

Legislative Council

Thursday, Jan 21, 1869.

Present—Hons. Sanders, Crease, Havelock, Bushby, Ring, Wood, Humphreys, Drake, Hamley, Walkem, Helmcken, Davis, Robson, Trutch, Alton, O'Reilly, Ball, Carrall, Pemberton, Young (presiding.)

PRIVILEGES

Hon Helmcken presented a petition from Mr Robt Homfray, praying that the sum of \$180 be paid to him, being the balance of account due on a contract with the late Governor. It appeared to him (Hon Helmcken) that the difficulty had arisen from the sloppy way in which the business of the government was done.

Hon Crease should vote that the petition be not received, as interfering with the direct functions of the Executive. Hon Trutch would oppose the petition as that house was not the place where such a matter could be considered.

Hon Robson was sorry to hear such a doctrine advocated there, and that the petition would not be received because it would be an infringement of Executive prerogative. If such was the case they would be placed entirely at the mercy of the Executive, since persons having claims against government could not proceed at law, hence there was no recourse.

Hon Humphreys hoped the petition would be received, as he did not see any real objection. Hon Trutch—it was quite new to him that the government should be sued.

Hon Drake—Mr Homfray made the arrangement verbally with the late Governor, hence he could not sue; but he (Hon Drake) thought he came to the right quarter in coming to that House.

Hon Walkem—Suitors were placed in a painful position when disputing contracts with the government; they were in fact without remedy. He hoped the same measure would be adopted here, as was at this moment in use in England and Canada.

Hon Wood—The same measure in use in England had been adopted in Victoria, Australia, with advantage.

After some further discussion the House divided, when there was a majority of 9 to 3 in favor of the petition being received and read. Tuesday next was fixed for the petition being called up again.

NOTICE OF MOTION.

Hon Ring—To move for leave to bring in a bill to amend the law of the Probate Court.

Hon Drake—To move for an address to the Governor praying that \$1000 be added to the Estimates, to be applied in aid of Victoria Fire Companies.

Hon Havelock—To move an address that this Council is of opinion that the time is now arrived when the Cariboo road tolls may be reduced 50 per cent by the removal of the gate at Olinton.

Hon Walkem—To move for an address to the Governor, praying that an ordinance be brought in to provide for the better Administration of Justice between the Crown and the subject.

Hon Helmcken—To move for a return of exports from British Columbia during the year 1868.

Hon Carrall suggested that perhaps a better position might be found for the reporter's table, as he (the reporter) had complained that he did not hear well.

Hon Young thought the difficulty arose from hon members moving about and conversing during debates. He (Hon Young) was placed in what ought to be the best place for hearing and yet from this same cause he found it quite impossible to hear what hon members said occasionally. The House was no doubt badly constructed for the conveyance of sound.

Hon Alton—To move that a Commission be appointed on Indian affairs, particularly in relation to Indian reserves.

Hon Drake moved that the debate on the Supreme Courts be taken with closed doors. It was agreed that hon Drake's motion should be taken after the other business of the day had been disposed of.

The House then went into Committee of Supplies.

On the item of "Conveyance of Mails" hon Helmcken moved that provision be made for conveyance of mails between Victoria and Metohasin.

Hon Robson—That \$200 be applied for conveyance of mails between New Westminster and Burrard Inlet, and the establishment of a post office at the latter place.

Hon Humphreys—That mails from Victoria be carried direct from Lytton to Lillooet in place of as at present, from Clinton to Lillooet; all of which resolutions were carried.

Hon Carrall complained that the Hudson Bay Company seemed to suit their own convenience in bringing the mails down here from the Upper Country; he thought it hardly fair that letters should be sent at New Westminster three or four days, because the Enterprise did not go up to bring them down.

The item, conveyance of mails was then considered. Hon Trutch said the sum for repairs of buildings was to be expended chiefly about here. The sum for surveys would be productive of ten times the amount in the revenue.

Hon Ring wished to know if any portion of the sum for repairs would be expended on the gate at Nanaimo; the place was in a wretched condition, a sort of modern black hole of Calcutta.

Hon Trutch—Some change must be made in the present building, which is absolutely insecure. So far from there being any lack of ventilation, he thought it the most airy place he had seen, since the prisoners could get in and out when they pleased.

Hon Helmcken—About a mile and a half of the Metohasin road was over a range of mountains where the valley below, where the road should be made, could be seen. The present road was absolutely impassable at times, and the sacrifice of horses and wagons in their endeavors to travel over it was something very great.

Hon Crease was surprised at the language of the hon senior member for Victoria in reference to the desire of Government to throw the trade of the Kootenay mines into the hands of Oregon merchants. He was sure that the Government had always shown itself truly anxious for the welfare and prosperity of the people of this colony, and would promptly seize on every occasion for the advancement of their interests.

Hon Carrall could not help regretting that the extreme haste of the Council had prevented his being present at the consideration of the item "The Estimates for Cariboo." He had been only absent one day on business which could not be delayed.

Hon Ring attempted to explain the reason of his addressing the appropriation for Nanaimo on the basis of the amount of revenue paid, amidst a series of "divides" "divides" "divides." He insisted that his principle was a good one.

The resolution for the Eagle Pass Road was carried—13 to 3. Hon Wood—in relation to roads on the Island, there was no mention of making roads in the Act; it only referred to repairs. There was not a mile of road made north of Saanich. The consequence was that the cost of carrying wheat to Victoria from that point was one cent per pound.

Hon Trutch said that under the present Road Act in force in Vancouver Island, it was quite impossible for the Government to interfere; if, however, it should be thought advisable to terminate the present order of things, it would then become his duty as well as his pleasure to take the roads on the Island under his charge. In relation to the Cariboo roads, the amount set down in the Estimates was \$29,000, the amount expended last year was \$33,000.

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Works Department. The Saanich road was the main road to the south-east coast. He moved that the hon Chief Commissioner be instructed to report upon the roads in the Island.

Hon Trutch had already reported several times on the roads referred to.

Hon Alton—The Road Act in Vancouver Island was the most absurd Act ever passed by the Legislature. He thought the hon Chief Commissioner, who spent on his own farm all that had been appropriated for the roads, should be severely reprimanded.

Hon Havelock thought the principle advocated by the hon member for Nanaimo was impracticable. If such were possible, he could point to a great number of roads that merited the immediate care of Government.

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ally, as was the case when Hon Helmcken's Reconstruction of Council Bill was brought up for introduction.

Hon Young—There was a room adjoining the Council Chamber, which he intended to fit up for that purpose.

Hon Wood would move for the formation of a Law Library.

Hon Robson offered a resolution, that in the opinion of this Council, the road between New Westminster and Burrard Inlet should be kept in a passable state of repair and that his Excellency the Governor be recommended to make a suitable appropriation for that purpose.

Hon Crease—The anchorage at Brighton or Hastings was much too shallow, but opposite where the road approached the Inlet from Falls Creek the anchorage was good.

Hon Carrall heartily supported the resolution of the hon member for New Westminster, and thought the present road should be utilized if possible as being the shortest to the Inlet.

Hon Havelock favored the maintenance of the present road. It was strange that the inhabitants of New Westminster, and at the Inlet also should persist in advocating the present road, if a new road would serve them better, as asserted by hon official members.

Hon Ball—Either the present road must be made passable by sections or a new road must be made, and he decidedly advocated the latter as being the best.

Hon Helmcken knew something about the present road. It was the most execrable road he had ever passed over. There was some peculiarity about the soil. It does not bind. The drains were of no use.

Hon Trutch had made a statement as to what was proper in his opinion. The present road would require the expenditure of \$12000 to make it passable for heavily loaded teams.

Hon Robson proposed that the Committee recommend to His Excellency that an early survey be made for a road, to be a continuation of the present Pitt river road, and that the same be constructed by contract for sections of one mile each, and that three-fourths of the payment be made in land scrip, the remaining one-fourth in cash.

Hon Havelock supported the resolution, and he thought the sooner the preliminary steps were taken the better. During three or four months of the year communication between the interior and seaboard was practically closed.

Hon Drake—During 1866 only 20,000 oz were assayed at the office at New Westminster, whilst the Bank of British North America assayed 5 or 6 times as much.

Hon Havelock would vote against the abolition of the Assay Office at New Westminster; there was a large extent of country interested in its retention.

Hon Helmcken bowed to the petition of Cariboo miners and trusted the office there might turn out all that they seemed to think. In relation to the office at New Westminster, he knew the difficulty of striking out anything that had once got into the estimates.

Hon Young—There was a petition from Cariboo miners for the establishment of a branch of the assay office in that district. The Executive was also in possession of a letter from Mr Brew, the Gold Commissioner at that place, in which he stated that if there had been time before the dispatch of the petition below, he believed every miner in Cariboo would have signed it.

Hon Robson—Was glad to observe that that standing bone of contention was likely to cease to be such; at the little Parliament they had held at Yale, the maintenance of the assay office was unanimously approved.

Hon Wood—Thought there were other items in the Estimates that merited the support of the Government much more than an assay office, as for instance the item of Education. He could not allow \$7500 to be added to the sum formerly required to support an assay office, which was fostering a particular class at the expense of all the others.

Hon Helmcken—Opposed the appropriation for an assay office. He had cast his vote last year in favor, because there was a large petition brought in favor of its continuance.

Hon Trutch—In reply to the steamer Sir James Douglas \$12,000, it is, earnings passengers, \$8123 27; for \$4000; the expenditure was there was a surplus of \$4000.

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to be applied in aid of Companies. The companies and actually spent out of their own pockets, and time and attention to their if they were not relieved compelled to disband.

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