

Legislative Council Proceedings.

Monday, Dec 21.

Present—Hon Messrs Walkem, Carrall, Hamley, Drake, Crease, Ring, Helmcken, Pemberton, Davis, Alston, Bushby, Havelock, Wood, Ball, Trench, O'Bailly and Young (President).

Hon Helmcken presented a petition from J C Nicholson praying the Council would afford him relief in a case in which the Chief Justice of the Island had stated that the proceedings in his Court would be ineffectual in bringing about the settlement desired. The petition was then read.

Hon Walkem moved that the petition be printed for the use of hon members; ordered to be printed accordingly.

Hon Davis presented a petition from the inhabitants of Melchouin and Esquimalt Districts, praying that a Fence Law may be passed.

Hon Helmcken gave notice that he would ask that a Committee of the Whole be formed to consider that portion of His Excellency's speech which referred to a Treaty of Reciprocity with the United States.

Hon Hamley thought so important a question should be considered by a full House.

Hon Davis gave notice that he would introduce an Ordinance for the destruction of Wolves and Panthers on the Island.

Hon Helmcken gave notice that he would ask His Excellency to be pleased to lay before the Council all papers relating to 1. The Land Bill; 2. Judiciary Bill; 3. Reciprocity with the United States; of America; 4. In relation to Confederation with the Dominion of Canada.

Hon Drake gave notice that he would ask from the Hon Attorney General if the Government had any intention of amending the existing laws, and whether any steps had been taken to make the jurisdiction of the Courts of this colony concurrent.

Hon Helmcken gave notice that he would ask if any provision would be made for the encouragement of immigration, and whether the Eagle Pass would be opened at an early period.

Hon Ball had the honor to lay before the Council the Report of the Select Committee appointed to frame a reply to the Governor's speech.

The report as follows, was then read:

REPLY OF THE LEGISLATIVE COUNCIL.

To His Excellency Frederick Seymour, Governor and Commander-in-Chief of the Colony of British Columbia and its Dependencies, etc.

We, Her Majesty's dutiful and loyal subjects, Members of the Legislative Council of British Columbia, in Council assembled have heard with feelings of satisfaction the great improvement visible in the general prosperity of the Colony.

The great advance which has taken place, not only in the Agricultural Districts and Gold Field, but also in the increased exportation of coal, spars, and lumber induce us to believe that our progress will be steady and permanent.

We beg to assure your Excellency that all the measures which are brought under our consideration shall receive our most careful attention.

It is to be regretted that Her Majesty's Government has not thought it expedient to pass the Judiciary Bill, but we trust that some measure will be introduced during the present Session which will terminate the existing anomalies in the administration of the law, and to which Her Majesty will be able to assent.

A Fence Bill is one which will confer a great boon on the Settlers. The importance of a good Mineral Law cannot be too highly estimated, and we are glad to hear from your Excellency that the measure to be proposed will be liberal in its character, and trust that it will lead to the increased development of the vast mineral resources known to exist in the colony.

We congratulate Your Excellency on the improved financial condition of the colony, and the reduction which has been effected in the public debt. Fully impressed with the importance of exercising a rigid economy in all Departments of the Government, the Estimates prepared on this basis will receive our support.

We view with satisfaction the prospect of an increased expenditure on Public Works, as the opening up and repair of roads to various parts of the large territory, affords the only permanent means of settling the country.

We are glad that the important topics of Reciprocity with the United States, and Confederation with the Dominion of Canada will be discussed, and trust that some satisfactory solution of these important questions will be arrived at.

We cordially concur with your Excellency in believing that the time has now arrived when the people should have the full right of electing their representatives in the Legislature, and we hope that its constitution will be still further amended, so as to develop with greater freedom the principles of self government.

In conclusion, we trust that all classes and parties will harmoniously work together for the common good, and endeavour by wise measures, under the Divine blessing, to win for the colony a high position amongst the dependencies of Great Britain.

WILLIAM A G YOUNG.

President Member.

Council Chamber, 21st Dec., 1868.

Hon Helmcken intended to have moved for a Committee of the Whole upon the reply to the Governor's Speech, but seeing that the report of the Select Committee contained nothing objectionable, being in the usual non-committal style, he was satisfied with the reply as it stood. It was to be regretted that no allusion had been made to the desirability of altering the Tariff, as he felt sure that without injuring anyone it would hasten the prosperity of the mercantile population and encourage all. It was possible,

and even probable, that the Governor may send down a message in that regard. He was glad to see that the Governor intended to add to the number of the people's representatives. Scenes had occurred in that very room a few years ago that would never have taken place if the then Governor had consented to what Governor Seymour now proposed; much misunderstanding would have been prevented. All that they asked was to be allowed to work as they did in other countries, by which the heads of Governments were perfectly acquainted with the people's feelings through their representatives. He thought, however, that the gem of the whole speech, was contained in the proposition to add two of the popular members to the Executive Council. This serves to wipe out other faults. Altogether the reply was very satisfactory. Opposition to everything emanating from the Government had become so natural with him, that he was almost sorry that he had no fault to find. He would move the adoption of the report.

Hon Carrall thought if there was any evidence of sins in the address, they were sins of omission, and he did not look on the addition to be made to the Executive Council as the gem of the speech. He thought great caution should be observed in meddling with the Tariff. It should not be changed too often, particularly in view of a treaty of Reciprocity with the United States.

Hon Walkem had been honored with a seat in that honorable Council for four or five sessions, but on all previous occasions he had sat there elected by the people. He now occupied his seat under quite different auspices in which the people had no voice. He, however, felt himself equally free to express his opinion on every subject that came before the Council. In relation to the Governor's speech, he thought it was pervaded by great concessions which took the public and himself by surprise; concessions which he thought would be productive of lasting benefit to the Colony.

The report was then adopted. The presiding member having ascertained that His Excellency was prepared to receive the address, the House adjourned during pleasure in order to present the address to the Governor.

On the re-assembling of the Council, the Hon Young said he had the honor to read to the Council the reply of his Excellency on the presentation of the address; it was as follows:

THE GOVERNOR'S REPLY.

Honorable Gentlemen of the Legislative Council:

I have received with much satisfaction the address you have been good enough to present to me. I sincerely trust that the efforts we are about to make for the improvement of the Colony will be attended with success. I am glad that you have placed on record your conviction of the enormous resources of the Colony, and turning to the last paragraph, let me assure you that on my part nothing will be wanting to keep alive the good feeling which I trace in your address.

21st December, 1868.

ORDERS OF THE DAY.

Hon Crease then moved that the following Bills be read a first time: The Fence Bill; the Savings Bank Bill; the Mining Bill; all read a first time accordingly; the second reading for the two first on the 7th, and for the last on the 20th proximo.

Hon Helmcken agreed with the Governor that some alterations were necessary in the Legislative Council, the people should be allowed to elect at least a majority of the members. It was his duty to attempt to bring back the institutions they formerly possessed when he sat in that chamber; they then made too free use of those privileges, and with loss. He now had the pleasure to bring forward a bill in which he proposed to alter the present constitution of both Councils. The clauses were to the effect that four members of the Executive Council should be chosen from the popular members of the Legislative Council, the Legislative Council to be composed of 24 members, 8 to represent the island and its dependencies, 8 to represent the Mainland, and 8 to be chosen by the Governor; it would be optional with the Governor to cause some of the eight members appointed to him to be elected by the whole country. He may remove any member he pleases, but not those elected by the people; official members to have no vote on supplies or electing a President of the Council; the Council to continue five years. There was nothing in the bill which could be objectionable to anyone, and he trusted leave would be granted.

Hon Carrall rose to second the request of the honorable member for Victoria, and he quite concurred in what the hon gentleman had stated in relation to the bill. People such as ours were coming from older countries where never before legislation was adopted. He cast no slur on the official members, but he believed if they were even an angelic host, under the present circumstances, they would not satisfy the people.

Hon Crease thought the bill exceeded the powers of the Council; there was not a single clause in the Act which enabled the House to amend its own constitution, by the 63rd, 28th and 29th Vic. 5th clause, gave power to the Council to create Courts of Judicature and to every Colonial Representative Legislature full power to make laws for their own guidance, but that power was restricted to Representative Legislatures, and in no case does the power exist asked by the hon member.

Hon Hamley, for the introduction of such a bill as the present one, Her Majesty's permission would be required; under all the circumstances, he hoped the bill would be negatived if the hon proposer did not withdraw it.

Hon Crease objected that the mode of bringing in the bill was improper. Hon Helmcken would assure the hon member that he had not the remotest intention to withdraw the bill, it might be very true that he had no power to do anything else. He was perfectly aware that this Council had no power to amend the constitution, but it was quite competent in them to make a suggestion which would be sent home to Her Majesty's Government, to be accepted or negatived as the case might be; the bill was really more in the shape of a petition than anything else. Every law affected the constitution, and if they had power to amend one portion they certainly had power to

amend another. Does the hon gentleman state that there is nothing representative about the present Council? He held that there were representative members present; he did not think that because the hon and learned gentleman had expressed an opinion that the House should be stayed by it.

Hon Ring hoped that the bill would be allowed to pass a first reading, he thought the Council possessed full power to alter the constitution.

Hon Drake supported the principle of the bill, his constituents desired more liberal forms of Government, and they wished to bear the burdens of Government with the Governor. He did not think that anything in the shape of self-government was shelved.

Hon Trench had no inclination to shelve the bill; on the contrary, he thought that Government would be strengthened by advancing towards such an alteration; but the manner in which the principle had been introduced was irregular and improper; the subject should be brought in in the form of resolutions. In accordance with the suggestions held out in the Governor's speech, for a more popular form of Government, he and his colleagues felt themselves perfectly free to vote, and in this respect he objected to the injurious aspirations that had been cast upon them.

Hon Alston objected that it would be useless sending such a bill to the Governor as he could not sign it. If the Governor signed the bill, it would become law, although it might be afterwards disallowed by the Queen. If the Ordinance was sent to the Governor in its present form, it would have to be returned to the House. He would ask the hon proposer to express the matter in the bill in the proper form.

Hon Davis, without expressing entire concurrence with the Bill, said he must support the principles there expressed.

Hon Walkem said that this was the old story so often repeated last session; the resolutions then brought forward embodied the principles of the Bill before them, but the resolutions were then in proper form, but the measure now brought forward was not. It might be remembered by the hon Members that he objected strongly to the resolutions introduced last session. He fully agreed with all that had fallen from the popular members, he had always been in favor of opening the Executive Council to popular members. The Governor was empowered to do so and so, assisted by the Legislative Council, but it was absurd to suppose that this Council could give themselves the power asked for in the Bill—it was impossible for the Governor to sign an Ordinance in which such power was asked. He believed the English House of Commons had not the power which the passing of this Bill would imply—were such the case they could overturn the present form of government, and change the monarchy to a republic. So far from desiring to shelve the Bill, he was decidedly in favor of some portions of it, but was opposed to it as a whole. He considered that the official members had liberty enough to advocate the principles of the Bill, were they in proper form. Let the subject be brought forward in proper form, and not play at legislation like children.

Hon Helmcken said that for good or for evil he would enforce his right to bring in the Bill; whether it was afterwards lost or not would rest with the Council. If the Bill was out of order, the President would have ruled it so. There was no compulsion to pass the Bill—the Bill was desired by this Council and the people of the colony, and he would do his duty in the case. The Government of the colony had just been acquiring a little more popularity—but if they rejected that Bill, they would very soon lose that popularity. The Bill reads—that it is prayed that the Queen may grant that the Bill be adopted. It is only desired by this means to have the Bill further discussed. If the Council threw it out at this stage, it cannot be introduced again this session.

Hon Crease desired to hear from preceding members whether the bill was out of order or not.

Hon Young thought that hon members were travelling from the record—the question before the house was simply shall leave be granted to bring in the bill; at that moment he had only to decide that the hon member for Victoria had a right to finish his reply.

Hon Helmcken repeated that he had given the proper notice, and had done all a member could do in the case. He insisted that there was nothing in the bill which would preclude its admission, and he believed the opposition arose from their own cowardice. It would be better for all that the bill should be introduced.

Hon Young said there was nothing in the Standing Orders to prevent the introduction of the Bill, but the state of the law made it quite impossible that such a bill could pass in the proper manner to be brought forward in the form of a petition. Such a Council as this one could establish Courts of Judicature, but did not possess the power of a Representative Council.

Hon Helmcken said he should not withdraw the bill. He was perfectly aware the house had power to pass it.

Hon Wood inferred from the fact that they had full power to originate any matter whatever—that the only obstacle arose in the letters patent; but in referring to the Act of Parliament on Colonial affairs, it was there stated that notwithstanding such letters patent, the Council had the power. However, he would prefer to have the bill withdrawn and brought up again.

Hon Ring advocated withdrawal.

Hon Helmcken said hon members should never deny the power they undoubtedly possessed. To withdraw the bill would be equivalent to saying that they had none. He would ask the house to adjourn the question until to-morrow.

Question adjourned accordingly.

Hon Drake brought forward a bill for establishing Drawbacks. After a brief explanation of its character, leave was granted and the bill was subsequently read a first time. The second reading fixed for 8th prox.

At the request of Hon Helmcken Standing Orders were suspended in order that he might give notice of motion. He then gave notice that he should move the repeal of the Crown Salaries Act in order that the Governor might be enabled to reduce the salaries of the necessary officers, and discharge those that were not required.

The House then adjourned till 2 p m on Tuesday.

Tuesday, Dec 22.

Present—Hons: Hamley, Walkem, Drake, Helmcken, Bushby, Crease, Pemberton, Carrall, Wood, Alston, Ball, Trench, Ring, Davis, Havelock, Young, (presiding).

VICTORIA FIRE DEPARTMENT.

Hon Drake presented a petition from the Victoria Fire Department asking for relief. The institution was greatly in arrears, and in order to keep up the efficiency of the Department had already expended \$1650 for their own private purses.

Petition received and laid on the table.

ORDERS OF THE DAY.

Hon Helmcken—That in bringing in the motion, that the Council go into Committee of the Whole to consider that part of His Excellency's address relating to the Reciprocity Treaty with the United States of North America, he had merely desired that a day might be fixed for the full consideration of the question. Monday 11th prox. was then decided on.

Hon Helmcken moved that His Excellency the Governor be respectfully requested to transmit to this Council any papers relative to (1) The Land Bill; (2) The Judiciary Bill; (3) The Reciprocity Treaty with the United States of North America; (4) The question of Confederation with Canada. Motion carried.

Hon Drake begged leave to postpone his questions to the hon Attorney General, as the subjects required more mature consideration. Postponed until the 12th prox.

Hon Helmcken—The question as to whether any scheme had been started for the encouragement of immigration, was one invested with a good deal of importance, but as he had heard that there was a scheme under consideration he would not discuss the matter further at present. In relation to the opening of the Eagle Pass route, he thought that was a matter of paramount importance at the present moment, and there should be no delay in opening the route. Recent intelligence from the gold fields there was so encouraging that he thought in the interest of the merchants of Victoria and New Westminster the utmost diligence should be used, otherwise the neighboring States of America would monopolize the trade. There was another consideration also, the road by the Eagle Pass would form a portion of the future Road to Canada; hence the outlay would be of lasting value.

Hon Young—The only answer he could give at the moment in relation to the first question was that it was under consideration; the like reply must also serve for the second with this addition, that the hon Magistrate for Kootenay was at that moment with His Excellency, and they had the question under discussion. Hon members might rest assured, however, that the moment any information reached him on either subject, he would lay it before the Council.

Hon Helmcken—The Ordinance which he now brought forward was in fact a part of a bill touching an alteration in the Constitution of the Council brought in yesterday; he had divided the bill into two parts and he was happy to say the portion now before him could be accepted to by the Governor. It was to provide for the Registration of Voters, who they shall be, and where they shall vote. He would say, however, that the schedule was imperfect and required amendment. This caused him no regret, as by the time the amendments were complete the members from the Upper Country would be in their seats and would lend him great assistance in marking out the limits of the different districts. The mode of Registration would be the same as formerly in Victoria. The hon member then proceeded to give the substance of the different clauses of the bill amongst which he gave foreigners the right to vote on the same footing as a British subject.

Leave was granted to bring in the bill, which was afterwards read a first time. Second reading fixed for the 13th prox.

Hon Helmcken, in order to adapt the form of the bill proposed yesterday, for the alteration of the Constitution of the Council to the taste of hon members, he proposed to cut off its head. By this means it would be merely a petition. He continued to think, however, that it would have received more attention as a bill. His hon neighbor (the member for Cariboo) suggested that prudence was the better part of valor, and as if the question was pressed to a vote just now, they (the supporters of the bill) would be beaten.

Do you think I have a small waist? Inquired a young wife of her husband. "Small waste" replied the husband, eyeing the extensive trail. "It may be a small waist to encircle, but a large waste to support!"

he would retreat in order, hoping in the course of time to draw recruits from the ranks of the enemy.

Standing orders having been suspended the hon Helmcken gave notice that he would bring forward a series of resolutions to alter the Constitution of the Executive and Legislative Councils.

Hon Helmcken then moved an adjournment until 1 o'clock P. M. of Thursday, 7th prox., which was carried.

Letter from Cowichan.

KELVINSIDE, COWICHAN, 16th Dec, 1868

EDITOR COLONIST:—One great want of the farmers in this Colony is agricultural literature, and knowledge of what is being done by our brother agriculturists throughout the Colony in improving the soil. In Great Britain, where farming has been brought to such perfection, the farmer has his club at which is discussed some subject in connection with his business at which all have an opportunity of stating their views and experience, and at which much information is acquired. These farmer's meetings have been of great benefit wherever introduced and properly conducted; they have combined science and practice, and if useful to the experienced British agriculturist in a climate so much more arduous to him than in his own country, how much more are they required here, where in many cases the inexperienced agriculturist in a strange climate has to grope his way by his own scanty experience? That there is no lack of the right material to form and conduct such meetings in the Colony I am convinced by articles I have seen in your columns. Could not the Agricultural Society, besides holding their annual exhibition, meet, say, once a month, for the purpose of discussing some subject on practical agriculture; if these meetings were held and reported in your columns much useful information would be disseminated. I have been interested and astonished at J P D's statement of so much land being worthless around Victoria. Has it been really good land that has been wrought out in the brief period the Colony has been settled? And if good land, what system or want of system has rendered the land worthless? In a new country like this, with a proper rotation of crops, we ought to be independent of guano. In Canada and the United States the government fosters and encourages agriculture. Near Melbourne, in Australia, there was an experimental farm conducted at the expense of the Colony of Victoria; here we do nothing. Those who write about the patches of good land on the Island must know very little about what they say. Undoubtedly there is much waste land, but there is land enough if properly cultivated to support a more numerous population than we will have for a long period. The great expense of sending produce to the market deters many from raising grain, as it costs many of us as much to get to the wharf as it does from the wharf to Victoria. I hope these remarks may be the means of initiating some movement for the improvement and information of the farmers of the Colony.

JAMES FLEMING, JR.

The Monieriff Gun Carriage.

The following is a description of Captain Monieriff's gun carriage. It never seems to have occurred to any one before Captain Monieriff (or, if it did, the idea never fructified) that the recoil might be made a servant, and not a master; and that, instead of letting it expend its strength on the destruction of carriages and platforms, it might be used to do the one thing that was wanted—to lift the gun above the parapet at the moment of firing, and deposit it gently below in a place of safety the instant after the shot was delivered. This was the simple idea of Captain Monieriff's invention, and the mode of applying it is as simple as the idea itself. Imagine a fowling piece fixed to the top of the back of a rocking chair and fired. The chair rolls back with the recoil, smoothly and evenly, without the slightest jar; and, if caught and stopped at the lowest position, the gun may be loaded, and the chair let go, when it must instantly roll back to recover its balance, and bring the gun once more to the top. Fire the gun again, and the process repeats itself; and so we have our gun always fired from a high position, and instantly brought to a lower level, to be again prepared for action. This is the whole essence of Captain Monieriff's device. The rocking chair, the elevator as it is called, weighs six tons, and the weight is so distributed that in the position of equilibrium the gun is at the highest point. The bottom of the elevator is rounded like the rollers of the rocking chair, and the instant the gun is fired the recoil sets the machine rolling, and brings down the gun some feet below the parapet. There it is stopped by a common catch or pawl, working on a toothed wheel like that which every one has seen on a windlass or a crane. When the gun is loaded the pawl is removed by a handle, the gun springs up, the shot is fired and down comes the piece again to the loading position. A simple contrivance called the carriage, which is nothing but a bar pivoted to the gun at one end, and riding along an inclined plane at the other, keeps the piece horizontal throughout the movement, and by means of a looking-glass the gun is aimed, while in the loading position, without requiring even the man who lays it to expose himself for a moment.