## Legislative Council.

Wednesday, March 3d, 1869.

Present—Hons. Helmcken, Havelock, Humphreys, Bushby, Pemberton, Davie, Crease, Ring, Wood, Ball, Trutch, O'Reily. Walkem, Carrall, Drake, Hamley, Young (Presiding).

Hon. Helmcken gave notice that he would bring up the petition of Messrs. Haywood and Jones for the removal of duty from glass.

Hon. Helmcken gave notice that he would move that the report of the Select Committee on Drawbacks be sent to the Governor that the provisions thereof may be carried out.

The Supplemental Supply Bill 1866-7 was read a third time and passed.

The St. Andrews Church Incorporation Bill was read a third time and passed.

The Companies Bill was read a third time and passed.

Hon. Helmcken moved that the interest of the Colony demands, and it would be wise on the part of the Government to ordain, that the Customs Duties upon articles in which a trade can be carried on with foreign parts, should be very materially reduced at the earliest possible period. The subject he was about to bring before the notice of this Council was one he thought of paramount importance—he alluded to the future policy of the Government, he hoped he might not be deemed impertinent in trespassing upon any prerogative. The time is arrived when the Government must be stirring, it will not do to sit any longer with folded hands—everything around us is moving at a tremendous pace, and if care be not taken to move also, the Colony will be overwhelmed. We have adopted a protective policy for our nascent industries which must continue, but at the same time we have not protected our mercantile interests, their protection being freedom of Commerce. He did not think the two are incompatible—free trade or nearly so, can be had in those articles, chiefly of European manufacture or production, in which a trade can be carried on with countries foreign to ourselves, without any injury being done to the natural or artificial industries of the country; nay more. Such a system would foster and encourage our home productions by giving them cheap raw material, and because the more extensive the trade with foreign countries the greater will be the population, the more consumers and the greater profit to the people and he believed to the Government also. One thing is certain, we must endeavor to make some profit out of foreign countries, whether that be by means of home manufactures or imported ones—at present foreign countries make more profit out of us than we of them. He need only ask them to look at the exports and imports of the Colony. He was aware that both show some slight improvement upon the previous year, and if the Government will only adopt the Drawback system and abolish the certificates, a much greater improvement will ensue. We have been trammeled this year with the supposition that reciprocity would be granted, but he was afraid in this respect we have been following a will-o-the-wisp, but whether we have or not, it need now make but little differences in regard to the future policy of the Government. When we look around what do we see staring us in the face, railways from Puget Sound to the Columbia—to San Francisco; railway junctions at Salt Lake to connect with the overland line, and even a railway to Lake Superior indicated, he need not point out how big with fate these enterprises are to us—whether for good or evil, depends upon the Government, as it can do as it pleased. Wherever the termini of the Railways upon the Sound may be, there will necessarily spring up a large city—city possessing very numerous mercantile advantages, and what is more a large population from the influx of immigrants and efflux of passengers to various places. He asked not merely we stand still our chief city may be overwhelmed, and the commerce of our own country diverted into foreign channels. Will this be of any benefit to the colony at large? It will be a great injury, for it will take away in a great measure the market of our producers. If we desire to prevent such a catastrophe by legislating in time, the very want of legislation will be legislating for our rivals or enemies. There is no time to be lost because it will need some months at least to make arrangements with European firms and get goods out. Our colonial ship is not alone, forging ahead it is true in title, but the Government must be on the look out for every change of wind, and by shifting sail in time make it subservient to our benefit. If not, we shall be taken aback. Government unfortunately is not a windwill which shifts itself to every change of wind and goes on grinding all the time, but the Government must become more or less like the windmill. The Government must be determined to make the conditions now arising serve the interests of this colony. It can do so, it must do so or cease to exist. The way to make these coming conditions beneficial to the colony is to take off the duties upon European goods, and that class of goods in which we can trade with our neighbors and at the same time maintain the commerce of our own country in our own hands. He said again there is no need of interfering with our home industries. The mercantile and other interests can flourish together without making one subservient or inimical to the other. He had not enter into every article upon which the duties should be reduced because she was now dealing with general principles only. Whatever reductions do take place the whole inhabitants of the country will receive the advantage of such reductions, and in this respect they will be the better off. The mercantile classes will consume the protected goods, the produce of the Colony. They only ask for themselves a protection to trade, that protection, free trade in all such articles as are not produced in the Colony. We must try to supply these to the towns upon the Sound. The Government must adapt itself to circumstances, when alterations are required they must be made—however rapid upon changes may tread upon each other's heels; necessity knows no permanent law. It will not do to say it cannot be done, because the revenue will suffer—revenue must be a secondary consideration, the prosperity and welfare of the country the first. When the country is prosperous there will be no difficulty in raising sufficient revenue. If by a necessitous change of policy loss must accrue to the Customs, let that loss be made up by other taxes or reductions of expenditure, for it is better to have a new tax and be able to pay it than to allow the present ones to remain and the country to be ruined, for were the country ruined, whence is it to derive its revenue? He claimed by this kind of policy that we would supply the Sound. Revenue would increase, for with cheap European goods for sale, great numbers of people would come to purchase, and each and every one of those would contribute to the revenue of the Colony and probably more than make up for the loss, at all events they would make the residents able to pay. We must try and make this the Paris of the Pacific—at all events for the Sound; let us have attractions and people will come. He need not say, too, that if we had more goods on hand they might be sent to San Francisco whe the railways are completed to Portland and elsewhere. We must try to supply them. He did not mean to say that we shall sell more goods in large quantities—it will be much more profitable to sell them in small quantities to individuals. He also claimed that it would help us not only to maintain the Indian trade in our own Colony, but also to draw it from the northern extremities of the continent. Do not undervalue this Indian trade; it is one of the greatest importance, and by it the Indians would contribute to swell our exchequer, at the same time benefitting themselves and adding to the welfare of the people of the Colony. He believed, too, that if we adopt this policy, we should attract immigrants arriving by those railways, for nothing can be more attractive to them than to have a good home market. Let us have traffic, traffic, traffic. We can have it by removing hinderances; it will be our own fault if we do not have it, but we must be wise in time. We have done almost all we can for the other interests of the Colony, let us see now whether we cannot do something for the mercantile classes, and make all interests work together for good. It remains, then, for the Government to act with wisdom, and upon its determination will depend the advantage or ruin of the Colony from coming changes.

Hon. Humphreys had much pleasure in seconding the resolution, as it was a subject of vast importance to the welfare of this Colony, and demanded the serious consideration of the Government.

Hon. Crease would have been better satisfied if the hon senior member for Victoria City had adduced a few more reasons, or furnished the House with more particulars as to the alterations he proposed; such matters should be properly explained. He (hon. Helmcken) gave them a long account of what was looming in the future from the formation of railways on the Sound; but these were merely general expressions—general inferences from which no data could be drawn. There were already resolutions on the table of the House, on the question, and such matters required elucidation, because all who felt interested in the subject would be better able to judge. He (hon. Helmcken) implied that the Government stood still while all these changes were going on around us; but if he drew his conclusions from that, he, (hon. Crease) would not go with him; but he would go further, for he conceived that the city was suffering for lack of a Free Port. Instead of going the entire length he hon. Helmcken) peddled about with individual changes—and he could not help feeling that something remained beyond what he (hon. Helmcken) proposed. He thought the germ of the commercial interests was not in restriction but in commercial freedom. But in any consideration of the kind they must never lose sight of the credit of the Colony, hence he would like to know what new taxes the hon gentleman proposed, to replace the reductions he desired to make? His own impression was, that where duties could be reduced below the rate that made smuggling profitable, it would promote the good of the country; but they must deal with things as they are, with a tariff staring them in the face. They must also deal with the matter with reference to revenue; as, unless they produced the revenue necessary for the country, they were simply hanging the Government on the horns of a dilemma. The hon gentleman should show whereby such alterations could be made without injury to the country or damage to its credit. He believed the construction of the railways adverted to by the hon gentleman, woul be a great advantage to this Colony, because it did not signify what centres were formed for in reception, commerce always took its own channel, and would of necessity come here. He believed that there were certain things that would benefit rather than otherwise, if the duties were considerably reduced; but he could not recommend a change in the tariff at present, a conclusion he had come to after hearing the opinions of those interested and who knew the best; it was dangerous to make any change in the tariff when commerce had settled into certain channels. It would disorganize trade. He admitted that the hon gentleman did good in bringing such things forward, but he would confer a greater obligation on them did he explain how such things could be done without injury to the country.

Hon. Ring trusted that notwithstanding the specious arguments of the hon. Attorney General about the necessity of specific remedy for what is admitted to be an evil, the question should not be permitted to fall to the ground; he says that trade has settled into certain channels, therefore, tough it not. The principle of taxation which should govern the House, was the experience which had come to us from the Home Government; there every means had been adopted which would remove the trammels from commerce. Whatever the system adopted in relation to a tariff, the prime necessaries of life should be always exempt, because to tax food was to tax industry, whereas, by encouraging industry they would be converting the sweat of the brow into a means of increasing the revenue. The Attorney General complained that the hon. mover of the resolution only dealt in general terms; he might as well say that no general principles should be introduced into that House. In relation to our credit, we had our moral credit to sustain; we must afford the means to the colonists we had invited from all parts of the world, to turn their labor and industry to account. Where taxes were low, wealth always increased; fixed property should bear its own burden; it was bad policy to tax labor and industry.

Hon. Ball thought the resolution was a little premature as it was the advocacy of the same principles that induced the House to pass the Drawbacks Bill, which would answer all the purposes to be attained by the resolution. He thought the hon. member should have waited to see if that Bill was assented to, as that would afford protection to the revenue as well as increasing foreign trade. If the hon. gentleman was tending towards a free port he should come forward openly; the Drawbacks Bill would do good to Victoria, and hence to the whole Colony, without loss to the revenue. They had experienced one period of grievous taxation, when the real estate tax existed, and if they reduced the revenue to any great extent they would have to return to that obnoxious tax. The hon. gentleman said the Government was asleep; the Government had their duty to perform in protecting the revenue and fostering trade, but he did not think the latter should be done at a serious loss to the revenue. When the railway came to Puget Sound this would always be the market for English goods, and ships would always come here for their supplies. It would be better to wait for the experience derivable from the action of the Drawbacks Bill and he should therefore oppose the resolution.

Hon. Carrall opposed the resolution as the resolution was only part of a system of patchwork which the hon. mover made a speciality. Had he come out flat-footed for Free Port he could have understood him, but as the matter stood he declined to support him. He had determined if ever the Colony arrived at a sufficient state of prosperity to advise such a measure in order to counteract San Francisco, which was absorbing all on the Pacific, and so shape matters as to make Victoria the depot for the whole Pacific coast. He did not know what his constituents would say, but in two years time, if they brought forward a measure for making Victoria a free port, he would risk re-election and go in for it. The senior member for Victoria had got into a groove out of which he did not seem capable of moving, but the people were sick of constant changes; it was only whipping the devil round a bush. Why did he not come out for Free Port in a straightforward manner? He did not think it wise to be always dabbling in what were simply half measures as they did not meet the wants of the Colony. All of them were cognisant of the resources of the Colony, but they were not developed, and he did not think it would be wise to supppprt a measure which would be good for Victoria at the expense of all the rest of the Colony. If the resolution passed it would only put money in the coffers of Victoria merchants at the expense of the whole Colony. If the difference was so trivial as stated by the hon. gentleman, it would not benefit Victoria much, but he conceived there was a covert leaning to Free Port under all this. Let the gentleman come out and say, "I am a Free Porter," in a bold and manly style, but in the language of Pickwick there was something mysterious about it.

Hon. Trutch—Whatever the opinions of the Council might be on the subject, the hon. mover of the resolution deserved thanks for the suggestions contained in it, and it would be proper to discuss it (hon. Trutch's) end of the table to consider the matter maturely. It was impossible at that late period of the session to do justice to a subject of such importance, but he could assure them that the Government was not blind to the position that had been so ably sketched out. They might rest assured that the Government would not sleep while the changes are going on on the other side, and they could place every confidence in the policy of the Government being so shaped as to enable us to avail ourselves of the commerce likely to spring up in the neighborhood. The hon. gentleman who had last spoken had taxed the hon. mover of the resolution with aiming at free port; he (hon. Trutch) did not use it. If we could get free port and it would be a benefit he did not see any objection, but he could not see how that was obtainable without onerous burdens on real estate. We should be very careful how we meddled with the tariff; but if by keeping up high rates of duties we are killing the goose that lays the golden eggs, they had better adopt a different policy in time. It was a matter that required very careful consideration. The object of the hon mover of the resolution was doubtless, at that late period of the session, to call the attention of the Council to the subject, and he might rest assured that it would have the earnest consideration of the Government before their next meeting; and the time for acting upon the suggestions may arrive before that hon. gentleman thinks. With regard to the Drawbacks Bill taking the place of the resolution he did not think so; he had as reason to suppose it would not become law, but he did not think it would be as beneficial to trade as supposed. His own impression was that the duties on some articles might be reduced with advantage, and the revenue would not suffer at all, as an addition might be put on other articles; in this way he believed that the commerce of the country might be increased.

Hon. Helmcken was obliged to the hon. Chief Commissioner in coming to his support, his main idea, being to make people think. He was glad to hear that the subject had been under the consideration of the Government and that the intention was to make foreign enterprise subservient to the interests of the Colony. He trusted the Drawbacks Bill would pass, but he thought the reduction of certain duties would be better. It had been stated that he had the idea of a Free Port under all this, but that was not the fact, and he would give his reasons for it. We cannot have Free Port: 1st. Because a Free Port would be of no value with representative Institutions, as being always liable to change or abrogation. 2nd. It would be difficult or even impossible to devise the means of making a Free Port and keeping other industries projected. 3rd. The direct taxation necessary would not be tolerated and that also would be an inducement to abolish Free Port as it, among other things, would lead to dissatisfaction. 4th. It would be impossible to make a Free Port of Victoria, and prevent smuggling into Vancouver Island. The whole of Vancouver Island would have to be a Free Port but this would neither please the people of the Mainland nor the farmers of Vancouver Island, and perhaps some other industries. 5th. He had often thought that a piece of land, say the Indian reserve (under conditions proper to them) might be walled in and a large bonded system established; or the same thing might be done with Wharf street; merchants might expose the whole of their goods and sell in any quantity, but he was afraid that for goods for exportation too much machinery would be required.

Hon. Crease introduced a bill to amend certain portions of the County Court Ordinance, 1867. The object of the present bill was to confirm and define certain portions of the present Ordinance that were supposed to be already perfect.

Hon. Drake hoped the hon Attorney General would withdraw the proposed bill, as it would be commencing on an Act which was full of defects; the proper course would be to bring in an amended ordinance.

The Bill was read a first time.

Hon. Helmcken asked leave to introduce a bill to regulate the custody and disposition of fees paid into Courts of the Colony.

Hon. Crease said the bill was unnecessary, as a clause in the County Court Act had provided for all such fees being paid into the Treasury.

Hon. Young said an Order of Council formerly existed by which the fees in certain of the Courts in Vancouver Island were subdivided amongst the Judge, the Registrar, the Clerk and the Court; but that order had been repealed, and the fees were now paid into the Treasury. The fees in the Vice Admiralty Court were another matter, as their disposal rested with the Home Government.

After some further discussion the bill was withdrawn.

Leave was granted to withdraw the Victoria Water Bill.

The House was then resolved into Committee of the Whole, and the

MUNICIPAL AMENDMENT BILL

was taken up—hon. Walkem in the Chair. A number of clauses were altered and amended; clause 4 (the tax clause) eliciting the greatest amount of discussion. The following changes were ultimately agreed to: one-third of one per cent. on real estate, three-quarters of one per cent. being proposed in the new bill, and one-fourth of one per cent. being the hitherto existing rate. The several amounts payable for licenses were increased by the proposed new bill, but it was ultimately agreed to leave them at the old rates. The Committee rose, reported progress, and asked leave to sit again.

BEACON HILL PARK.

Hon. Helmcken moved "that in the opinion of this Council it would be advantageous to transfer by a proper Deed of Trust, Beacon Hill Park to the Municipal Corporation of the city of Victoria." He thought that the Municipal Council ought to have control over the Park, with the proper restrictions clearly defined by Deed of Trust, as to the uses to which it was to be applied. This is set aside as a public park not for Victoria alone, but for the whole Colony; the fact only of its being close to Victoria made it advisable to place it in the hands of the Municipal Council. There was no knowing what uses the Municipal Council might put it to without a Deed of Trust. They might lease it at a merely nominal figure, or it might be jumped; the Municipal Council had no right to the soil without a Deed of Trust, and by that Deed the Park would be transferred to the public. At present it is somewhat doubtful whether the Government might not come in and do something not to the advantage of the public; the Park at the present moment belonged neither to the Government nor the Municipal Council. All that is required is, that a certain piece of land should be reserved for the public; the time would come when the public would require roads and drives through it, but, for his part he thought it could not be improved. It was very beautiful and very dear to us all, and all we desired was that the Park should be reserved for the use of the public.

Hon. Drake seconded the motion. By the Deed of Trust proposed, all questions about limits would be set at rest.

Hon. Trutch—The Council had already expressed their opinions on the subject and the matter had been decided unanimously, although the Government never had any doubt upon the subject. The Municipal Council had no right, and never had any right, to the control of the Park; but the Government simply desired to put the matter at rest. There had been no promise either by word or writing. The Municipal Council merely misinterpreted a clause in the Incorporation act by which the Park was temporarily placed within the city limits. He thought the Government would make much better trustees than the Municipal Council. He opposed the resolution also on the ground that he was very doubtful whether the Crown had power to make such a conveyance. This piece of land was set apart for a public Park and clearly indicated on the official map as for that purpose. The Hudson Bay Company were the trustees to carry out that purpose, and were now replaced by the Crown, to which it had been conveyed. The Government were only trustees for the public, and could neither sell, lease, nor transfer the Park. He did not see were such a thing possible, why the Government should transfer the trusteeship, because he did not see why a piece of Crown land should be transferred to the Municipal Council when the Government was already in possession. Again, he thought the Government would be the best trustees, because they could improve the Park from time to time by small grants from the public revenue.

Hon. Carrall had considerable pleasure in supporting what was right, and he felt proud in enrolling himself under the banner of the hon. Chief Commissioner of Lands and Works. The matter had been thoroughly discussed when the amendment was made in the Municipal Amendment Bill, and he would take occasion to remark on the vast number of things brought forward by the hon. senior member for Victoria; it was not so much His Excellency the Governor he had come to serve as the *ipse dixit* of that hon. member. He had come a long way to legislate for the hon member for Victoria. That hon. member indeed had introduced a perfect volume of resolutions, and the whole session had been occupied with little other than Victoria legislation. He had been under the impression that the city authorities had some ground to go upon, but this he now learned was not the case. The jurisdiction over the Park had only been turned over to them for a short time, and so distinctly was this felt in the Municipal Council that one member of that body had got up and said "he did not know who had control of the Park, but he believed it was the Jockey Club." He did not think the Municipal Corporation had shown themselves capable of such a trust, as they had never done anything to beautify the Park. They had it in their possession during eighteen months and had not expended a single dollar upon it. They did not even know that it was in their hands. The Government were the proper trustees, because instead of giving it away they intended to lay out a small sum of money on it. Nothing could be clearer than the incompetency of the Municipal Council, as they might see from the condition of the streets, which were in a disgraceful condition; the thoroughfares were no thoroughfares. If this was so, how much less would they be capable of taking care of Beacon Hill Park. The hon. senior member for Victoria had allowed himself to be carried away by popular clamour which he [hon. Carrall] never allowed to influence him. He went to a meeting the other night, and such flimsy claptrap *cultus wa-wa* he had never heard; the city dignitaries had marched on to the stage with all their pageantry and panoply, and after all this display they showed plainly that they did not know what they were talking about. He [hon. Carrall] would not give way to demagogoism at all. The Park would be properly cared for under Government. Those who had exercised the right had done nothing at all.

Hon. Davie had supposed the claims of the Municipal Council the other evening and would do so now. The Government held the Park for the enjoyment of the people and were the best custodians.

Hon. Crease said that when rocks were blasted away, trees cut down, and negotiations absolutely being made to lease a portion of the ground, it was time that the Crown should take charge of it.

Hon. Helmcken said the Government could do anything it pleased with the public property, and he did not think the Park would be any safer in the hands of the Government than in those of the Municipal Council. It was not the Government that gave the Park to the people—it was the Hudson Bay Company. Government might put a Government House, or a prison, or a school, on it. He had been told by the member for Cariboo that this was a hobby of his; he was sure if it was, that it was that also of the people. The hon member said a great deal in some language not known in this House, about the people who spoke at the meeting; he could only say that three who spoke were not Municipal Councillors, and these latter gentlemen had never used such language as the hon member from Cariboo, and there was one among them at all events who could speak much better.

The resolution was lost—ayes, 3, noes, 9.

The Council then adjourned until 1 p.m., to-morrow.

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Thursday, March 4th, 1869.

Present—Hons. Trutch, Wood, Helmcken, Alston, Hamley, Pemberton, Davie, Crease, Drake, Ball, Ring, Bushby, Carrall, Walkem, Humphreys, Young (Presiding).

THE INDIAN LIQUOR LAW.

Hon. Davie moved that the Indian Liquor Law, being both inoperative and mischievous, should be forthwith repealed. He did not impugn the wisdom or the benignity of the originators of the Indian Liquor Law. It was introduced with the best motives as an experiment, and as such it has signally failed. The Indians can and do obtain as much liquor as they choose. The law is only operative in replenishing the chain gang, where the whiskey seller becomes a companion in chains with the incendiary, the felon and the assassin. The law is mischievous in two ways. First, it begets a desire to obtain the forbidden article, "stolen waters are sweet." In New Brunswick, where before Confederation there was no such Indian liquor law, a respectable authority informed him there was no drunkenness among the Indians. In relation to the Ovens diggings in Australia in 1858 a law was passed to forbid the use of alcoholic liquor by white men. The consequence was excessive drunkenness and riotous. The law was repealed and good order soon obtained. The fruit of the Indian Liquor Law here is that a poisonous liquor is compounded and sold to the Indians who seldom can obtain any other, although they often try to do so. There was some time since at Cowichan Bay a white man who drank but two glasses of the infamous compound—soon he fell senseless into his boat where he remained in profound torpor until the next morning, when he awoke too exhausted to follow his wonted occupation. At Sooke two fatal cases followed the partaking of the beverage by Indians. We are bound to protect and advantage the Indian in every practicable way. First, because he is our kinsman, the ignorant some contend, link between the gorilla and the man, but of the same parentage as ourselves. History, as reliable as any on which we rely declares this. He now appears even in nearer affinity with the European than the African. The peculiar miasmata more quickly disappear from intermarriage, and where they are somewhat retained, they add grace to the configuration of the countenance and in the female blooming beauty to the complexion. The fact that the Indian is a man implies susceptibility of moral suasion. He is to be acted upon by truth—as the seed is adapted to the soil, so is truth adapted to the Indian mind. Second, he is an injured man; we have invaded, usurped his territory, taken from him the hunting grounds of his fathers, introduced into his system the foulest of all foul diseases until robust health has given place to premature decrepitude and deformity, decimating his tribes and threatening them with entire extinction. We have taught him the use and the abuse of a beverage we should be all better without, and then by the Indian Liquor Law have shut him up to a poisonous imitation of that beverage—not only liquid fire, but distilled damnation, which can only aggravate the disease with which his system is impregnated to the very marrow of the bone and

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