed by the instructions laid down for my guidance to accompany all communications entrusted to me for transmission to H. M.'s Government by such report as their contents may appear to require. This manifestly cannot be done by telegram.

I have now submitted these Resolutions to the Legislative Council, and, on receiving the opinion of that Body, will lose no time in transmitting them with my report thereon to H. M.'s Secretary of State for the Colonies.

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

Also A Communication (No. 25, 18 June) acknowledging receipt of An Address from this House (6th June) for "A Return of the Income and Expenditure of the Crown Revenues of this Colony for years 1864 & 1865 and showing the Balance in hand, if any."

No. 25

Vancouver Island
Government House, Victoria, 18th June, 1866

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 for a Return of the income and expenditure of the Crown Revenues of this Colony for the Years 1864 and 1865 and showing the balance if any. In reply I have the honor to state that I am acting under instructions from H. M.'s Government as to the management and disbursement of the Crown Revenues of this Colony and a compliance with the address of the Legislative Assembly would be a virtual recognition of an authority on the part of the Assembly to deal with funds the responsibility of the management of which the

Legislature has on various occasions declined to accept. The Address does not disclose the object for which the information is sought.

It would afford me great satisfaction to receive an assurance that the Legislative Assembly had entered upon the final Settlement of this question as recommended in my Address on the 28th Novr. last, and with such An Assurance I should be willing to take upon myself the responsibility of furnishing any information not already before the Assembly.

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

Ordered that the before mentioned *Communications* be referred to *Committee* of the whole House forthwith.

The House then went into *Committee* to consider the two last mentioned *Comtns.* from His Excy. the Governor, with "The State of the Colony."

Dr. Trimble in Chair.

The Chairman reported progress & asked leave to sit again.

Ord. that report be received and leave granted.

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

J. S. Helmcken
Speaker.

Tuesday, the 19th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, De Cosmos, Dickson, McClure, Powell, Tolmie, Pidwell, Trimble, Young.

The last minutes having been read and confirmed.

Communications were received from the Honble. L. Council transmitting the following *Bills*.

"A Bill entitled An Act to amend the Law of Arrest and Imprisonment for debt" and "The Homestead and Exemption from Execution Act, 1865" as amended by the Honble. L. Council.

The above *Bills* were read 1o. respectively, and *Ordered* respectively to be printed.

Mr. McClure gave Notice of Motion—*Committee* Police Departmt.

On motion of Mr. Young, 2nd by Dr. Powell, it was Resolved "That, as this House, to be enabled to pass a proper Bill of Supply, deems it absolutely necessary to be put in possession of all possible information respecting the financial condition of the Colony, a humble Address be presented to His Excellency the Governor, praying that he will cause to be obtained forthwith from the Treasurer, and to be laid before this House a statement of the

receipts of the Colonial Revenue from the various sources and of the disbursements that have been made from it, during the portion of the fiscal year which has elapsed up to date.”

On motion of Dr. Powell, 2nded by Dr. Dickson Ordered “that leave be granted to introduce a Bill respecting the Registration of Births, Marriages and Deaths in Vancouver Island.”

Read 1o. “A Bill Entitled An Act to enable the Governor of Vancouver Island to borrow the Sum of Ninety thousand dollars upon the Security of the General Revenue of the Colony.”

On question “that above Bill be now read 1o.” The House divided.

Ayes: 6.

Noes: 4.

Messrs. Ash

Messrs. Cochrane

De Cosmos

Dickson

McClure

Trimble

Pidwell

Young

Powell

Tolmie

The Bill was then read 1o.

House in Committee upon “The State of the Colony.”

Dr. Trimble in Chair.

The Chairman reported that the Committee having had under consideration His Excellency’s Communication (No. 25, dated 18th June, 1866) in reply to an address of this House praying for a Return of the Income and Expenditure of the Crown Revenues of this Colony for the years 1864 and 1865, had Resolved

That this House regrets that His Excellency the Governor should decline to give information respecting the Crown Revenues unless the House gives His Excellency the assurance that it is disposed to enter on the final settlement of the question of the Crown Lands.

That this House, with reference to the observation of His Excellency “that the Address does not disclose the object for which the information is sought,” respectfully informs His Excellency that it believes that it is one of its privileges to ask for information, without disclosing its reasons for so doing.

That this House respectfully reiterates its request for the information already sought; to which it is clearly entitled.

The Chairman also reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

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

J. S. Helmcken
Speaker

Wednesday, the 20th day of June, 1866

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

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

The last minutes having been read and confirmed.

A Communication (No. 26, dated 19th June, 1866), from His Excellency the Governor, was read—acknowledging receipt of a Memorial from this House (15th June) to the Rt. Honble. the Secretary of State for the Colonies, and stating that His Excellency will transmit the said Memorial, by the earliest opportunity.

On motion of Mr. McClure, seconded by Dr. Trimble, Ordered “that a Select Committee be appointed, with power to send for persons and papers, to enquire into the condition of the Police Department of Vancouver Island.”
Comtee. appointed: Messrs. McClure, Trimble, Pidwell.

The Resolutions reported yesterday from Comtee. of the whole House on the subject of H. Excys. Communication (No. 25—18 June) in reply to an Address of this House (6th June) for “A Return of the Income and Expenditure of the Crown Revenues of this Colony for the years 1864 and 1865” having been taken up seriatim and agreed to, were Read 2o. and confirmed.

On question proposed and put that “The Temporary Loan Act, 1866” (\$90,000.00) be now read 2o. The House divided.

Ayes: 5.

Messrs. De Cosmos
McClure
Powell
Tolmie
Trimble

Noes: 3.

Messrs. Cochrane
Dickson
Young

The Bill was then read 2o. and committed.

Strangers having been ordered to retire—the House went into Committee to consider certain Communications (No. 24 and 25/66) from His Excellency the Governor, with “The State of the Colony.”

Dr. Trimble in the Chair.

The Chairman reported that the Comtee. having had under consideration His Excellency’s Communication “No. 24 18th June /66” in reply to certain Resolutions passed by this House on 15th June /66 upon “The State of the Colony” had ordered him to report the following Resolution, which Resolution is to be added to the Resolutions of the 15th June, as follows:

By unanimous Resolution Mr. Speaker is ordered to telegraph the foregoing Resolutions because the Governor declines telegraphing them unless approved by the Honble. Legislative Council, five-eighths of whom are official Members.”

The Chairman also reported that the Committee recommend that the following reply be sent to H. Excellency’s Communication “No. 24, 18th June, 1866.”

The House begs respectfully to acknowledge receipt of His Excellency's Despatch "No. 24 dated 18th June, 1866."

The House is surprised to find that His Excellency should have considered it expedient to lay the Resolutions (15th June) before the Honble. Legislative Council, instead of telegraphing them to their destination as desired by the House.

The House is of opinion that the Resolutions should not have been sent to the Honble. Legislative Council, as the House only intended to express its own opinion (in advance of a Memorial upon the same subject) and requested the same to be sent by Telegraph, because, if sent by Steamer, the Imperial Parliament would have been prorogued before such Resolutions could have reached their destination.

The House moreover considers that such Resolutions should not be sent to the Honble. Legislative Council, five-eighths of that Honble. Body being Officials. It is hardly right to ask official Members to give a decision upon a question materially affecting their own interests.

The House deeming the Resolutions to be of the utmost importance at the present moment from the fact that the question of Union is under the consideration of H. M.s Govt. and that H. M.s Govt. is liable to be influenced by persons inimical to the best interests of Vancouver Island and British Columbia, as well as (tho' perhaps unwittingly) to Imperial Interests has adopted the following Resolution which has been added to the Resolutions (15th June) and, along with those Resolutions—Ordered to be telegraphed to the Right Honble. The Secretary of State for the Colonies viz.: "By unanimous Resolution Mr. Speaker is ordered to telegraph the foregoing Resolutions, because the Governor declines telegraphing them unless approved by the Honble. Legislative Council, five-eighths of whom are Officials."

The House regrets that His Excellency's determination should have compelled the adoption of this unusual course; but, at the same time feels convinced not only of the necessity but also of the propriety of the steps taken.

Ordered "that report be received and read 1o.—the clauses in the above Resolutions having been taken up seriatim and agreed to unanimously."

On motion of Dr. Trimble, seconded by Mr. McClure, The Standing Orders of the House were suspended, & The Report of the Comtee. of the whole House (above) was Read 2o. and confirmed.

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken
Speaker.

Thursday, the 21st day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dickson, McClure, Powell, Cunningham, Tolmie, Trimble, Pidwell, Young.

The last minutes having been read and confirmed.

On motion of Dr. Powell, 2nd Dr. Dickson "A Bill respecting the Registration of Births, Deaths, and Marriages" (being a Money Bill) was Ordered "to be referred to a Committee of the whole House."

The House then went into Comtee. of the whole to consider "The State of the Colony."

Dr. Trimble in the Chair.

The Chairman reported the following Address.

TO THE QUEEN'S MOST EXCELLENT MAJESTY,

Most Gracious Sovereign:

We, Your Majesty's most dutiful and loyal subjects the Commons House of Assembly of Vancouver Island in Parliament assembled, in full assurance of Your Majesty's earnest desire to promote the welfare of your people, beg leave humbly to address ourselves to Your Majesty upon matters of the deepest interest to your faithful subjects in this Colony.

We humbly represent that, desirous of reaching the foot of the Throne before the recess of Parliament, we transmitted by telegraph on the 20th June to Your Majesty's Principal Secretary of State for the Colonies, a few brief resolutions on the condition of this Colony, which His Excellency Governor Kennedy declined to transmit, unless approved by the Legislative Council, urging immediate union of Vancouver Island and British Columbia under a liberal Constitution, and we would now respectfully submit, for the consideration of Your Most Gracious Majesty, the following more detailed views on the same subject.

We would, in the first place, state that both Vancouver Island and British Columbia are at present suffering grievously from a variety of evils, some of which are the inevitable results of circumstances incident to new Colonies; others arising from the continued separation of Vancouver Island and British Columbia, by which a system of legislation has been adopted in the Legislative Council of the latter colony hostile alike to Imperial and Vancouver Island interests; and others, again, flowing from the unnecessarily expensive and highly impracticable systems of government of both Colonies, which, while oppressing the people with an insupportable burthen, have, at the same time, prevented the passage of liberal and necessary laws to promote the settlement and development of the country. The first of these evils are of such a nature, as will gradually effect their own cure, but the second and third are entirely under the control of Your Majesty's Government, and it is with the earnest hope that Your Most Gracious Majesty will be pleased to grant such relief as in Your Majesty's judgment may be deemed expedient, that we humbly pray:

1st—For immediate Legislative Union of Vancouver Island and British Columbia—countries which we believe were only placed temporarily under different Governments through Imperial expediency. The interests of the Island and the mainland have always been, and are, identical; not merely from the fact of these communities trading with each other and owning allegiance to the same authority, but also from their being dependent on each other in the most absolute sense. From 1858 population and capital have been gradually centering in Vancouver Island, and it is from these two elements, principally, that the mineral resources of British Columbia have been and are being developed. It is from Vancouver Island, mainly, the capital flows that brings to light the hidden wealth of Cariboo and other gold-fields; it is from the same source the majority of the mining population of British Columbia, who reside in Vancouver Island the greater portion of the year, is obtained. It will thus be seen that Vancouver Island's interest in the mainland is more than an ordinary interest, and that what affects the prosperity of the latter colony, whether it be the enormous expenses of its Government or the ill judged and unpopular character of its laws, acts in a corresponding degree on the former. How deep the interest in which British Columbia feels in Vancouver Island will be best ascertained by a perusal of the petition for Union forwarded some time ago by the Administrator of the Government of British Columbia to Your Majesty—signed, as it was, by all the principal merchants, manufacturers, miners, traders and farmers in the neighboring colony.

2nd. We would further state that while the combined population of both colonies, exclusive of Indians, who contribute in some degree to the Revenue, does not exceed 10,000 persons, the expenditure of the two Governments amounts, in the aggregate, to nearly £200,000 a year. It is scarcely necessary to point out to Your Majesty, the unparalleled and ruinous character of the taxation required to support such an outlay, and the absolute necessity for a form of Government that will bear more lightly on the inhabitants, and afford them more effective means to check extravagance. In British Columbia, as Your Majesty's government is aware, the Government is carried on by a Legislative Council consisting of ten official, and five unofficial members. The system virtually stifles public sentiment, as, from causes which are inseparable from an overwhelming official influence in a Legislative Chamber in a young country, the usefulness as well as independence of the nonofficial members is seriously impaired. Salaries are raised and expenses incurred under such a state of things that could never be done under a more liberal and responsible form of Government. The Constitution of Vancouver Island is free from some of the evils which exist in the Constitution of the neighboring colony, but the unduly official and Nominative character of the Upper House has created serious dissatisfaction throughout the colony, the members acting in direct antagonism to the Assembly, and throwing out, session after session, measures which the public interest loudly and persistently demands. By such determined hostility to the Lower House, as this irresponsible body has evinced, and the refusal of the Governor to grant necessary information to the Assembly on matters affecting the vital interests of the colony, the welfare of the country has been deeply injured and the Legislative Assembly reduced almost to a nullity. We would, therefore, pray, that in uniting the two colonies Your Majesty's Government will be graciously pleased to grant to the people such a Constitution, as will, while reserving to the Crown every prerogative consistent with representative Government, enable them to control the manner and amount of the taxation and expenditure, and, if necessary, prevent the official element acting to the country's detriment by hostility to the people and their representatives. As one portion of the great expenditure above stated, we would humbly represent that the salary of the Governor of British Columbia was raised by the Legislative Council of that colony, to Four Thousand Pounds a year, and one thousand per annum are allowed for travelling expenses. The salary of the Governor of Vancouver Island is Three Thousand Pounds. For each, at great expense, a house is maintained and each has a Private Secretary. With a view to laying down the ground work of economy in the Government of the country, we would respectfully submit for Your Majesty's consideration the following Civil List, for the united colonies, an amount as great as with the present serious liabilities and the ever recurring need for internal improvements in both colonies, can, we believe for some years hence be afforded:

Governor	£2,000
Two Judges	2,400
Colonial Secretary	600
Surveyor General	500
Collector of Customs	600
Attorney General, with permission to practice	400
Treasurer	500

Total	£7,000

It would, however, be extremely difficult to construct and sustain an economical and useful Government, after the two colonies shall have been united, unless they shall be presided over by a Governor, not in any way interested in the continuance of a system which has grown up during the past years of improvidence and disregard of popular rights, possessed of large experience in the affairs of colonies enjoying Representative Institutions, and one whose cordial co-operation with the people's representatives might be relied on; for it has been found impossible to effect any very perceptible retrenchment under existing circumstances.

We would express our belief that, with Representative Institutions and an economical Government suited to their financial ability, the colonies will, after Union, advance in a steady and sure course of prosperity. Their progress would be greatly

promoted by the opening of communication from the Pacific to the fertile plains and auriferous streams of the Saskatchewan country east of the Rocky Mountains. This has already, to a considerable extent, been effected by governmental and private enterprise, and a further advance eastward will probably soon be made; but, as part of the projected highway between the Atlantic and Pacific, thus undertaking from its important bearing on Imperial interests, may yet claim aid from Your Majesty's Government.

Another measure, which would greatly benefit the united colonies, is steam communication with Panama, and connection at that port with the West India Steamship Company's line from England to Aspinwall. This we are informed will be furnished by the above named Company, provided they are guaranteed annually £20,000, or eight per cent on the amount of capital deemed necessary for the undertaking.

Such a connection would greatly foster British interests, as well as British sentiment in this part of the world, besides paving the way for greater undertakings of the kind in future, having in view connection between Confederated British North America and the rich and populous countries on the Asiatic shores of the Pacific.

Referring with pride to the great, and, for the small number of tax payers, unprecedented efforts heretofore made by both colonies; in self-support and internal improvements, We profoundly regret that it will be out of our power to procure the vast advantage of the Steam Communication above mentioned, unless Your Most Gracious Majesty's Government should be pleased to extend a helping hand to these young and struggling colonies, believing, as we do, that if it assumes one-half the expense, the Mother country will reap its full share of the benefit.

Without connection with the Mother country by means of Mail Steamers, the progress of these Colonies is greatly retarded; and so deeply is this felt by the people, that large sums are now paid to a foreign steamboat company by each colony to keep up connection with California, although the compensating advantages arising from this outlay cannot be compared with those that would result from subsidizing a British line of steamers between Panama and these colonies.

With faith in the mineral and other numerous resources of British Columbia and Vancouver Island, which are gradually being developed under great difficulties, and feeling the most unbounded confidence in the Maternal Solitude of Your Most Gracious Majesty for the wellbeing of all your loyal subjects, we believe that the present appeal for such institutions and other reasonable aid as will conduce essentially to the welfare and happiness of the United Colonies, will not be made in vain.

And we, Your Majesty's loyal and devoted subjects, as in duty bound, will ever pray.

Ordered "that report be received and read 1o."

On motion of Dr. Trimble, 2nded by Dr. Tolmie, it was Ord. "that the Standing Orders of this House be suspended, in order to expedite the 2nd Reading of the preceding Address."

The Address to the Throne was then read 2o. and agreed to unanimously.

On motion of Dr. Trimble, 2nded by Mr. McClure, it was "Ordered—that the Address be transmitted to His Excy. the Governor forthwith, with a respectful request that he will be pleased to forward the same to H. M.s Principal Secretary of State for the Colonies by the earliest opportunity."

A Communication (No. 27, [dated] 22, 6, '66) was read from His Excellency the Governor, acknowledging receipt of further Resolutions of the House (19th June) requesting certain detailed information concerning the Crown Revenues of the Colony; and stating, in reply thereto, that His Excy. does not feel justified in affording the information required unless with a view to the final Settlement of the question; enclosing also a despatch dated 12 Sep. [Oct.] 1865 from the Rt. Honble. the Secretary of State for the Colonies.

Dr. Ash gave Notice of Motion.⁵²

The House then adjourned till Monday.

J. S. Helmcken
Speaker

Friday, the 22nd day of June, 1866⁵³

Speaker took his seat at 1:20 p. m.

Present: Dr. Cosmos, Powell, McClure, Young, Tolmie, Trimble, Dickson, Ash, Cunningham, and Pidwell.

The following message was received from His Excellency the Governor:

[No. 27]

Vancouver Island,
Government House,
Victoria, 22nd June, 1866.

To the Honorable the Speaker and Members of the Legislative Assembly.
Gentlemen,

I have the honor to acknowledge the receipt of further resolutions of the Legislative Assembly requesting certain detailed information relative to the Crown Revenues of this Colony.

The nature of the instructions laid down for my guidance in the administration of those funds may be gathered from the accompanying despatch of Her Majesty's Secretary of State for the Colonies, and I regret that I do not feel justified in supplying to the House, unless with a view to the final settlement of the question, details which are reserved only for the consideration and approval of Her Majesty's Government.

I have the honor to be,
Gentlemen,
Your most obedient servant,
A. E. Kennedy,
Governor.

Downing Street,
12th October, 1865.

Sir:

As the late proceedings of the House of Assembly of Vancouver Island are not calculated to inspire confidence in obtaining repayment of advances made out of the Crown funds, I consider it advisable to instruct you not to make any further issues from that source, except for purposes specially sanctioned by me. You will continue to pay salaries of yourself and the Colonial Secretary. You will also be at liberty to pay part of the Surveyors salary: viz. so much as is fitting remuneration for services rendered to the Crown Revenue. But that officer if not paid from the General Revenue will, I consider, be at liberty to

⁵² Motion Book, 1865-66, p. 45: "That a humble address be presented to H. E. the Governor praying that he will inform this House if any repayment has been made of the sum alleged to be due from the General to the Crown revenue, or of any portion thereof, and if so, that he will be pleased to cause to be laid on the table of the House a return of the amount so repaid and the dates of repayment."

⁵³ The Minutes for this sitting were omitted from the original by the clerk. These are taken from the *Colonist*, 23 June 1866.

refuse to perform that part of his duties, which would be properly paid out of that source. You will also be at liberty to make from the Crown Revenues such payments as may be necessary for its own administration, maintenance and increase. Subject to these payments the Crown fund must be carefully husbanded to meet liabilities resembling that incurred for the Lighthouses, in which the interest or credit of the Crown is concerned, and which the Legislature refuses to adopt.

I have &c.
(Signed) Edward Cardwell

When the Speaker had concluded reading the last despatch, there was considerable merriment and exclamation from all sides of "what has that to do with the question?"

The House again resolved itself into committee of the whole for the consideration of an address to the Throne, explanatory of the telegrams recently forwarded to the Colonial Office.

The Address was reported and adopted by the House, and the House adjourned till Monday, at one p. m.

Monday, the 25th day of June, 1866

A Quorum not being present, the House did not sit.

Present: Mr. Speaker and Mr. Pidwell.

Speaker

Tuesday, the 26th day of June, 1866

A Quorum not being present, the House did not sit.

Present: Mr. Speaker and Messrs. Pidwell, Tolmie, De Cosmos.

J. S. Helmcken
Speaker.

Wednesday, the 27th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, De Cosmos, Dickson, Carswell, McClure, Powell, Stamp, Tolmie, Trimble, Pidwell, Young.

The last minutes having been read and confirmed.

The following *Communication* was read from His Excy the Governor.

[No. 28]

Vancouver Island
Government House,
Victoria, 22nd June, 1866

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

I have the honor to submit for the consideration of the Legislative Assembly a comparative statement of the estimated and the actual expenditure for the Year 1865 showing in detail the various services for which larger amounts were expended than were voted, and, likewise, the services for which the expenditure was less than the amounts voted. I also transmit a comparative Statement of estimated Revenue and Revenue received for 1865, a comparative statement of estimated and actual expenditure for 1865, and, Recapitulations of Revenue received and payments made during 1865. It is satisfactory to me to be able to point out that the total Expenditure for the year 1865 fell short of the total amount voted by \$46,264.07. Legislative authority being necessary to cover the expenditure (\$26,581.64) in excess of the sums voted, I enclose for the consideration of the House A Bill for that purpose. I shall be glad to furnish any further information, the House may require.

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

Ordered "to lie on the table."

A *Communication* "No. 29" dated 26th June, 1866, from His Excellency the Governor, was read, acknowledging receipt of a Resolution of this House dated 19th Inst. calling for "a Statement of the receipts of the Colonial Revenue from the various sources and of disbursements that have been made from it during the portion of the fiscal year which has elapsed up to date; and stating in reply that the same shall be prepared and transmitted with the least possible delay."

A *Communication*, dated June 25th 1866, was read from the Honble. Legislative Council transmitting "An Act to amend the Franchise Act, 1859" with further amendments by the Honble. Legislative Council to the Amendments of this House thereto.

On motion of Mr. McClure, 2nded by Dr. Trimble Ordered—that the above Bill and Amendments be returned to the Honble. L. Council, not agreed to.
Dissentientibus Messrs. Dickson, Young.

Mr. Cochrane gave Notice of Motion.⁵⁴

A *Communication*, dated June 26th 1866, was read from the Honble. Legislative Council transmitting "A Bill Entitled An Act to regulate the number of persons required to form a Coroners Jury in Vancouver Island and its Dependencies."
Ordered "that above Bill be read 1o."

⁵⁴*Daily British Colonist and Victoria Chronicle*, 28 June 1866: "Mr. Cochrane gave notice that he would move that a Committee be appointed with power to send for persons and papers to consider and report upon the manner in which the provisions of an Act to amend the Real Estate Tax Act, 1860, have been carried out by the Government in the disposition by public auction, of the property of alleged defaulting tax payers, and what steps if any, are necessary to be taken to remedy grievances complained of."

In Committee "Temporary Loan Act, 1866" (\$90,000).

Chairman of Ways & Means in Chair.

The Chairman reported progress and asked leave to sit again.

Ord. "that report be received and leave granted."

In Comtee.—"The Appropriation Bill"—(\$202,063.82).

Chairman of Ways and Means in Chair.

The Chairman reported A Resolution "that the Comtee. recommend to the House that the Standing Orders be suspended in regard to the above Bill."

Ord. "that report be received."

The question "that the Standing Orders be suspended" having been proposed and put, and having been resolved in the affirmative, the House went into Comtee. upon the last mentioned "Appropriation Act, 1866" (\$202,063.82).

Chairman of Ways & Means in Chair.

The Chairman reported progress and asked leave to sit again.

Ord. "that report be received and leave granted."

Dr. Dickson gave Notice of Motion.⁵⁵

The House then adjourned till Friday at 1 p. m.

J. S. Helmcken
Speaker.

Friday, the 29th day of June, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Dickson, De Cosmos, McClure, Powell, Pidwell, Stamp, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

Mr. Young rose to a question of Privilege, to correct a mis-statement made in the "British Colonist and Victoria Chronicle" Newspaper, to the effect "that the Audited Accounts asked for by Address to His Excellency the Governor had been sent down to this House"—he objected that such had not really been the case, as the Comparative Statements and Recapitulations transmitted in His Excys. *Communication* "No. 28—1866" did not convey the information sought for and required by this House.

On motion of Dr. Ash, 2nded by Dr. Trimble, Ordered "That a humble Address be presented to His Excellency the Governor praying that he will inform this House if any repayment has been made of the sum alleged to be due from the General to the Crown Revenue, or of any portion thereof; and if so, that

⁵⁵ Motion Book, 1865-66, p. 45: "That His Excellency the governor be respectfully requested to have laid before this House, as soon as possible, the details of the various payments made under 'Heads of Expenditure' in statement numbered 3, accompanying a communication from His Excellency dated 22nd June 1866."

he will be pleased to cause to be laid on the table of the House a return of the amount so repaid and the dates of repayment.”

On motion of Dr. Dickson, seconded by Mr. Young, Ordered “that a humble Address be presented to His Excellency the Governor praying that he will cause to be laid upon the table of this House, at as early a date as possible, the details of the various payments made under ‘Heads of Expenditure’ in Statement No. 3, accompanying a Communication from His Excellency the Governor “No. 28, dated 22nd June, 1866.”

Notices of Motion. Dr. Ash.⁵⁶

„ „ „ Mr. McClure.⁵⁷

In Committee “The Appropriation Act, 1866.”

The Chairman of Ways and Means in Chair.

The Chairman reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

The House then adjourned till Monday.

J. S. Helmcken
Speaker.

Monday, the 2nd day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Powell, Pidwell, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

Mr. McClure from the Select Committee appointed by the House to examine and report upon the condition of the Police Department of Vancouver Island, reported “that Mr. Hankin, Superintendent of Police, had not appeared before the Committee, altho’ summoned to do so, by warrant of the Chairman.”

Mr. McClure moved, seconded by Dr. Trimble, “That this House make an order for the immediate appearance of Mr. Philip Hankin of the Police Department at the Bar of this House.”

In reply to Mr. McClure, Mr. Speaker stated that he would not take upon himself the responsibility of issuing a Warrant for the arrest of Mr. Hankin, the legality of such a course being open to question.

⁵⁶ Motion Book, 1865–66, p. 46: “That a humble address be presented to His Excellency the Governor praying for a return of the difference between the amounts voted by this House and the Revenue of the Colony during the years when the alleged debt of the general to the Crown Revenue was extracted.”

⁵⁷ Motion Book, 1865–66, p. 46: “I give notice that I will move at the next meeting of the House that His Excellency be respectfully requested to inform the House if the Address of the Assembly on the state of the Colony has been transmitted to Her Majesty.”

Dr. Powell moved An Amendment, seconded by Mr. Cochrane, "That a humble address be presented to His Excellency the Governor praying that he will cause the appearance of Mr. Hankin before a Select Committee of the House appointed to enquire into the condition of the Police Department of Victoria, Vancouver Island, to give evidence respecting the management of the Police Department of this Colony at 11 a. m. tomorrow, 3rd July, 1866."

The Amendment was then put as against the original Resolution.

For the Amendment

Ayes: 5.

Messrs. Trimble
Young
McClure
Carswell
Dickson

Noes: 5.

Messrs. Ash
Tolmie
Cochrane
Pidwell
Powell

Mr. Speaker voted with the "ayes" in favor of the Amendment which was therefore carried.

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken
Speaker.

Tuesday, the 3rd day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Powell, Pidwell, Stamp, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

Mr. Speaker informed the House that he had waited upon His Excellency the Governor in relation to the abstract of accounts required by the House, and that His Excellency had stated that there was not any person whom he could employ to copy the said abstract without incurring a special charge—unless the House deputed the Clerk of the House to do so, a course to which he would not in any way object.

A Communication "No. 30"⁵⁸ was read from H. Excy. the Governor referring to a previous Message marked "confidential," and dated 1st June, 1866—asked for information as to what course the Legislative Assembly would pursue in relation to the overdraft at the Banks.

Also A Communication "No. 31" dated 2nd July, 1866, stating in reply to An Address of this House that His Excellency could not permit Superintendent Hankin to appear before a Select Committee of this House appointed to

⁵⁸ Messages to House, 2 July 1866, enclosing a letter from Chief Justice Joseph Needham, 15 June 1866, stating that the salaries of officers of his Court had not been paid for the month of May.

examine and report upon the condition of the Police Department of Vancouver Island as His Excellency had not yet received from this House or from any other source any complaint in respect of the management of the Police Force, &c. &c.

On motion of Dr. Powell, Strangers were ordered to withdraw for the purpose of deliberating upon His Excellency's *Communication* "No. 30" above.

The House being again open to Strangers.

Mr. McClure from the Select Committee appointed by the House to examine and report upon the condition of the Police Department of Vancouver Island asked the House to authorise the admittance of the Press and Public to the proceedings of the Committee.

Ordered "that leave be granted."

On motion of Mr. Cochrane, seconded by Mr. De Cosmos, Ordered "That a Committee be appointed, with power to send for persons and papers to consider and report upon the manner in which the provisions of 'An Act to amend the Real Estate Tax Act, 1860' have been carried out by the Government in the disposition by public auction of the property of alleged defaulting tax-payers and what steps, if any, are necessary to be taken to remedy grievances complained of."

Comtee.: Messrs Cochrane, Ash, Pidwell.

The Order of the day having been read for the House to go into Committee upon the Appropriation Bill (\$202,063.82).

On motion of Dr. Dickson, seconded by Mr. McClure The Order of the Day was discharged—to admit of the House taking into consideration His Excellency's Message No. 31, dated 2nd July, 1866.

The House then deliberated upon His Excys. Message No. 31 dated 2nd July, 1866.

Mr. McClure, 2nded by Mr. Young moved "that an Order for the immediate appearance of Mr. Philip Hankin of the Police Department at the Bar of this House, be issued."

Mr. Speaker ruled "that this House has not any legally constituted right to arrest persons—the law being above the House, the person signing such a warrant as that proposed would incur a responsibility which he declined to incur."

On motion of Mr. De Cosmos, 2nded by Dr. Tolmie—(Mr. McClure having obtained leave to withdraw his *Resolution*) it was "Ordered that a *Committee* of 3 be appointed to report without delay on the laws and customs of Parliament as to the right of this House to enforce the attendance of a person before a Select Committee of the same."

Select Comtee.: Messrs. De Cosmos, Dickson, Tolmie.

C. B. Young, Esqre. was appointed upon a Select Committee to enquire into the Expenditure of 1865 vice Duncan (absent).

House adjourned till Thursday at 3 p. m.

J. S. Helmcken
Speaker.

Thursday, the 5th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, Pidwell, Powell, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

A Communication "No. 32" dated 4th July, 1866, from His Excellency the Governor, was read—enclosing, in accordance with the prayer of An Address of this House dated 19th June, 1866, "A Statement showing the receipts of Revenue and Disbursements therefrom up to that date."

Order of the Day—In Committee

"A Communication 'No. 30' from His Excellency the Governor referring to a previous Message marked 'confidential' and dated 1st June, 1866, asking for information as to what course the Legislative Assembly would pursue in relation to the overdraft at the banks" together with "An Act To enable the Governor of Vancouver Island to borrow the Sum of Ninety thousand Dollars upon the security of the General Revenue of the Colony."

The Chairman "Ways and Means" in Chair.

The Chairman reported that the Committee having had under consideration His Excys. Message "No. 30" (above), together with "An Act to enable the Governor of Vancouver Island to borrow the sum of Ninety thousand dollars upon the Security of the General Revenue of the Colony" begged to report the said last mentioned Act, complete as amended.

Ordered that report be received and agreed to.

In reply to Dr. Trimble, who, in the absence of the Chairman of the Select Committee appointed to examine into and report upon the condition of the Police Department of Vancouver Island, asked leave that the minutes of Evidence taken before the Committee be published in the daily Newspapers.

Mr. Speaker decided "that it was not desirable that that Evidence, being *ex parte*, should be published."

Dr. Dickson gave Notice of Motion.⁵⁹

The House then adjourned till tomorrow at 3 p. m.

J. S. Helmcken
Speaker.

⁵⁹ Motion Book, 1865-66, p. 47: "That in order in the future to prevent the Government of this Colony from borrowing money without Legislative authorization, this House declares its deliberate resolution not to recognize any such loans in the future without they have been previously sanctioned by law."

Friday, the 6th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, De Cosmos, Dickson, Powell, Pidwell, Stamp, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

Dr. Dickson rose to a question of Privilege—to correct any misapprehension which might arise from the report in the “Colonist and Chronicle” Newspaper of a speech made by him in Committee yesterday upon “The Temporary Loan Act /66.”

On question proposed and put “That the ‘Temporary Loan Act, 1866’ (\$90,000.) be now read 3o.” The House divided.

Ayes: 6.

Messrs. De Cosmos
Pidwell
Powell
Stamp
Tolmie
Trimble

Noes: 2.

Messrs. Dickson
Young

“The Temporary Loan Act, 1866” (\$90,000.) was then read 3o. and passed.

A Communication “No. 33” dated “Victoria, 6th July, 1866” was read from His Excellency the Governor “directing the attention of the Legislative Assembly to certain facts having relation to the Finances of the Colony,” as follows.

No. 33

Vancouver Island
Government House,
Victoria, 6th July, 1866.

To the Honorable the Speaker and Members of the Legislative Assembly,
Gentlemen:

I have the honor to direct the attention of the Legislative Assembly to the following facts having relation to the finances of the Colony:

The Legislature has now been more than seven months in session, and up to this late period of the year no legal provision has been made for the expenditure necessary to the carrying on of the Government, nor have the ways and means needful to meet such expenditure for the year 1866 been yet provided by the Legislature, though the Estimates were laid before the Assembly on the 20th December, 1865.

The period of the year will shortly arrive when, according to the rules laid down for my guidance, Estimates of Revenue and Expenditure for the year 1867 should be prepared and submitted to the Legislature for consideration. Meanwhile, the injury to the public credit of the Colony by the stoppage of payment of just debts of the Government at the Colonial Treasury continues unabated. The communication I addressed to the Assembly on the 1st of June, in which I enclosed a letter from the Bank of British North America declining to make further advances, and stated that I could not incur any further responsibility without the distinctly expressed authority of the Legislature, having as yet led to no practical result; and, as will be seen from the communication I had the honor to address to the House on the 2nd July, in which I called the attention of the House to the fact that two months' arrears were then due to many public creditors, and in which I enclosed a copy of a letter from the Chief Justice in which His Honor indicated the probable

necessity of closing the Supreme Court for want of paid officers to conduct the business, further and more serious evils may be anticipated, which can only be averted by the prompt and judicious action of the Legislature.

I cannot consent to bear any portion of the heavy responsibility I should incur by abstaining from again urging the paramount importance of relieving the Colony from its present unfortunate condition of discredit without delay.

I would take this opportunity of recalling the attention of the Assembly to the various votes and resolutions relating to the expenditure of 1866, which, although come to by the Legislative Assembly on the 26th of January last, are yet without the force of law.

The Assembly have refused to make provision for a Private Secretary, or for clerical assistance of any kind for the Governor, and have reduced the staff of the Colonial Secretary's office to one clerk, who is also clerk of the Legislative Council. It follows, therefore, that when the Colonial Secretary and his clerk are in attendance on the Legislative Council (the session usually extending over the greater part of the year) the public offices are left without a public officer of any kind.

Notwithstanding this state of things, voluminous returns are called for and numerous interrogatories are addressed to the Governor by the Assembly.

The communications of the Governor to the Assembly, under these circumstances, are necessarily much impeded, and, giving place to other important affairs, will probably, though not without much reluctance on my part, of necessity cease altogether unless by personal interview with the Honorable the Speaker.

The Assembly have proposed to reduce the salary of the Treasurer by more than 40 per cent., a proceeding which, having regard alone to the circumstances under which that officer accepted public employment, I think cannot be regarded in any other light than as a breach of public faith. The Assembly have also expressed their intention of abstaining from making any provision for a clerk to the Treasurer, the consequences of which would be that, while the Treasurer is occupied with his duties in the Legislative Council, his office will of necessity be closed, both for the receipt of taxes and for the payment of public creditors.

No provision appears to be intended for messenger or office cleaner for the offices of the Colonial Secretary, Treasurer, or Surveyor General, so that their offices will remain unswept, and, during winter, the fires unlit, unless those officers perform the services for themselves, or themselves defray the cost of them.

Her Majesty's Secretary of State has laid it down that, in view of the small salary voted for the Attorney General, he is entitled to the customary fees. But the Assembly have resolved that fees shall not be allowed to him, and have declined to provide salary for his clerk. It cannot be expected that this officer will not only prosecute Colonial criminals, *gratis*, but also at the same time forego his professional opportunities of defending them for probably handsome remuneration.

The Post-Office exists without any legal authority to frame regulations or collect revenue, and I must decline longer to incur the responsibility of recognizing a Department over which I have no legal control. The views of Her Majesty's Government on this subject may be gathered from the accompanying copy of a Despatch from Her Majesty's Secretary of State for the Colonies. No. 74 30th Dec. 1865.

There is no provision made for the audit of the Public Accounts beyond a proposal to appoint the Clerk of the Legislative Assembly to the office of Auditor, to which, for sufficient reasons, I have declined to accede. I have, in a previous communication, assigned a cause for the delay in completing the audit of the accounts for the year 1865. A failure to make due provision for the continuance of this service would have the effect of allowing the public accounts to fall into a state of arrear and confusion, from which they could only eventually be extricated and adjusted by a much larger outlay.

Although the Registrar General and Assessor are appointed under local statutes, by which their salaries are fixed and secured to them, the Assembly practically resolve to make no provision for the payment of their salaries, and their offices, as well as the offices and salaries of the Supreme Court, are left in a state of uncertainty and confusion.

I think it due to the inhabitants of Nanaimo again to draw the attention of the Assembly to the insufficiency of sums proposed to be expended for the requirements of that remote and isolated District, which contains a population of about 800,

employed in steady industry; which is the resort of a large tonnage of shipping, and which furnishes the only Colonial export. The Revenue directly received from this District in 1865 amounted to no less than \$5896, besides indirect contributions which cannot be accurately estimated; and the amount which the Legislative Assembly propose for the carrying on of the whole of the public business of the District is the very inadequate sum of \$800 for "Postmaster, Harbour Master, and Collector of Dues," no provision whatever being made for the expenses of the administration of justice or for the protection of life and property. Meanwhile, the consequences of the proposed reduction have been highly detrimental. A town second only in importance to Victoria, has, by these measures been left without proper and sufficient magisterial and police supervision, resulting in the unchecked sale of ardent spirits to the aborigines and its consequent crimes of violence, and in unrestrained rioting. The depriving the harbour of that due attention from a Harbour Master which the numerous ships frequenting it have a right to expect in return for the dues charged against them, must injuriously affect the character of an important port.

Insufficient provision for the superintendence and management of the Light-houses must result in their deterioration, and in an increase of the dangers of navigation.

I enclose for the information of the Assembly the copy of a letter received from the contractors for provisioning these establishments, from which you will observe that the supplies will be stopped if the outstanding debt be not paid. 3rd July 1866, Hutchinson and Co.

The failure to provide for the contingent and unavoidable expenses of unpaid Magistrates, will necessarily involve a restriction of the administration of justice.

No charitable allowance is proposed to be made for the relief of destitution. It is obviously the duty of a community in which no laws exist for such a purpose, to make some provision for the relief of necessitous and afflicted persons beyond the uncertain charity of private individuals.

The Naval Station of Esquimalt is to be left apparently without a single policeman or a lock-up, and I think the unreasonableness and impolicy of omitting these precautions are obvious in view of the large extent to which Her Majesty's Navy contributes to the prosperity and revenue of the Colony.

The amounts proposed to be voted for Stationery, Light, Fuel, and Printing, are wholly insufficient. The proposed appropriation of \$250 for stationery for the year 1866, has already been exceeded, and I do not, under existing circumstances, feel justified in sanctioning a further outlay for supply without legal authority to do so.

In addition to the foregoing, I would, before closing this communication, refer the Assembly generally to my communication dated February 2nd, 1866.

In conclusion I would again earnestly impress upon the Legislative Assembly the paramount importance of finding a practical solution for difficulties fraught with evil to the Colony, and the prolongation of which will probably result in further public injuries which no future action of the Legislature could repair.

I have the honor to be, gentlemen, your most obedient Servant,

A. E. Kennedy, Governor.

Vancouver Island.

Downing Street,
30th December, 1865.

Sir: With reference to my Despatch No. 57, of the 11th of October last, transmitting copies of a correspondence with the Treasury and the Post Office, as far as it had then proceeded, on the regulation of the Post in Vancouver Island, I have the honor to enclose for your information the accompanying copy of a further communication from the Treasury.

You will see that the Lords Commissioners of the Treasury feel that there would be great inconvenience in an interference with this subject by the Government at home, and I quite share this feeling.

If the Legislature refuse to pass the laws necessary for establishing a postal system, it will be your duty to exert such authority as in the opinion of your law officers you legally possess to supply the want of

legislation. But if you should find that your lawful powers as Governor are not sufficient to prevent public inconvenience, it will be better that you should leave the community to suffer the consequences imposed upon them by the legislation or non-legislation of their representatives than that you should incur the responsibility of any proceedings which are not warranted by law.

I have, etc.,
(Signed,) Edward Cardwell.

Governor Kennedy C.B., etc., etc., etc.

Queen's Market, Wharf Street
Victoria, V.I., July 3d, 1866.

Sir: A second month's account has now become due to us for supplies to the Lighthouse, and there is no apparent prospect of the same being early liquidated. As we have to pay cash for the same, and the remuneration not being adequate to our giving credit, we beg you will be kind enough to make known to us (at your earliest convenience) when we may depend on being paid, before we send the quarterly rations now ordered for Friday next in advance.

We have, etc.,
(Signed,) Hutchinson & Co.
Per H. Myers.

P.S.—The two months now due is principally for supplies furnished on April 5th last. There is also a two months' account against the Victoria Jail unpaid.

To W. A. G. Young Esqre. Colonial Secretary

Ordered that His Excys. Communication "No. 33—1866" be referred to Committee upon the "Appropriation Bill."

In Committee "The Appropriation Act, 1866."

The Chairman "Ways and Means" in Chair.

The Chairman reported progress and asked leave to sit again.

Ordered "that report be received and leave granted."

The House then adjourned till Monday at 1 p. m.

J. S. Helmcken
Speaker.

Monday, the 9th day of July, 1866

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

Present: Mr. Speaker in Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Powell, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

In Committee "The Appropriation Act, 1866."

The Chairman "Ways and Means" in Chair.

The Chairman reported progress & asked leave to sit again.

Ordered that report be received and leave granted.

Dr. Ash gave Notice of Motion for leave to bring in "A Bill to amend the Victoria & Esquimalt Harbor Dues Act, 1860."

The House then adjourned till Wednesday at 1 p. m.

J. S. Helmcken
Speaker.

Wednesday, the 11th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, Pidwell, Trimble, Young.

The last minutes having been read and confirmed.

Dr. Ash gave Notice of Motion.⁶⁰

On motion of Dr. Ash, seconded by Dr. Dickson Ordered "that leave be granted to introduce 'A Bill to amend the Victoria and Esquimalt Harbor Dues Act, 1865.'"

A Communication "No. 34," dated 11th July 1866, was read from His Excellency the Governor, transmitting Copy of a Despatch from the Rt. Honble. the Secretary of State for the Colonies (No. 15—21st April, 1866) acknowledging receipt of a joint Resolution of the Honble. Legislative Council and the Legislative Assembly of Vancouver Island on the subject of the future Seat of Government of British Columbia and Vancouver Island.

The House went into Committee upon "The Appropriation Act, 1866."

The Chairman "Ways and Means" in Chair.

The Chairman reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

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

J. S. Helmcken
Speaker.

Thursday, the 12th day of July, 1866

The House met this day at [blank] p. m. pursuant to adjournment.

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dickson, Pidwell, Stamp, Young.

The last minutes having been read and confirmed.

⁶⁰ Motion Book, 1865-66, p. 48: "At next meeting of the House [I will] ask leave to bring in a bill for the purpose of providing for the daily delivery of letters within the limits of the City of Victoria."

On motion of Dr. Ash, 2nded by Dr. Dickson Read 1o. "A Bill To amend the Victoria and Esquimalt Harbor Dues Act, 1865."

On the order of the Day being read for the House to go into *Committee* upon the "Appropriation Act, 1866" it was noticed that a quorum was not present—whereupon the House adjourned till tomorrow at 1 p. m.

J. S. Helmcken
Speaker.

Friday, the 13th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Cochrane, De Cosmos, Dickson, McClure, Pidwell, Powell, Stamp, Tolmie, Trimble, Young.

The last minutes having been read and confirmed.

Mr. Young from the Select Committee appointed by the House "to enquire into the Expenditure of 1865" reported "That the Committee had been unable to obtain an inspection of the Treasurer's Accounts, but that the Treasurer had assured the Committee that their application to do so had been laid before His Excellency the Governor."

Mr. Cochrane from the Select Committee appointed by the House to consider and report upon the manner in which the provisions of "An Act to amend the Real Estate Tax Act, 1860" have been carried out by the Government in the disposal by public Auction of the property of alleged defaulting tax-payers and what steps, if any, are necessary to be taken to remedy grievances complained of brought up the following report.

Whereas it is expedient that a less complicated process be provided in order to secure the Government in the amount of Taxes for which Real Estate is liable and to allow the owners thereof ample time for the redemption of the same.

Be it therefore resolved that the following be the basis of An Act to provide for that end.

1st To grant the Treasurer power to pay to all persons holding receipts of purchase of any land sold for taxes with interest at the rate of Twenty per Cent per annum when demanded.

2nd The amount of taxes due or which may become due to be registered as a first charge against all such property with interest at two per cent per month till paid.

3rd At the expiration of Three (3) years, the whole of such property to be sold by the Sheriff who shall give a good and sufficient title thereto.

4th After deducting the full amount due to the Government with all the expenses attending the same the balance if any to be paid to the owners of said land on the showing of a good and sufficient title thereof.

This Act to have full force and effect, anything in the "Real Estate Acts" of 1860 and 1862 to the contrary notwithstanding.

Ordered to lie on the table.

The House then took under consideration in Committee His Excys. *Communication* No. 33 (1866) dated 6th July.

The Chairman "Ways and Means" in Chair.

The Chairman reported that the Committee had ordered him to report progress and ask leave to sit again.

Ord. that report be received and leave granted.

The House then adjourned till Monday next at 1 p. m.

J. S. Helmcken
Speaker

Monday, the 16th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Dickson, McClure, De Cosmos, Powell, Tolmie, Pidwell, Trimble, Young.

The last minutes having been read and confirmed.

The House took under consideration in Committee of Supply His Excellency's Communication "No. 33—dated 6th July, 1866."

Also "The Appropriation Act, 1866."

The Chairman of Ways and Means in the Chair.

The Chairman reported, in regard to the first, Progress, and asked leave to sit again. In regard to the second progress and asked leave to sit again.

Ordered "that reports be agreed to respectively."

The House then adjourned till Wednesday at 1 p. m.

J. S. Helmcken
Speaker.

Wednesday, the 18th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. De Cosmos, Dickson, McClure, Young, Pidwell, Stamp, Trimble.

The last minutes having been read and confirmed.

The House took under consideration in Committee of Supply His Excellency's Communication "No. 33 dated 6th July 1866."

The Chairman "Ways and Means" in Chair.

The Chairman reported progress and asked leave to sit again.

Ordered that report be received and leave granted.

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

J. S. Helmcken
Speaker.

Friday, the 20th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Carswell, Dickson, Pidwell, Trimble, Young.

The last minutes having been read and confirmed.

A Communication "No. 35—dated 20th July, 1866" was read from His Excellency The Governor, transmitting a joint report of the Colonial Secretary and Acting Surveyor General relative to a Ditch which had been projected for the purpose of bringing in water from the North Forks of Leech River to Bacon Bar and Kennedy Flat—whereby mining operations would be facilitated and extended; and recommending the House to authorise the placing of means at His Excy.'s disposal in furtherance of that project.

Ordered "to lie on the table."

The House then went into Committee of Supply.

The Chairman "Ways & Means" in Chair.

The Chairman reported that the Committee having had under consideration the question of "Supply" had voted therein the Sum of Two hundred and forty four thousand, four hundred and Sixty three dollars and thirty two Cents (\$244,463.32) for the use of Her Majesty for the service of the Year 1866.

Ordered that report be read on Monday—23rd Inst.

In Committee of Supply—H. Excys. Message "No. 33 6th July/66."

The Chairman "Ways & Means" in Chair.

The Chairman reported progress and asked leave to sit again.

Ord. "that report be received and leave granted."

The Clerk having been ordered to request the attendance of all Honble. Members of the House in their places on Monday (23rd Inst.).

The House adjourned till Monday at 1 p. m.

J. S. Helmcken
Speaker.

Monday, the 23rd day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, De Cosmos, Dickson, McClure, Cunningham, Pidwell, Powell, Stamp, Trimble, Young.

The last minutes having been read and confirmed.

Mr. De Cosmos gave Notice of Motion "That the House name an early day to take into consideration in Committee a series of Resolutions in re the projected consolidation of 'British North America.' "

Order of the Day—The order of the day having been read for the consideration of the report (20th Inst.) of the Committee of Supply (\$244,463.32).

Ordered "that the report of the Comtee. be referred back to Comtee. of Supply."

A Communication "No. 36 dated July 23rd 1866," soliciting the attention of the House to communications addressed to them by His Excellency The Governor on the 17th May 1864 and the 29th June 1865 was read and Ordered to be referred to Comtee. of Supply.

In Comtee. of Supply—His Excellency's Communication "No. 33—6th July 1866."

The Chairman of "Ways & Means" in Chair.

The Chairman reported that the Committee having had under consideration His Excellency's Message (above) had ordered him to report a series of Resolutions (Resolutions delivered).

Ord. that report be received.

Ord. that report be read at next meeting of the House.

The House then adjourned till Wednesday 25th July.

J. S. Helmcken
Speaker.

Wednesday, the 25th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, Cochrane, Cunningham, De Cosmos, McClure, Dickson, Pidwell, Powell, Stamp, Trimble, Young.

The last minutes having been read and confirmed.

On motion of Mr. De Cosmos, 2nded by Mr. Pidwell it was Ordered "that Friday next be appointed for the House to take into consideration in Committee certain Resolutions upon the subject of 'the projected consolidation of the respective Governments of British North America.' "

Read 2o. and committed "A Bill 'To amend the Victoria and Esquimalt Harbor Dues Act.'"

The House then took under consideration the report of the Committee of the whole House (23rd Inst.) in re His Excellency's Communication "No. 33, dated 6th July 1866."

Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 having been taken up seriatim and agreed to.

On the question being proposed "that paragraph 1, Clause 28 do now pass" Dr. Ash moved An Amendment, 2nded by Dr. Powell, "That His Excellency's management of the Crown Lands has been most injurious to the immigrant and aboriginal population of the Colony."

Question put "that the Amendment do now pass."

For the Amendment

Ayes: 3.

Messrs. Ash
Powell
Pidwell

Noes: 9.

Messrs. Carswell
Cochrane
De Cosmos
Dickson
McClure
Cunningham
Stamp
Trimble
Young

The Amendment was therefore lost, and the original Resolution was put and carried.

In Clause 28, para. 2, the words "and desired" were struck out.

Clause 28, para. 3, was carried (Dissentients, Messrs. Pidwell, Cochrane).

" " " 4, " " (Dissentients, Messrs. Ash, Pidwell, Cochrane).

Clause 28, para. 5, was carried (Dissentients, Messrs. Ash, Pidwell, Cochrane).

Clause 28, para. 6. On motion of Dr. Ash, 2nded by Dr. Powell the following Paragraph was inserted as para. 6.

That His Excellency's management of the Crown Lands has been most injurious to the immigrant and aboriginal population of the Colony.

Clause 28, para. 7, On question being proposed "that para. 7 as follows 'In view of these facts the House cannot in justice to itself, to the Colony, and to Imperial interests refrain from expressing its utter want of confidence in His Excellency Governor Kennedy, and his Official advisers, and the absolute necessity there is for their removal, believing that, so long as the present administration lasts, the Colony will continue to suffer by the gradual exodus of its population, and Imperial interests will continue to be affected in an injurious manner by the prejudice which the present Government has created against British Institutions in the North Pacific'—do now pass" Mr.

Cochrane moved that the following words be added—the whole to read as para 7.

And finally that this House would most respectfully desire that His Excellency Sir James Douglas be re-appointed Governor of this Colony.

On motion of Dr. Powell, 2nded by Dr. Ash, “that the Resolution proposed to be added to para. 7 by the Honble. Member for Saanich, be treated as a separate Clause” The House divided.

Ayes: 5.

Messrs. Ash
Cochrane
Pidwell
Powell
Dickson

Noes: 7.

Messrs. Carswell
Cunningham
De Cosmos
McClure
Stamp
Trimble
Young

The motion was therefore lost.

On question “that Paragraph 7, Clause 28—as proposed to be amended, do pass” The House divided.

Ayes: 4.

Messrs. Ash
Cochrane
Dickson
Stamp

Noes: 8.

Messrs. Carswell
Cunningham
De Cosmos
McClure
Pidwell
Trimble
Young
Powell

On question “that the original Paragraph No. 7, Clause 28 do now pass” The House divided.

Ayes: 10.

Messrs. Ash
Carswell
Cunningham
Dickson
De Cosmos
McClure
Powell
Stamp
Trimble
Young

Noes: 2.

Messrs. Cochrane
Pidwell

The original para. No. 7 was then carried.

On motion of Dr. Dickson, seconded by Mr. McClure the following Resolution was ordered to be added to the Resolutions.

Ordered “that duplicate copies of His Excellency’s Message with the reply of the House thereto, be transmitted to His Excellency the Governor with a respectful request that His Excellency will be pleased to cause one of those

duplicate copies to be sent with as little delay as possible to Her Majesty's Principal Secretary of State for the Colonies"—(nem. con.).

And on motion of Mr. Young, 2nded by Dr. Trimble the following Resolution was also ordered to be added.

Ordered "That the Honble. the Speaker do transmit a Copy of these Resolutions with the Despatch of His Excellency to which they refer to Her Majesty's principal Secretary of State for the Colonies to prevent miscarriage" (nem. con.).

The Resolutions were then read as a whole, and on question "that they do now pass"—the House divided.

Ayes: 10.

Messrs. Ash
Carswell
Cunningham
De Cosmos
Dickson
McClure
Powell
Stamp
Trimble
Young

Noes: 2.

Messrs. Cochrane
Pidwell

The Resolutions were therefore confirmed & are as follows—

The Legislative Assembly having had under consideration His Excellency's Communication "No. 33 dated July 6th, 1866," thanks His Excellency for the opportunity afforded it of stating the reasons for the course it has pursued during the present Session and of preventing erroneous inferences being drawn from the statements contained in that Communication. In order to do so the House has resolved—

1. That it is advisable to show, very briefly, the faulty and impracticable nature of the constitution of the Government of this Colony, because from this source many of the evils complained of in His Excellency's communication spring.

2. That the Legislative Assembly consists of fifteen Members chosen by the Electors of Vancouver Island.

3. That the Honble. Legislative Council is composed of eight Members, five of whom, viz.: the Chief Justice, the Colonial Secretary, the Treasurer, the (Acting) Attorney General, and the (Acting) Surveyor General are salaried officers of the Government, the remaining three being also appointees but not holding any salaried Office. The Governor for the time being and the same official Members who form the majority of the Honble. Legislative Council constitute also exclusively the Executive Council, not one of the Members of the Legislature Assembly having a place therein. It is evident consequently that (the Executive and Legislative Councils being in reality the same) the Honble. Legislative Council can prevent the passage of all measures displeasing to the Executive, however necessary for the country they may be deemed by the Representatives of the People.

4. That such a Constitution virtually gives the Executive Supreme control, deprives the Representatives of the People of their due and legitimate power and, owing to its denying the usual bond of Union between the Legislative Assembly and the Executive and Legislative Councils so necessary to harmonious legislation, makes the Legislative Assembly an isolated detached and, as it were, a foreign body—and thus, instead of the system producing one harmonious whole it divides the Government into separate and dis-connected units. Owing to this peculiar and extra-ordinary character of the Government it appears that when any information is desired by the House it must be sought for and acquired by the tedious troublesome expensive and cumbrous system of applying therefor by letter and receiving written answers in return, much time being thereby lost, public business delayed, and the Session prolonged. Questions, too, frequently and suddenly arise to which it is of importance, as well to the Country as to the Executive, that answers should be immediately rendered, but the absence of any one capable of giving official information in the House makes this impossible and thus great complications ensue. It is considered unnecessary to bring forward any further instance showing the impracticable nature of the Government that being but too apparent.

5. That this House did in An Address to Sir James Douglas, while he was Governor, point out some of the faults and anomalies of the system of Government and suggested, as a remedy, that Members should be chosen from the Legislative Assembly as well as from the Legislative Council and that they combined should form a Ministerial Council by which means the various isolated portions of the Government would be brought into actual communion and connexion without which harmonious action, so necessary to legislation, cannot be expected. Such a system would have suited the requirements of the Country, removed much unnecessary odium and responsibility from the Executive, and enabled it with the advice of the Ministerial Council to propose and carry measures desired by the People and suited to the condition of the country, while at the same time it would have afforded a means of supplying the Legislature with much information *vivâ-voce* and thus having saved expense trouble and delay.

Sir James Douglas however was at that time upon the eve of retiring from Office, and he therefore left the subject for the consideration of his Successor Governor Kennedy who however up to this time has not acted upon the suggestion contained therein and the System of Government remains as impracticable as ever.

6. From such an anomalous and extraordinary system, comprised of two such incompatible and hostile forces as a representative and despotic power, each one for its very nature endeavouring to enforce its peculiar properties or struggling to defend them, nothing but discord can possible accrue until one or other yields. The one to yield must not be the Representative Power for it cannot, dare not, prove false to the interests of the people committed to its charge.

If a Legislature thus composed should continue in Session not seven months but the whole year and yet effect nothing it will not occasion surprise; indeed

thus far nearly every Bill originated by this House has been either rejected by the Honble. Legislative Council or so much altered as to necessitate its rejection by its originators. That the Country should suffer in consequence needs no assertion.

7. That this House did nevertheless, immediately after Christmas, take into consideration the "Estimates of Expenditure" sent down to this House on the 20th Decr. 1865, and did, on the 31st day of January 1866, or five weeks after their receipt, forward to His Excellency the Governor by the hand of Mr. Speaker, a copy of the supplies granted for the service of the year, with the request that the Governor would govern the Expenditure thereby and carry out the suggestions of the Resolutions therein contained.

Although therefore it may be technically correct that the Legislature has now been more than seven months in Session and up to this late period of the year no legal provision has been made for the expenditure necessary to carrying on the Government, still it is also true that the usual provision was made and the usual authority for its use given five months ago and acted upon by the Executive to an extent far below the retrenchment required by the House and demanded by the Country.

8. That this House did likewise take into consideration the "Ways and Means" and found that the Estimates of the Income for the Year 1866 from existing sources as transmitted to this House by the Executive, and therefore accepted as correct, would more than cover the Expenditure authorised by the House for the ordinary purposes of Government. Thus, the observation of His Excellency the Governor "that the 'Ways and Means' needful to meet the expenditure for the year 1866 had not yet been provided by the Legislature though the Estimates were laid before the Assembly on the 20th Decr 1865" can hardly be considered to be "a fact"; moreover the subsequent embarrassment of the Government has been due not to the neglect of the Legislative Assembly, as insinuated, but to the erroneous calculations made by the Executive of the income likely to be derived during the year, to the fact of the expenditure having been much greater than that authorised by the House, and that the Bank of British North America declined to advance any further sums to the Executive.

This House indeed cannot understand indeed how it happens that at least eighty five thousand (\$85,000) in cash have been expended during the first six months of the present year, and yet that many public officers should have large arrears due to them, as is stated in His Excellency's Communication.

9. That this House did likewise consider His Excellency's Communications of the 1st of June, and 2nd July 1866 respectively, relating to the financial embarrassments of the Government, and did on the 6th day of July, before it had received His Excellency's Communication of the same date finally pass a Bill authorising the contracting of a Loan of Ninety thousand (\$90,000.) dollars for the purpose of relieving those persons to whom money was due and for the purpose of paying off the loan of Seventy five thousand (\$75,000.) dollars contracted by the Governor with the Bank of British North America.

That this Bill would have passed earlier but for the refusal of His Excellency to supply information relating to the Crown Revenues and that the House had to wait and wait in vain for detailed accounts of the Expenditure of 1865, notwithstanding it had been seven months in Session. It was only indeed that the credit of the Colony might not suffer that the House was induced to pass the Bill before the accounts had been examined. The House deems it to be its unquestionable privilege and duty to examine the accounts in order to learn that the moneys have been applied to the purposes for which they were intended—a refusal to grant which can only engender suspicion. Had the House occupied its due position in the Councils of His Excellency it would have been acquainted with these circumstances, injurious publicity would have been avoided, and the Executive would have been relieved of the “heavy responsibility” complained of by His Excellency.

10. That this House having thus shown that the Executive was supplied five months ago with a copy of the Supplies granted and with the usual authority for the expenditure necessary for the ordinary purposes of Government and that it did pass measures calculated to relieve the anomalous embarrassment of the Government is also well aware that the items of the Estimates granted by the Committee of Supply have not yet been embodied in An Act. The House in retaining the Appropriation Bill until the end of the Session has only followed the usual constitutional course and that course has not been without benefit, for it has been discovered that the Income of the year will fall short of the amount estimated by the Executive by at least 20 per cent which, coupled with the fact of the financial Bills of this House having been rejected by the Legislative Council (a circumstance with which the Executive must have been fully acquainted and yet the House was not dissolved) has compelled the House to adopt the unusual course of reconsidering the Estimates of Expenditure, and has enabled the House to consider the items in His Excellency's Communication in connection therewith. This course has caused a still greater prolongation of the Session and may occasion some delay in the preparation of the Estimates for the ensuing year; it is hoped however that that delay may be attended with benefit as well to the Executive as to the country at large.

11. That this House would refer His Excellency to the condition of the Colony at the commencement of this Session for by that condition in a greater measure the proceedings of the House were governed, and changes were on that account introduced into the Estimates.

The House however does not deem it necessary to dwell now at length upon the causes of that condition they having been embodied in an Address transmitted to Her Majesty, June 23rd 1866.

12. That notwithstanding that condition the demands made by the Executive for carrying on the ordinary duties of Government, as detailed in the Estimates transmitted to the House in December 1865, with a promise of a further supplemental Estimate, were as large as during Seasons of the greatest prosperity.

13. The House, convinced that in the altered condition of the Colony such a large Establishment as that asked for was not only unnecessary but that the

charge therefor could not be borne by the small number of people in the Colony and that, if voted, it could not be paid, was compelled by a sense of paramount duty to reduce the expenditure to such an Amount as would enable the probable Revenue to meet the liabilities, endeavouring always not to impair the efficiency of the public service. With this object never lost sight of certain sums were disallowed as being unnecessary and certain offices amalgamated so that the duties could be performed by one instead of two or more Officers—a scheme absolutely necessary, quite practicable, and only requiring a little willingness on the part of the Executive to enable it to be successfully carried out.

Had the Representatives of the People had a voice in the preparation of the Estimates they would not have been sent down with so many objectionable parts and would not have required so many alterations; but as the House had not a voice in their preparation it could not do otherwise than alter and change them after they had been received, to suit the necessities of the times—for as it is the duty of this House to provide the “Ways and Means” it must likewise be its privilege to limit the Expenditure.

14. That this House having again considered the Estimates of Expenditure is more than ever convinced of the correctness of its previous proceedings and now asserts unhesitatingly that the condition of the Colony, unimproved as it remains will not only not admit of any material increase of the sums originally voted, but actually demands a further reduction for the purpose of carrying on the ordinary routine of Government. Nay more, this House must seriously urge upon the Executive the absolute necessity for the most rigid economy, and for carrying out the desires of the Representatives of the People, otherwise the Colony will be run into debt, the responsibility of which the House will most assuredly not assume.

During the last three months, four new Members have been elected who coincide fully with the views of this House—and this proves that the House but echoes the well understood wishes of the People. The House admits that in many instances the Salaries allowed are small, but at the same time the reductions have not been made from choice but from necessity. It is hoped that the reductions may be of a but temporary nature. It cannot however be too often re-iterated that the Colony not only does not require, but that it cannot afford to support so extensive and expensive an Establishment as heretofore. To run into debt for services of an unproductive nature would be manifestly wrong.

15. The House regrets that it cannot make any special provision for a Private Secretary but hopes that His Excellency will consent to bear a little inconvenience whilst the inhabitants of the Colony and the other Officers of the Government are suffering so much and endeavour to make the means allowed perform the necessary work. The Session it is hoped, being now nearly at an end, “voluminous returns” will neither be required, nor will “numerous interrogatories” be addressed to the Governor much longer—at the same time the House is of opinion that the position of Mr. Speaker will not admit of his being made the medium of communication of the Executive, and the House

cannot forego its right of obtaining written answers to their communications; written answers being required for the purpose of record.

16. That the assertion that the session of the Legislature extends over the greater part of the year (the cause whereof has been hereinbefore shown) may be technically true, but it is equally true that neither branch of the Legislature, as a rule sits more than three times a week (the Legislative Council indeed sits much less frequently) and then only for two or three hours, and those hours generally afternoon. The injury to the public service alleged to result from the Heads of Departments attending the Legislative Council can therefore be easily remedied, either by their holding their meetings after office hours or leaving the legislation to be performed by the unofficial Members. It is certainly to be regretted that the Heads of Departments should also be Members of the irresponsible Legislative Council, but at the same time the House does not vote money for their Legislative services, or to enable them to reject its Bills, and therefore it is advisable that the salaried officers of the Government should primarily devote themselves to those duties, for the performance of which they receive salaries. The true remedy for this evil, as well as others complained of such as "voluminous records and written communications" will be found in a change of the Constitution of the Government.

17. *Treasurer.* That the House respectfully denies the imputation that the reduction in the Treasurer's Salary is a breach of faith on the part of the House, because that officers salary, was fixed and paid by Her Majesty's Government for years out of the Crown Revenues. In fact it is only lately that the House as been compelled to sanction the payment of the salary of that officer out of the General Revenue. If any injustice has been committed the onus must rest with Her Majesty's Government.

18. *Office Cleaning.* The House believes it would be economical, useful, and convenient, to have the offices referred to transferred to the main Government building where there is plenty of room instead of each officer occupying separate and detached premises as at present.

19. *Acting Attorney General.* The House adheres to the provision made for the Acting Attorney General. Her Majesty's Government having laid down the principle that this Colony must not expect any assistance from Her Majesty's Government towards defraying the ordinary expenses of its Government, will most assuredly in justice admit the necessity of allowing the Colony to regulate its own expenses.

20. *Post Office.* The House does not consider it necessary to pass a Postal Bill on account of the probability of the immediate Union of the Colonies of British Columbia and Vancouver Island.

21. *Audit of Public Accounts.* The House begs to call the attention of the Governor to the fact, that nearly two years ago its deliberate judgment was recorded against the appointment of an Auditor, notwithstanding which His Excellency nominated and caused Her Majesty's Government to sanction the appointment of the Governors Private Secretary to that office. The House adheres to its original determination that the Clerk of the House of Assembly

should audit the public accounts. By this scheme not only will the [confusion] prophesied by his Excellency not occur but on the contrary much good will accrue and much annoyance and labor be avoided. The Clerk of the House, as the Agent of those who vote the Public money seems to be the proper person to be Auditor—while none could be more objectionable than a Governors Private Secretary, who, having been acting as Colonial Secretary, is now in fact auditing his own accounts.

22. *Registrar General and Assessor.* These Offices are not appointed under local statutes: the offices are created by Statute, but the incumbents have been appointed in the ordinary manner. The House when transmitting the Expenditure voted by the Committee of Supply, forwarded also Resolutions amalgamating the office of Assessor with that of Acting Surveyor General and supplied a Clerk, but since that time the Acting Surveyor General has been considered to be more an Officer of the Crown, than of the Colony, because the lands still belong to the Crown, and therefore the House has now charged the Treasurer with the Assessors duties and has transferred the Clerk from the Land to the Treasury Office.

The Registrar of Deeds, and Registrar of the Supreme Court were also amalgamated, and a Salary voted for the Incumbent—the House felt certain that these offices could be combined without at all impairing their efficiency. The House is now surprised to find that the services of the superfluous officers have not been dispensed with.

23. *Nanaimo.* With regard to Nanaimo, the House finds that in the copy of the Estimates, transmitted to His Excellency a large amount about (\$6000) will be found voted for local purposes at Nanaimo in addition “to the inadequate sum of \$800 for Postmaster, Harbour Master, and Collector of Dues” so that the insinuation that Nanaimo, which returns \$5,894 to the Revenue only receives \$800—is without foundation—indeed so far from that being the case, she actually receives the benefits of the Mail Steam Communication both local and from San Francisco, and the other advantages of the General Government. It is true that the House struck out the Salary of a Stipendiary Magistrate believing the office and the expenditure to be alike unadvisable. Unpaid Justices of the Peace exist in his stead. The House has reason to believe that Nanaimo has not been without a Constable, and that the population is a well conducted one. Moreover the House has passed a Bill and made provision for the Chief Justice to hold “Sessions” at Nanaimo—and a Bill to give Justices of the Peace power to adjudicate in civil cases to a certain amount; so that Nanaimo has actually greater facilities for acquiring both Law and Justice than heretofore, whilst the means for the protection of life and property are as great as ever. The House therefore cannot understand how the consequences of the proposed reduction have been highly detrimental. The law prohibiting the sale of liquor to Indians still remains upon the Statute Book, and the means of punishing the transgressor have not been diminished, but the House is of opinion that the law to prevent the sale of liquor to Indians is not only futile but injurious and incapable practically of being carried out. In theory of course it may be made to appear possible to prevent

the Indians obtaining intoxicating fluids, but when it is considered that the coast of Vancouver Island is at least six hundred miles in length, it will be seen that the prevention is practically impossible, even if the whole of the Revenues of the Colony were applied to the purpose—a course entirely out of the question.

24. *Light Houses.* The House has voted all the supplies asked for for the maintenance of Light Houses, and cannot imagine that the withdrawal of a Salary of \$500 from the Clerk of the Board of Lighthouse Commissioners who have only two Lighthouses near at hand to look after can possibly “increase the dangers of navigation.”

25. *Charitable Allowances.* His Excellency the Governor is authorised by Her Majesty’s Government, to use portions of the Crown Revenues for Charitable purposes.

26. *Naval Station at Esquimalt.* The House is not unmindful of the benefits conferred upon the Colony, by the presence of Her Majesty’s Navy at Esquimalt Harbor. If a Constable be occasionally required an occasion probably rare, the Executive can detail a policeman for the purpose, and there is no need of voting one specially for the service; this remark applies also to Nanaimo and other places. His Excellency will find that the Estimates make provision for placing the Superintendent of Police and Gaol and keeping the accounts thereof upon the Stipendiary Magistrate of Victoria, a duty he formerly performed and can again perform. By this change those who now act as Clerk &c. will be disposable for Police duty, and thus the number of available men will be increased, and the efficiency of the service certainly not diminished.

27. *Stationery.* The House regrets to find that the liberal sums voted for Stationery &c. have been so soon expended. A further sum has been placed upon the Estimates, and it is hoped that the strictest economy will be used in its Expenditure.

28. The House is reluctantly compelled after much patience and forbearance, to declare that His Excellency Governor Kennedy is Acting in a hostile manner, to [the detriment of] the best interests of the Country.

That he has declined, and does persistently decline to impart to the Assembly necessary information, on matters connected with the Public Departments, and with the Expenditure of the Public money.

That he obstructs the efforts of the Assembly, to reduce the expenses of Government, which are far beyond the capacity of the Inhabitants to bear.

That he refuses to permit public officers to appear before a Select Committee of the Assembly to give evidence as to the working and management of their Departments.

That he endeavours, by unjustifiable statements to place the Assembly in a false and undignified position before Her Majesty’s Government.

That His Excellency’s management of the Crown lands has been most injurious to the immigrant and aboriginal population of the Colony.

In view of these facts, the House cannot in justice to itself, to the Colony, and to Imperial Interests refrain from expressing its utter want of confidence

in His Excellency Governor Kennedy, and his official advisers, and the absolute necessity there is for their removal, believing that so long as the present Administration lasts the Colony will continue to suffer, by the gradual exodus of its population, and Imperial interests will continue to be affected in an injurious manner by the prejudice which the present Government has created against British Institutions in the North Pacific.

Ordered that duplicate copies of His Excellency's Message, with the reply of the House thereto, be transmitted to the Governor with a respectful request, that His Excellency, will be pleased to cause, one of those duplicate copies to be sent with as little delay as possible to Her Majesty's Principal Secretary of State for the Colonies; and that the Honble. The Speaker do transmit a copy of these Resolutions with the Despatch of His Excellency to which they refer to Her Majesty's Principal Secretary of State for the Colonies.

In reply to the Honble. Member for Salt Spring Island and Chemainus (Mr. Pidwell) who rose to a question of Privilege Mr. Speaker stated "that the subject of the Resolution proposed in the amendment of the Honble. Member for Saanich (Mr. Cochrane) to Para 7, Clause 28—of the above Resolutions was precluded by the Standing Orders of this House from being brought up again in its present form during the present Session. It was competent however for the Honble. Member to re-introduce the subject in another form, viz.: by Address to the Crown."

On motion of Mr. De Cosmos, seconded by Mr. McClure, "That the Standing Orders of this House be suspended in order to allow a motion to be put as to whether the House will take up the question again during this Session as to whether the House will (or will not) recommend that Sir James Douglas K. C. B. be re-appointed Governor of this Colony."

Mr. Speaker ruled "that the motion was out of order."

Mr. De Cosmos begged to appeal from Mr. Speaker's ruling, to the House, for a decision as to whether or not his motion was in order.

On question put "that Mr. Speaker's ruling be supported"—The House divided.

Ayes: 9.

Messrs. Ash
Carswell
Cochrane
Cunningham
Dickson
Pidwell
Powell
Stamp
Young

Noes: 3.

Messrs. De Cosmos
McClure
Trimble

Mr. Speaker's ruling was therefore confirmed—and the motion of Mr. De Cosmos was Ordered "to be ruled out of order."

The House then adjourned till Friday (27th Inst.) at 1 p. m.

J. S. Helmcken
Speaker.

Friday, the 27th day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, De Cosmos, Dickson, McClure, Pidwell, Powell, Trimble, Young.

The last minutes having been read and confirmed.

Mr. De Cosmos asked Mr. Speaker if the Reply to His Excellency the Governor's Communication "No. 33—dated 6th July 1866" confirmed by the House on the 25th Inst. had been transmitted to His Excellency—if not he would move that its transmission be stayed until a further order from this House.

Mr. Speaker in reply stated—First, "that the reply had been prepared, but had not yet been transmitted to His Excellency."

Secondly, "that as not a single precedent existed in the Records of a detention (beyond the time required for their due preparation) of Communications confirmed by the House and ordered to be transmitted from Mr. Speakers office to their respective destinations, he must rule the motion of the Honble. Senior Member for the City (Mr. De Cosmos) out of order—unless the Standing Orders were suspended."

Messrs. Ash, Dickson, Young, hereupon retired.

On motion of Mr. De Cosmos, 2nded by Dr. Powell, it was Ordered unanimously (Present Messrs. De Cosmos, Pidwell, Powell, McClure, Trimble) "That the Standing Orders be suspended and that the Reply to His Excellency the Governors Message 'No. 33—6th July 1866' be retained in Mr. Speaker's office until further orders for its transmission be made by this House."

Dr. Trimble asked leave to lay upon the table of the House certain proposed Amendments to "The Road Act, 1860."

Ordered "that leave be granted."

Ordered "to be taken into consideration in Committee on Wednesday next."

Mr. De Cosmos gave notice of motion "that at next sitting of the House he would move that the House take into consideration in Committee of the whole the propriety of suggesting to the Executive the passage, this Session, of An Act establishing a Ministerial Council to advise the Executive in all Legislative matters, such Council to be drawn from the Upper and Lower Houses."

Order of the Day—In Committee.

His Excellency's Communication "No. 35 dated 20th July, 1866" in re the completion of "the Leech River Ditch."

Also, His Excellency's Communication "No. 36 dated 23rd July 1866" relative to the Works for the improvement of Victoria Harbor.

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

The Chairman reported in regard to the first—A Resolution "That this House having taken into consideration the Communication of His Excellency the Governor "No. 35—1866" has resolved

First "That the sum of Four thousand five hundred dollars (\$4,500.) be voted for the completion of Leech River Ditch."

Second "That the sum be ordered to be placed in the Estimates for the above purpose."

And In regard to His Excellency's Communication "No. 36—1866" a Resolution "That the Committee is of opinion that it is not advisable to sell the Dredger or Steam Tug, but would suggest that the Dredger and Punts be removed to a fresh water stream, in order to prevent their further destruction by marine incrustation."

Ordered that reports be received and read 1o. respectively.

"Militia and Volunteer Bill 1866"—House in Committee to report upon.

Chairman "Ways & Means" in Chair.

The Chairman reported that he had been ordered to report the above Bill favorably to the House.

Ordered "that report be received and agreed to."

The House then adjourned till Monday at 1 p. m.

J. S. Helmcken
Speaker.

Monday, the 30th day of July, 1866

Present: Mr. Speaker and Messrs. De Cosmos, Pidwell, Trimble.

A Quorum not being present, the House did not sit.

J. S. Helmcken
Speaker.

Tuesday, the 31st day of July, 1866

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

Present: Mr. Speaker in the Chair and Messrs. Ash, Carswell, De Cosmos, Dickson, McClure, Pidwell, Powell, Stamp, Trimble, Young.

The last minutes having been read and confirmed.

Dr. Dickson gave Notice of Motion for tomorrow.⁶¹

⁶¹ Motion Book, 1865-66, p. 49: "That to guard for the future against an undue exercise of the power of suspending the Standing Orders of this House, and to prevent hasty Legislation this House desires to put upon record its deliberate judgment against such suspension, unless one clear days notice shall have been given, and the votes of at least two thirds of the number of Members who shall then happen to be present approve the same, and that the resolution of this House passed on the 26 January 1866 authorizing such suspension upon a majority vote, be and is hereby rescinded."

A Communication "No. 37—dated 28th July 1866" was read from His Excellency The Governor, transmitting in reply to An Address of the Legislative Assembly, dated—18th June, 1866—information respecting the probable receipt and expenditure of the Postal Department for the current year.⁶²

Also The income and expenditure on account of the Government Steamer Sir James Douglas during present year.

Order of the Day.

On question that certain Resolutions reported from Committee of the whole House on 27th July in re "Leech River Ditch" be confirmed—the House divided.

Ayes: 7.

Messrs. Ash
Carswell
De Cosmos
McClure
Pidwell
Powell
Trimble

Noes: 3.

Messrs. Dickson
Stamp
Young

The Resolutions were therefore confirmed.

On question "that a Resolution reported from Committee of the whole House on the 27th July be confirmed—in re His Excellency's *Communication 'No. 36, 1866'* relative to the Works for the improvement of Victoria Harbour" On motion of Mr. De Cosmos, 2nded by Captain Stamp, it was Ordered unanimously that the Resolution be re-committed.

"Militia and Volunteer Bill"—read 1o.—on motion of Mr. Pidwell, 2nded by Dr. Powell.

On motion of Mr. De Cosmos, 2nded by Dr. Powell, it was Ordered "that the House take into consideration forthwith in Committee the propriety of suggesting to the Executive the passage this Session of An Act establishing a Ministerial Council to advise the Executive in all Legislative matters; such Council to be drawn from the Upper and Lower House.

On the Order of the Day being read for the House to take into consideration in Committee the question of the "confederation of the British North American Provinces" On motion of Mr. De Cosmos, 2nded by Dr. Powell, it was Ordered "that the order of the day be discharged, to expedite the consideration in Comtee. of the preceding Resolution."

House in Comtee. on the above Resolution—"Ministerial Council."

Chairman "Ways and Means" in Chair.

The Chairman reported a Resolution "that chair do now rise."

Ordered that report be received.

Dr. Dickson gave Notice of Motion.⁶³

J. S. Helmcken
Speaker

⁶² For enclosures to this message see Postmaster Henry Wooton to Colonial Secretary, 25 June 1866, and Acting Surveyor General B. W. Pearse to Colonial Secretary, 2 July 1866. Returns to House, 28 July 1866.

⁶³ Motion Book, 1865–66, p. 51: "Tomorrow I will move that the resolutions in reply to the Governor's message of July 6th be transmitted forthwith."