The Weekly Colonist

8

# Tuesday, August 30, 1864. HOUSE OF ASSEMBLY.

THURSDAY, Aug. 25th, 1864.

House met at 3:15 p. m. Members present-Messrs. DeCosmos, Duncan, Carswell, Dennes.

BREACH OF PRIVILEGE. Mr. DeCosmos called the attention of the House to a breach of privilege on the part of the *Chronicle* newspaper, which had reported that Messrs. DeCosmos and Franklin left the House during yesterday's debate. He. (Mr. DeC.) had not left the House at all. It was Dr. Trimble who had done so.

#### REPLY TO THE SPRECH.

- The reply as amended was read by the Speaker and adopted unanimously. No other business being before them the House adjourned till to-day at one o'clock when the reply will be presented to the Governor.

# THE CONSTITUTIONAL QUESTION.

## Legislative Council.

FRIDAY, August 26th. The Council met at 11:50, a. m., yesterday.

Present-The Hons. the President, the Colonial Secretary, the . Attorney General, the Treasurer, Donald Fraser, and Hy. Rhodes. The minutes of the last meeting having been read, the hon. Attorney General asked leave to offer a few remarks in explanation. He said that a misapprehension had arisen in the minds of some of the hon, members as to what had escaped his lips at the last sitting of the Council. He wished to observe that he had not given it as his opinion that the Commission issued to His Excellency gave bim any authority whatever to call the House tegether within the prescribed time; he could not be so foolish as to suppose that the Commission could override the law. He had only remarked that the inadvertence had arisen from the fact that the parties framing the Commission evidently wrote it under the conviction that His Excellency had that power vested in him, and His Excellency had no doubt acted under a similar conviction from the terms of that Commission in summoning

the Legislature together. In the absence the law bearing directly on the case, the hen. gentleman said he most distinctly abstained from expressing any opinion whatever on the legality of the act.

The Council then proceeded to the Government offices, to present their address to His Excellency the Governor.

The Hon. Chief Justice introduced the Hon. Council to His Excellency, and read dress of the Legislative Council in reply to the the following address :-

To His Excellency Arthur Edward Kennedy, Esq., Companion of the Most Honorable Order of the Bath, Governor and Com-EDITOR BRITISH COLONIST :- SIR, In the above extract the Council say that the merit of the recent gold discovery is " primarily " mander-in Chief in and over the colony of Vancouver Island and its Dependdue to Governor Kennedy. This, in my humble opinion, is an error-a mistake, I encies, &c. &c. hope, that may be attributable to a laudable desire to please at the same time that an un-

The humble address of the Legislative Council of the said Colony.

pleasant constitutional difficulty was official-MAY IT PLEASE YOUR EXCELLENCY .-We, the Legislative Council have heard with ly made known. If the object of the Counmuch pleasure your Excellency's speech on cil were not to pass off a cheap compliment the opening of the present session of Par- at the expense of history, it is to be feared the opening of the present session of Par-liament. The Legislative Council desire most respectfully to express to your Excel-lency their gratification at the recent dis-covery of the gold-fields referred to in your Excellency's speech, and their hope that this

C. B., Governor of Vancouver Island | the support and encouragement given to the and its dependencies, and Vice-Admiral of the same, &c. &c. deserves praise; but he is not entitled to the merit "primarily" of the discovery, any more. MAY IT PLEASE YOUR EXCELLENCY .--We, Her Majesty's faithful and loyal sub- than the successors of Wolfe and Nelson

Nanaimo this summer.

COMMERCIAL.

WEŁKLY BRITISH COLONIST

jects, the members of the Legislative As- were entitled primarily to the "merit" of the sembly of Vancouver Island, have much victories at Quebec and Trafalgar. gratification in being informed by your Ex-cellency that a gold field has been discovered within the colony that is prospectively of great value.

We beg to assure your Excellency that we would be disposed to give that consideration to the question of the transfer of the Grown Lands and revenues to the Colony and all coal. other subjects mentioned in your Excellency's address, but we deem ourselves precluded from so doing on account of the House of Assembly having been called together with-out fourteen days' notice having been given. The House is of opinion therefore that any action it might take would be open to questhrough this town. tion, and further that such a precedent might lead to most serious consequences. We would therefore sincerely hope that

your Excellency may take our objections into your serious consideration, and adopt such constitutional measures as to you may appear advisable under the circumstances.

His Excellency replied as follows : Mr. Speaker and Gentlemen of the Legisla

tive Assembly; I thank you for your address. However much it is to be regretted that doubts have arisen whereby the action of the Legislature has been delayed, I cannot but concur in the expediency of their being set at rest. The adoption of the privileges and practice of the Imperial Parliament in so far as they are applicable to the local Legislature in spirit as well as in letter must be conducive to the public good and the henor of the Leg-islative Assembly. The right of the people and the privileges of the Legislative Assembly who represent them I hold equally sacred, with half a dozen passengers. and they cannot be too carefully guarded. Your address, gentlemen, shall receive my best and earliest consideration with a view to the removal of any doubts of the legality of your proceedings. Puget Sonnd. The members of the House then with-

drew.

WHO IS "PRIMARILY" ENTITLED TO THE MERIT OF DISCOVERING OUR GOLD FIELDS.

# "The Council, on offering their congratulations

on this discovery (the recent gold discovery) deem it their duty in justice to your Excellency, to re-cord their conviction that the merit of this discovery is primarily due to your Excellency's earnest an energetic advocacy of the exploration of the Island, and to the continued support and encourage-ment afforded by your Excellency to the efforts of the explorers who have made the discovery.-Ad-

from this port during the same time, was 126, classified thus :- Steamers, 33; ships, 1; barks, 3; lows : brigs, 2; schooners, 46; sloops, 39; boats, 3. Total tonnage 183,06 tons, of which 115,69 were

deal of freight.

British, and 6737 tons were foreign. FROM NEW WESTMINSTER .- The steamer En terprise arrived last evening from New Westminster with a small amount of treasure, about 25 passengers, and Dietz & Nelson's River Express.

FROM NANAIMO .- The schooner Goldstream arrived yesterday with a cargo of coal from Nanaimo

Sooke yesterday morning with about 40 passengers and some freight. Friday, August 26. BUTTER-Fresh, 42c@45c p case; Salt But-

FOR SOOKE .- The steamer Alexandra left for

AT NANAIMO .- The bark Frances Palmer has August 27-Slp Northern Light, Mountfo taken on board 298 tons of coal, and is ready to sail for San Francisco.

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FROM SOOKE .- The sloop Eagle arrived from Sooke yesterday evening with 7 passengers. The news is confirmatory of that already published.

HISTORICUS. FOR PORTLAND .- The steamer G. S. Wright ITEMS FROM NANAIMO. did not sail yesterday. She will probably leave to-day before noon. NANAIMO, Aug. 24th.

THE sloop Wanderer, Horton, arrived on Satur-The ship Dublin, Captain Goff, arrived today from the Sound with sever al passengers. day, 16 days from San Francisco direct. The Captain expects to take over 1000 tons Tuesday, August 30.

FOR THE FRASER .- The steamer Lilleoet Capt. The cricketers are making great prepara-Fleming. sailed for New Westminster, Douglas tions for the match to come off on Saturday. and Yale yesterday afternoon with 30 passengers, Over thirty houses have been built at 20 of whom were Indians, and 60 tons of freight. Two Concord coaches for Barnard's express line

A new road is being made to Harewood were also sent up. which will lead the traffic to that place FOR PORTLAND. -The steamer Geo. S. Wright Almost everybody here is busy improving sailed for Portland yesterday at 12 o'clock. The

his lots, etc. The only person who seems "hard up" for a job is the magistrate. ing.

> TO AND FROM SOOKE .- The steamer Enterprise sailed for Soeke yesterday morning with 25 passengers. She returned at 4:30 p. m. with 15 Wednesday, August 23. or 20 passengers.

> > THE SHIP FAIRLIGHT has been lightered by the Otter, to the draft of 15 feet, and will be

#### VICTORIA MARKET.

Sales of Produce for the last week have been Sierra Nevada sailed yesterday at noon for San to an average amount. Imports have been unu-Francisco, via Pertland, taking a cargo to the sually large and the shipments to British Columormer port, consisting of wool, hides and skins, bia have somewhat increased. Local trade has and pressed vegetables and cases of merchandize. also been brisker.

FOR SOOKE .- The steamer Alexandra left yes-The Imports for the week from San Francisco terday forenoon for Soeke with about 70 passenper steamships Pacific and Sierra Nevada, and gers and some freight. She returned at 5 p. m., brig Brewster, consisting of produce and general merchandise, have been to the amount of \$51,250; from Portland, per Pacific, flour, grain, fruit, &c., FOR OLYMPIA .- The bark Nahumkeag, Capt. valued at \$14.350 : from Puget Sound, per steam Gove, was advertised to sail August 19th, ers Eliza Anderson and Alexandra and 'coasting from San Francisco for Olympia, and ports on

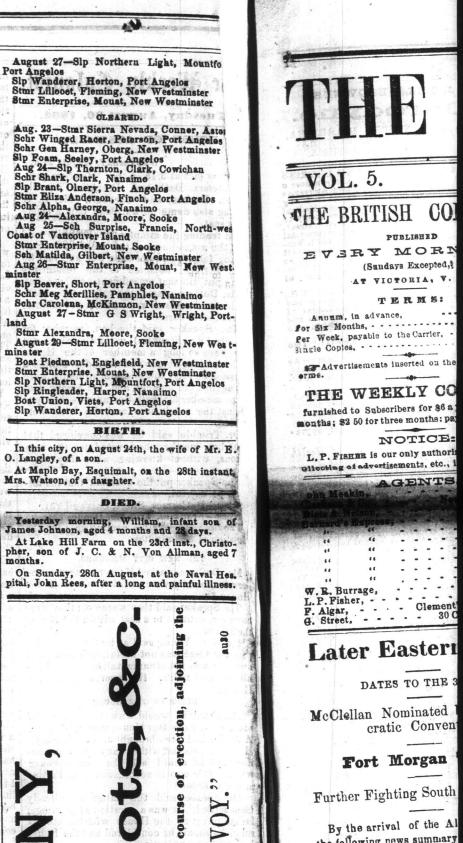
craft, stock and produce to the amount of \$6,650 and from England, per ship Fairlight, to the Hud-FOR NEW WESTMINSTER.-The steamer Enter- son Bay Company a large cargo of general prise left yesterday morning for New Westmin- merchandise amounting to about \$250,000; makster with from 25 to 30 passengers, and a good ing the total imports for the week reach the sum of \$322,200.

Thursday, August 24. The Exports for the week have been; to San RETURNS OF SHIPPING FOR JULY .- The num- Francisco-coal, \$2113 ; furs and skins, \$3347 ; ber of vessels of all classes entered at the port of bacon, \$162 50; total, \$5,622 50. To Portland-Victoria, V. 1., for July, was 128, classified as chiefly per steamer G. S. Wright-brandy, \$62; collows :- Steamers, 34; barks, 5; brigs, 2; clothing, \$60; sugar, \$296 30; salt, sheet -zinc. schooners, 49; sloops, 38. Total tennage 190,33 etc., \$1810 35; pig iron, \$183 75; green coffee, tens, of which 114,16 tons were British and 7619 \$1968 97; English merchandise, \$1280 40; total, tons were foreign. The number of vessels cleared \$5661 77. Total exports for the week \$11284 27. Retail prices of produce may be quoted as fol-

> FLOUR-Extra, \$12 75@13 P bbl; Superfine FLOUR-EXITS, 312 (2021) & 501; Superine,
> \$10 50@11; do do Common, \$2@9 50.
> OATMEAL-\$11@11 50 \$100 h.
> CORN MEAL-\$7 \$100 h.
> BUCKWHEAT-\$8 \$100 h.
> BEANS-White, 5% c@6c \$\$ h \$\$ sack; Pink, 31c@4 do do. RICE-5c@8 do do or mat. BRAN-2 I-2c p sack. MIDDL/NGS-3% c@3% do. GROUND FEED-4% c do. BARLEY-4%c do. OATS-3%c do WHEAT-4c do.

HAY-2c@21-2c per bale. TEA-38@44c p chest. COFFEE-22@28c p sack. SUGAR- Raw, \$7@9; p bbl; Refined, \$12@

HAMS-15c p dozen. 



By the arrival of the Al the following news summary the following news summary NEW ORLEANS, Aug. 16-1 Granger, are within 300 yards of general assault will be made in facet in fully prepared. The rr ported to have sent the firs which is mysteriously silent. of water to Mobile. Monitors cend to Mobile. A special to the *Times*, date says officers have jast arrived mort an attack made Sunday u

port an attack made Sunday u A. P. Hill. He was knocked A. P. Hull. He was hadly woun piece of shell and badly woun and Fitzhugh Lee, son of the

killed. From a Richmond dispatch we learn important news. A are advancing from Pensacol We had previously heard th preferred to await confirmat Public. WASHINGTON; Aug. 23-C Ianta is hopeful. Authenti that Kilpatrick has returned without seriou

con railroad without serior one piece of artillery and 70

It is reported this positiveness that Hoo

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signed to an importan The steamer Haze the news that the st number in Wilming ment. She is consid all of them, and will already out

WASHINGTON, A Hancock, south of H several times durin

several times unia enemy every time. assault was made of after one of the mo resulted in the wit their dead and wou Official details for say that they hold In a dispatch da

In a dispatch da Grant says the re

seems to be greate

already out.

FOR THIS PORT .- The bark D M Hall, and brig Franklin Adams, were on the berth at latest dates from San Francisco, for this port. The bark Rival, Capt. Blair, sailed on the 15th, bringing'as | brought up to this harbor to-day. passengers Mrs. A. Reese and child, and Mr. E. FOR PORTLAND AND SAN FRANCISCO .- The

Excellency's speech, and their hope that this discovery will conduce to the permanent improvement of Victoria barbor; because prosperity of the colony. the dredge-hulls and scows have been built

The Council, on offering their congratulations on this discovery, deem it their duty in during his administration. I have heard of no one complimenting him on the success of justice to your Excellency, to record their conviction that the merit of this discovery is that ripe project ; nor is it at all likely if an inference may be drawn from a message to primarily due to your Excellency's earnest and the Legislature on the subject. If I rememnergetic advocacy of the exploration of the ber rightly an attempt was made to question Island, and to the continued support and encouragement afforded by your Excellency to the wisdom of his predecessor, in ordering the dredging apparatus. Now if detraction be the efforts of the explorers who have made the discovery. And the Council would beg allowed in that respect because a few disinterested people did not think the harbor also to mark their appreciation of the prompt-ness with which your Excellency organised a legal system over the gold field to meet the should be improved, is that a reason why the projector of a successful undertaking should e deprived of his share of the merit ? emergency by the immediate passing of rules lived long enough to know that Montcalm and regulations, and by the appointment and despatch of a Gold Commissioner to adwas defeated; but if he had died before his victorious followers proclaimed " They fly ! they fly !" would Wolfe have been entitled to minister the same.

The Council beg respectfully to assur no share of merit ?- to no honor for having your Excellency that they are desirous to give planned the campaign? These questions their earnest and prompt attention to the sescarcely need an answer-no one would be rious consideration of the several subjects mentioned in your Excellency's speech, promerits as the commanding general though vided it is competent to them to exercise death had out him short in the midst of his their functions, of which a doubt has arisen. glorious career. No one would bestow his from the fact that the Legislature has been justly earned honors on another. Nor am I assembled on a shorter notice than required disposed to believe that our Island historians by the law of England, and by the practice of the Imperial Parliament, by which the Lewill give the merit " primarily" to Gov. Kennedy of discovering the gold fields when it is gislature has hitherto been guided, and the known that Gov. Douglas was the real official Council earnestly respond to your Excellen-cy's prayer, that their deliberations may conrojector of the exploration of the Island. t will not detract one iota from the merit duce to the honor of Her Majesty, and to the of Gov. Kennedy to pay his predecessor his prosperity of the country. due notwithstanding our colonial lords think otherwise. But if Gov. Douglas has no

THE GOVERNOR'S REPLY. His Excellency replied as follows :

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tion had expired before the gold discov-Mr. President and gentlemen, I thank you for your address. It is not within the prov- ery (?) by the same rule the hardy prospectors ince of my duty to discuss the question of the who recently discovered our Island Pactolus legality of the convening of the Legislature are entitled to the palm of merit and not within a shorter period than 14 days. It is Governor Kennedy. His Excellency laborgratifying to me, however, to find that yeu ed to promote the exploration of the Island ; have adopted the practice of the Imperial but the explorers made the discovery. Parliament as your guide. Such a course Governor Douglas made the recommendation carried out in spirit and letter is the proper for exploration. He asked the Assembly to way to protect the rights of the people and to command respect. Though I think your acts would have been legal, yet I consider Note \$2,500. This is history. It was law pated. you are right in the course you have followed before Governor Kennedy arrived. The latter and I approve of your setting the matter at rest in the manner you have done. His Ex-cellency concluded by remarking that he ploring expedition was to look for agricultudeemed it due to himself on this occasion to ral land and minerals, and verify the existstate, that the Legislature had no reason to ence of paying gold fields, known to some of apprehend any encroachments on their rights the Assembly to exist; as may be proven from and privileges at his hands, as he was anxi- the imperfect legislative report of Feb. 22, ous to preserve and protect their rights. His 1864, if no other authority be at hand. In-Excellency assured the Council that the ad- stead, therefore, of the Council being right, or dress should receive his best and earnest con- historically correct in recording " their conviction that the merit of discovery is primarsideration. ily due to your Excellency's urgent and en-The Council then withdrew.

THE HOUSE OF ASSEMBLY. At one o'clock the hon. Speaker of the House of Assembly accompanied by Messrs. sembly is second; Governor Kennedy is third; DeCosmos, Franklin, and Dennes, waited on His Excellency and presented the following reply, which was read by the Speaker : To His Excellency Arthur Edward Kennedy, pha and Omega of the whole matter. For fifty passengers.

ited with originating the scheme for the returned from Sooke yesterday morning with 6 or ter, 38c@42c # firkins. 8 passengers, several of whom had claims on Leech river, and intended to return.

> FOR SOOKE .- The steamer Enterprise left yes-20 passengers. She returned at 7 p. m., with 22 passengers.

FROM THE SOUND .- The steamer Geo. S. Wright arrived yesterday morning from Puget Sound.

FOR THE SOUND .- The steamer Eliza Anderson left yesterday morning for Olympia and way ports, taking about 15 passengers. Wolfe

Saturday, August 27.

merning in Esquimalt having sailed from London April 15th, and made the run from the Lizards in 121 days and from pilot to pilot in 127. The Fairlight brings 1300 tons of valuable merchanso unjust as to knowingly detract from his dise consigned to her agents, the Hudson Bay Company, and after lightering.part cargo at Esqui-

> the Otter spoke the Nanaimo Packet this side of bashdware 1 bx glue 4 cs agricultural implements Fort Rupert, who reported that the Labouchere 2 nests tubs 125 cs lard 13 pkgs matches 50 do ap-Fort Rupert, who reported that the Labouchere

share in the honor; because his administrachandise. She is consigned to the Hudson Bay Company, at whose wharf she is now discharging.

> FOR SOOKE .- The steamer Alexandra yesterday morning took from 15 to 20 passengers and some specified. freight to Sooke and returned in the afternoon with about 10 passengers.

FROM THE SOUND.—The sloop.Northern Light, Mountfort, arrived from Port Angelos with the usual Sound mails on Saturday—dates antici-nated. Per steamer ELIZA ANDERSON, fm Puget Sound—49 head of cattle, 16 sks potatoes and onions, 20 bxs bread, 3 coops fowls, 2 bxs butter and eggs—Value, \$2156 40, FROM THE SOUND .- The sloop. Northern Light,

FOR NANAIMO .- The Alexandra left last even ing with a number of passengers for Nanaimo The Victoria Cricketers were on board.

DISCHARGING-The steamer Otter went down to Esquimalt yesteaday afternoon to lighter the ship Fairlight, which will then be brought round into this harbor.

FOR NEW WESTMINSTER, -The steamer Enter prise sailed yesterday morning with 25 passengers 5 cattle, 14 sheep, and 130 tons of general mdse.

AT NANAIMO .- The bark Frances Palmer and ergetic advocacy of the exploration of the Island," they are wrong, and storically wrong. Governor Donglas is first ; the Asship Dublin were loading at Nanaimo, the former almost full.

Monday, August 29.

FROM NEW WESTMINSTER .- The steamer Lil looot arrived from Port Douglas, B. C. via New year by year, and support it now, are the Al- Westminster, on Saturday with between forty and

MEMORANDA. FOR SOOKE.—The steamer Enterprise left yes-terday morning for Sooke, with freight and about April 15th, and the Lizards on the 23rd, expe-

rienced fair average weather all the passage. Ships spoken—Lat 47 S long 57 W, spoke 'ship Bidwell from Buenos Ayres to Callao, June 13th, lat 53 S long 64 W, ship Freemason from Liver pool, to San Francisco, 68 days out. Per BREWSTER, from San Francisco .- Left

San Francisco Aug. 8th, experienced strong N W winds up to the Straits, was becalmed for several days off Cape Flattery.

#### PASSENGERS.

FROM LONDON.—The clipper ship Fairligh, William Bush Commander,, arrived yesterday Burnet, Davis, McDonald, Philburn, Johnson.

# IMPORTS.

Per brig BREWSTER, from San Francisco-1 cs clothing 1 do blocks 2 doz deck buckets 7 cs manilla rope 2 do marlin do 1 bx blocks 2 bars 6 anchors 200 kegs nails 28 cs handled axes malt, will come round to this port. FROM FORT RUPHET.—The H. B. Co. steamer Otter arrived from Fort Rupert yesterday after-noon at 3 o'clock. She arrived at the Fort on the 20th and left again on the 24th. On her way up Fort Rupert, who reported that the Labouchere was in Milbank Sound. FROM SAN FRANCISCO.—The brigantine Brew-ster, Capt. Carleton, arrived yesterday in 20 days from San Francisco, with a cargo of general mer-lowware 1 bureau.—Value—321,683.

Per ship FAIRLIGHT, from London-1351 csks 3733 cs 5 pièces crab 541 bls 4 bskts 142 chests 620 casks gunpowder 53 crates 9 sheets 4 nehors I0 slabs 2614 bags salt 903 pots iron 10,000 fire bricks 33 copper rods 20 pigs lead. Value not

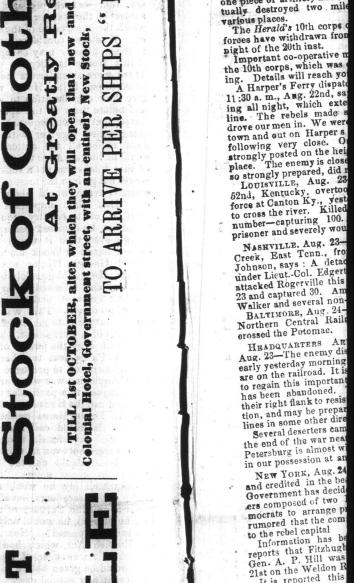
Consigned to Hudsen Bay Co.-E Huggins D McTavish W Manson S Weynton Board o agement.

### MARINE INTELLIGENCE. ENTERED.

Aug. 23-Stmr Sierra Nevada, Connor, San

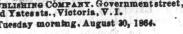
Stmr Eliza Anderson, Finch, Port Angelos Schr Onward, McKay, Nanaimo Aug 24-Schr Matilda, Gilbert, New Westmins-

Schr Amelia, Kendall, Bentinck Arm. Schr Amelia, Kendall, Bentinck Arm. Slp Lady Franklin, Warren, Cowichan Slp Goldstream, Greenwood, Nanaimo Aug 25-Stmr Alexandra, Moore, Sooke Stmr Enterprisé, Mouat, New Westminster Stmr G S Wright, Wright, Port Angelos Aug 26-Stmr Enterprise, Mouat, Sooke Ship Fairlight, Bush, London Sln Beaver, Short Part Angelos Shp Farnght, Busa, London Shp Beaver, Short, Port Angelos Brig Brewster, Carleton, San Francisco Stim Otter, Swanson, Fort Rupert Shp Ringleader, Harper, Nanaimo Schr Meg Merillies, Pamphlet, Nanaimo August 29-Shp Eagle, King, Sooke Schr Eliza, Carleton, Saanich





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Tuesday morning, August 20, 1864.