

LEGISLATIVE COUNCIL PROCEEDINGS.

[Specially Reported for the British Colonist.]

Monday's Sitting.

Message No. 1 from Governor read, stating that in another Colony with which he was connected it was decided that the House of Assembly was not entitled as of right to be put in possession of the Royal Instructions...

Message No. 2, enclosing the following statement of the Auditor General on the Public Accounts of Vancouver Island, and asking whether it was the wish of the Council that the books should be examined or closed up to 19th November.

The Auditor General to the Private Secretary. AUDIT OFFICE, Dec. 14, 1866.

Sir,—I have the honor to report for the information of His Excellency the Governor that in accordance with instructions I have made enquiry as to the position of the Public Accounts of Vancouver Island at the present date, and I have to state the result of my investigation as follows:

1.—The Treasurer's Cash Book for 1865 has been examined by the Auditor, and the abstracts completed. The posting of the entries into the ledger has not been finished, nor the annual account current made out.

2.—The audit of the accounts of the Crown Fund has been completed for 1865.

3.—The Collector's cash books, viz: The Harbor Master's, Post Office, Land Office, Police Court, Supreme Court, and Nanaimo Agent are yet to be examined for 1865.

4.—The Treasurer's cash book for 1866 has been examined to the end of July, a large proportion of the payment vouchers from July to the present date have been examined, and the receipt vouchers for August and September.

5.—The Treasurer's books are not posted for 1866.

6.—All the Collector's books for 1866 have yet to be examined.

7.—The Crown Fund Account has not been audited for 1866.

I have, &c., ROBERT KER, Auditor General.

The Auditor General to the Colonial Secretary.

To complete the examination of all the Vancouver Island accounts so that I could certify the Account Current, and furnish the usual Statements required, it would take five or six months' industrious work, at a cost—say at the rate last voted for auditing by the House of Assembly, \$100 per month—of \$500 to \$600.

To finish the auditing of the Treasurer's cash book entries for October—generally the largest month in the whole year—it might take six weeks to two months, at the present rate above—\$150 or \$200.

I have, &c., ROBERT KER, 26th January, 1867.

Ordered printed, and to be considered in Committee of the Whole.

HEAD MONEY—TONNAGE DUES.

Hon Helmecken asked whether it was the intention of the Government to repeal the head money? Hon members had even been charged on attending Council, and it was no use to ask that it be refunded as the money had no doubt gone long ago [laughter]. It was an unfair tax and ought to be repealed.

Hon President said it was the intention of Government to repeal the head money and tonnage dues. They were both unfair taxes [hear, hear].

COASTING TRADE.

Hon Helmecken asked whether Government intended to amend the law relating to the coasting trade? It was the most important of our industrial pursuits, and the sooner it was confined to British subjects and ships the better; protection was absolutely necessary for the prosperity of the Colony. Competition was not the soul of trade in this instance; it was unfair with the larger facilities possessed by our neighbors.

Hon President said the question as to foreign bottoms was not settled, and would probably be left to the House. It was, however, the intention of Government to introduce a licensing system that would apply to the interior and the coast.

TRADE LICENSES.

Hon Helmecken would ask leave to introduce a bill to repeal the Trades Licences Act of Vancouver Island, which was totally unfit for present circumstances; but if any hon member would say that it was the intention of Government to repeal it he was satisfied.

Hon President admitted that the tax was unjust, and it was the intention of Government to introduce a bill in regard to the assimilation of licenses. The Act would then be repealed [hear, hear].

STANDING ORDERS.

The bill passed the first reading, second reading to be deferred. The Import Indemnity Ordinance for not enforcing certain Vancouver laws was read a third time and passed; also the Incorporation Aid Bill. Council adjourned till Wednesday at 3 p.m.

INDemnITY BILL.

On motion of Hon Crease, the Indemnity Ordinance, 1867, passed second reading, and Council went into Committee of the Whole, Hon Sanders in the chair, and Ordinance was reported complete. Council adjourned till Tuesday.

VICTORIA INCORPORATION BILL.

On motion of Hon Macdonald, the Ordinance rendering a certain By-law operative passed second reading and through Committee, and was reported complete. Council adjourned till Tuesday.

Tuesday's Sitting.

Council met at 3 p.m. Present—Hons Birch (Presiding), Crease, Wood, Hamly, Brew, Ball, Macdonald, Helmecken, DeCosmos, Stamp, Pemberton, Cox and Trutch.

NOTICES OF MOTION.

Hon Smith to move on Thursday that the House consider propriety of abolishing the road tolls and tonnage dues, and of increasing the tariff so as to make up the deficiency in revenue. Also on Friday that a sum of \$15,000 be placed on the Estimates for opening trails on the Columbia, the most important being from the mouth of Gold Creek to Boat Encampment.

ASSIMILATION OF LAWS BILL.

Hon Wood moved the second reading of this bill. Hon Crease, in reply to questions from the popular members, said that the bill did not include all the laws that were intended to be applied, but such only as would receive early legislation. The Government intended to introduce other Assimilation Bills when the machinery could be made to dovetail. It was also intended to extend some of the Vancouver acts to the mainland.

Hon Robson considered the Homestead and Free school laws of the Island should be applied to the mainland. [Hear, hear.]

Hon President said this was the only Schedule bill that would be presented to the House. There would be other bills making certain of the laws of the Island and mainland applicable to both. There was the bankruptcy law for instance that must be assimilated, the legal profession, taxation &c, they would be separately dealt with.

The Bill passed second reading in Committee on Wednesday.

RETURNS.

Hon Robson moved a resolution asking the Government for returns, showing amount of revenue derived from Tonnage Dues and Road Tolls during 1866, and amount expended in keeping roads in repair. Which was agreed to.

Hon Pemberton moved an address to the Governor asking for returns of income and expenditure of the Assay office for the past year, which was agreed to.

Hon Crease introduced the "Officers Enabling Ordinance," confirming certain acts done by public officers in Vancouver Island since Union. He would explain its purport at the second reading. Bill passed first reading.

Hon Helmecken moved an address to the Governor praying that he will be pleased to remit the Harbor Dues and Clearance Fees upon all vessels coasting between Vancouver Island and the mainland, until a bill be passed regulating the same. The motion expressed all he had to say. It must be quite clear to every member of the House that all restrictions of that nature should be done away with: Hon gentlemen had spoken of a bill that would meet the case, but in his legislative experience he had known a long time to elapse between the introduction and passing of a bill. The steamer Enterprise only came to New Westminster once a week in consequence of having to pay some \$60 or \$70 port charges; were those dues removed, she would no doubt come oftener, and if they continued he had heard that she would not come so often, as she is running at a loss. Now he for one had no wish to be shut up in New Westminster for a fortnight or more. The Governor had remitted these dues on certain occasions without authority; this gave him the authority to do so.

Hon Robson seconded, believing it a great hardship, and the address was agreed to.

CONCISENESS BILL.

This bill, on motion of Hon Wood, passed second reading, was considered in Committee of the whole, Hon Brew in the chair, and reported complete.

HOMESTEAD LAW.

Standing orders were suspended to enable the Hon Robson to give notice of a Homestead Bill.

VANCOUVER PUBLIC ACCOUNTS.

Hon Robson moved an address to the Governor praying that he will be pleased to remit the Harbor Dues and Clearance Fees upon all vessels coasting between Vancouver Island and the mainland, until a bill be passed regulating the same.

LEGAL PROFESSIONS BILL.

Hon Helmecken asked leave to introduce a bill to remove doubts as to rights of the legal profession and article clerks of Vancouver Island in British Columbia.

Hon Crease and Hon Walkem said it was a contemplation to introduce a measure embracing a much wider principle. The latter gentleman regarded the bill as useless.

Hon President suggested that the bill pass first reading and the second reading be named on a special day. In the meantime the hon and learned gentlemen might be prepared with the bill.

Hon Crease said it was a grave matter requiring careful consideration and could not be done hurriedly.

The bill passed first reading, second reading to be deferred.

The Import Indemnity Ordinance for not enforcing certain Vancouver laws was read a third time and passed; also the Incorporation Aid Bill. Council adjourned till Wednesday at 3 p.m.

Wednesday's Sitting.

Council met at 3 p.m. Present—Hons Birch (Presiding), Crease, Wood, Brew, Ball, Smith, Robson, Young, Macdonald, Helmecken, DeCosmos, Pemberton, Cox, Sanders, O'Reilly, Trutch.

NEW MEMBER.

Mr. F. J. Barnard having been introduced by Hon. Mr. Sanders as member elect for Yale, took the oath and his seat.

NOTICES OF MOTION.

Hon Pemberton gave notice that he would move to-morrow an address to the Governor, asking that a sum of \$1000 be placed on the estimates for the Metchohen road; also \$20,000 for the completion of the Saanich road. Hon Robson seconded.

NOTICES OF MOTION.

Hon DeCosmos, on Friday, to move an address to the Governor praying that \$26,000 be placed on the estimates for a road from Goldstream to Comox, thence to Nanaimo.

Hon Helmecken had to give notice of a question, and that was whether there was not a conning machine in the Colony that could be used for making money, because, from present appearances, it would be wanted.

Hon Pemberton, on Thursday, to ask leave to introduce a bill regulating the acquisition of land in British Columbia.

Hon DeCosmos, on Friday, to move an address asking that a sum of \$2000 be placed on the estimates for a road through Comox, and for returns of cost of transport; also to ask whether it is the intention of Government to throw open the whole or any part of the Indian reserves at Cowichan.

ASSIMILATION OF LAWS BILL.

After some discussion on the advisability of introducing the several acts named in the schedules of this bill, separately, Council went into Committee of the Whole, Hon. Sanders in the chair, and it was finally agreed that a committee of five, consisting of the Hons. Crease, Woods, Walkem, DeCosmos and Young, be appointed to consider the best means of disposing of the acts mentioned in Schedule B.

Hon Pemberton remarked that the Victoria members were just as well away until the tariff and estimates came up.

Hon President was sorry to hear the hon. gentleman make such a remark, as there were many other things besides the tariff and estimates that would require the assistance of the hon. member from Victoria, and he did not regard those as the only important things in the Colony.

OFFICERS' ENABLING ORDINANCE.

Hon Crease moved second reading of this bill, which was to give statutory sanction to the acts of certain officers in Vancouver Island, since the date of Union, and to persons discharging like offices in British Columbia.

Second reading agreed to, and bill went through Committee. Council adjourned till Thursday.

Thursday's Sitting.

Council met at 2 p.m. Present—Hons. President, Crease, Wood, Hamly, Brew, Ball, Barnard, Smith, Robson, Young, Macdonald, Helmecken, DeCosmos, Southgate, Pemberton, Cox, Sanders, O'Reilly and Trutch.

NOTICES OF MOTION.

Hon Robson, on Friday, to introduce a Mechanics' Lien Law, and an address to the Governor respecting the Reserves.

CONSTITUTION OF THE COUNCIL.

Hon DeCosmos asked leave to postpone his Constitutional motion to this day week, in consequence of certain details not being at hand. Leave granted.

LAND BILL.

The second reading of this Bill was, at the request of the Hon Chief Commissioner, postponed till next week.

ABOLITION OF ROAD TOLLS.

Hon Smith introduced his motion that the Government consider the advisability of abolishing the road tolls and tonnage dues. He urged the necessity of the measure as a matter of justice to the people of the upper country upon whom the burden fell too oppressively. He had brought forward the measure at this stage in order that provision might be made for the Estimates. The expenses of collection would be saved, and the tariff, perhaps, since Union, would be found sufficient to meet the loss to the revenue.

Hon Robson could not speak definitely on the subject until the returns asked for were forwarded. He alluded to the unanimity of feeling that prevailed in regard to the abolition of these taxes even in Victoria. The abolition was defeated last year through the objections in which it was proposed to be done by the substitution of another tax. He expected the hon members from Victoria would support the motion.

Hon Young suggested the postponement of the motion until the returns had been received, and on motion of the Hon Helmecken the debate was postponed until Thursday next.

METCHOSIN AND SAANICH ROADS.

Hon Pemberton moved an address to the Governor praying that \$10,000 be placed on the Estimates for completing the Metchohen road, and \$20,000 for completing the Saanich road. The hon mover explained the necessity for this expenditure and the valuable farming lands that they would throw open.

The hon President would not dispute the advantages of the outlays but was opposed to the passing resolutions of this nature in the face of the present condition of affairs. The best course for the hon gentlemen was to obtain petitions from their constituencies or to confer personally with the Governor, but not to ask the House to commit itself by recommending the Governor to encumber the Estimates with \$30,000 without knowing where the money was to come from. When they first came to the Colony the Council had voted between two and three hundred thousand pounds, and the revenue only amounted to ninety-eight.

After some remarks from the Hons DeCosmos, Robson, Trutch, Young and Helmecken, the motion was withdrawn.

ACQUISITION OF LAND.

Hon Pemberton obtained leave to introduce a bill regulating the acquisition of land in British Columbia which, after some discussion on the advisability of amending the local law so as to offer great inducements for immigration and settlement, passed first reading; second reading postponed to Friday week. Council adjourned till Friday.

Friday's Sitting.

Council met at 3 p.m. Present—Hons President, Crease, Wood, Hamly, Brew, Cox, Smith, Barnard, Robson, Young, Macdonald, Helmecken, DeCosmos, Southgate, Pemberton, Cox, Sanders, O'Reilly, Trutch.

NOTICES OF MOTION.

Hon Helmecken, by proxy of Hon Stamp that \$2000 be placed on the estimates for a road from Douglas street to English Bay.

CUSTOMS DECLARATORY ACT.

Hon Pemberton, before proceeding with the order of the day, said, although he regretted the opposition offered to the Customs bill, as there was no doubt of its legality, he was in no way anxious to press it before going into ways and means, and would prefer leaving it over until the estimates and ways and means came up (hear, hear). Hon Crease pro forma moved second reading.

NOTICES OF MOTION.

Hon Helmecken said, as a matter of principle, it was his bounden duty to oppose the bill. Notwithstanding the Hon President's remark as to there being no doubt of its legality, others thought it illegal, and he would move that it be referred to the Committee of ways and means. The expediency of the measure was another thing, and could then be considered.

Hon Crease offered a few words in explanation.

Hon Helmecken said, if there was no doubt about the bill, why bring in a bill to remove a doubt?

Hon DeCosmos supported the views of his hon colleague. It was unparliamentary to introduce money bills like this and the Trades License bill before going into ways and means. Instead of there being no doubt about the legality of the measure, he thought there were very grave doubts. The best legal opinions pronounced it illegal, and he hoped when it came before the Committee means would be found to dispense with it.

Hon Macdonald was glad that the small voice of the popular members had found weight with the Executive. It was the proper way to let the measure go to Committee on ways and means and not to rush it through with undue haste.

Hon Robson was surprised that the hon members who were so stoutly opposed to the bill at the first reading should now go in for delay, when it was stated the other day that the lapse of 15 days would be ruinous, as the goods would be on their way to Cariboo. He thought the hon gentlemen should be prepared with some scheme in its stead. The collection of those duties here being regarded by the Government as legal, they did not require a bill to make it legal; it was only to remove doubt and disabuse the public mind.

Hon DeCosmos reminded the last speaker that the proper place to introduce a scheme was before the Committee of ways and means (hear, hear). Referring it to that Committee was the Parliamentary course to guard against undue taxation.

Hon Helmecken said his amendment was the same in effect as the Hon Mr Young's. The amendment was carried.

COLUMBIA DISTRICT TRAIL.

Hon Smith asked leave to lay his motion respecting the appropriation of \$15,000 for a trail from the mouth of Gold Creek to the Boat Encampment, on the table, as he perceived that it was useless to urge it at present. Leave granted.

NANAIMO BRIDGE.

Hon Southgate moved that His Excellency be requested to place the sum of £250 on the estimates for the Nanaimo bridge, connecting one part of this important town with the other. The bridge had been carried away, and its repair was absolutely necessary, though he did not know whether all that sum was needed.

Hon Trutch suggested that no sum be named, and that it be left to the Government to expend such sum as was necessary for the repair.

Hon Southgate—That is what is meant. Hon Robson thought this was going to be a precedent. He was aware of the necessity of the case, and if funds permitted he would be in favor of it, as the amount was small and necessary, but as soon as this was passed there would be no end to resolutions of a similar character. He knew of other works of great importance that ought to be attended to, and should apply himself only he thought it useless and only tending to embarrass the Government.

Hon Southgate reminded the House that Nanaimo was second in importance to Victoria and \$8000 revenue had been collected there last year.

Hon Pemberton opposed other measures as the circumstances of the Colony would not justify them; but this bridge was not a new work and only a small sum was asked for to put it in repair. He thought it better to let the recommendation go.

Hon Robson—Do I understand then that you will oppose those measures?

Hon President—I will say when I know what they are for.

Hon Helmecken moved that the amount be limited to £250, it was important as a matter of principle that the limit of expenditure should rest in the hands of the Council.

Hon Trutch would then oppose it. It was far better to leave it to the Government to effect the necessary repairs, which it would do when funds permitted.

Hon Robson seconded, and could not understand why the Chief Commissioner should object to the House declining to recommend an indefinite sum. It could do no harm.

The amendment was carried by 10 to 9.

TRANSPORT RETURNS.

Hon DeCosmos' motion, for returns of transport and expenditure was agreed to.

COWICHAN ROAD.

Hon DeCosmos moved an address requesting a sum of \$25,000 to be placed on the Estimates for a road from Goldstream to Cowichan, and improving the road thence to Nanaimo. He was aware that the resolution would meet with objections, the most important of which was that there was no money, but in this case the late Island legislature had voted a sum last year for the purpose, by the unanimous concurrence of the House, and as the Island paid a large share of taxation some attention should be paid to that section of the Colony. The funded and floating debt of this section of the Colony was four times that of Vancouver Island, and he saw no reason why the people on the Island should contribute largely, man for man, to the revenue without some benefit in return. Eleven miles of the road were already constructed and 17 miles more are to be constructed requiring by estimate an outlay of \$10,000 which would open the whole Cowichan country, 21 miles in length, as the road runs. This would furnish the farmers with a market without being compelled to take the steamer and being from three days to a week before they could return. The hon gentleman, in concluding, alluded to the Government voice being strong to contented against.

Hon Helmecken drew attention to one point and that was that until this main trunk

NOTICES OF MOTION.

road was opened it would be absolutely necessary to keep the Government steamer on the route to carry the mails, and it was therefore a question whether it was not far better to open the road.

The Hon President said allusion had been made to the vote of the Government members; it was gratifying to him to hear that whatever he recommended would be carried, but he hoped that all hon members would vote conscientiously. He really could not himself support the recommendation when there was no money.

Hon Southgate seconded the motion, and the Hon Macdonald opposed it, as it was useless.

Hon Young would be pleased to know that the revenue was in a fit condition to open this important road to Cowichan, but really there was no money. We had debts to pay first and if that could be done this year we should be very fortunate. A new survey had been made of this road and a better line found, but he did not think the road could be made for \$10,000. He would leave it to the hon gentleman, whether it was not better to defer his motion. In regard to the steamer service ran to other settlements besides Cowichan. Some \$30,000 had been expended on a road to Comox, and one man and a boy had travelled over it.

Hon Helmecken—Why, my honorable friend on my right travelled all over it.

Hon Young—Well he was the man [laughter].

Hon Pemberton thought that if the steamer was interfered with it would be a death blow to the agricultural interests.

Hon Robson said other important settlements that he could name had no steamer and were sometimes shut out for three months in the year, having no other means of communicating than by canoes over sheets of ice. All should be treated alike. Another hon member had withdrawn his motion for a road of vital importance to the whole Colony as it would open a rich mining district so that men, money and gold might pour in. It would immediately produce a revenue and pay itself back, which the road to Cowichan he was afraid would not do. The hon mover should also withdraw this motion.

Hon Wood made a few able remarks in favor of opening up settlement. He believed in a settled population, it was a mistake he conceived to say that gold was the chief interest in the country to be fostered; what we most wanted was a permanent industrial population. He also dissented from an assertion made, that there was not plenty of rich land for settlements.

Hon Ball would be glad to vote the amount but could not while the treasury was empty.

Hon Helmecken would like to ask the hon member for New Westminster whether the sheets of ice he alluded to were to be found in the Fraser.

Hon Robson explained that although the navigation of the Fraser was never (?) obstructed below New Westminster that it sometimes was higher up.

Hon Macdonald moved that the motion lie on the table, which was carried.

INDIAN RESERVES.

In reply to Hon DeCosmos' question regarding the Cowichan Reserves, it was stated that a survey had been ordered with instructions to Surveyor Pearse to contract the limits as much as could be done without irritating the Indians.

Some remarks followed from the hon mover, Helmecken, Pemberton and Robson.

Hon DeCosmos deferred his motion for \$2,000 for the Comox road.

THE ESTIMATES.

Hon President announced that he should introduce the Estimates on Wednesday.

ASSIMILATION OF LAWS.

The House went into Committee of the Whole on the above Bill, and received the report of the Select Committee, who presented the Oath and Evidence bill, separately, which was read the first time, and Committee obtained leave to sit again.

Council adjourned till Monday.

Municipal Council.

MONDAY, Feb. 11.

The Council met at 7 o'clock. The Mayor and the following Councilors were present: Gowen, Lewis, Layzell, Gibbs, Trahey and Hebbard.

DEFECTIVE SIDEWALKS.

Messrs Boland & Eden called attention to a dangerous portion of sidewalk on Lagley street, opposite late Telegraph Office. Referred to Committee on sidewalks.

Councillor Layzell also called attention to numerous similar cases, and it was resolved to punish all delinquents in such matters.

Communication from Mr Allison was read complaining of a sidewalk fronting on property of Mr E. Wolf, which was in a dangerous condition. Resolved that Mr Wolf be notified of the same.

PUBLICATION OF BY-LAWS.

Mr Layzell reported in reference to the publication of By-law for raising a Municipal revenue, that arrangements were effected for the publishing, and for the printing of the necessary forms at the COLONIST and CHRONICLE office. Adopted.

ASSESSMENT ROLL.

Communication from Mr Colonial Secretary Birch was read authorizing Mr Treasurer Watson to allow the Town Clerk to copy the Real Estate Assessment Roll for municipal purposes. Filed.

In reply to Mr Trahey His Worship informed the Council that the Act, lately passed more gave force for one year to the By-law for the purpose of raising a municipal revenue for Victoria city.

The Mayor also stated that it was the intention to amend in Council, this session, the Victoria Incorporation Act of '62.

Council then adjourned till Monday next.

HOLLOWAY'S OINTMENT.

Sores, wounds, ulcers and other diseases affecting the skin, are amenable by the cooling and healing ointment. It has called forth the loudest praises from persons who had suffered for years from bad legs, abscesses and chronic ulcers, after every hope of cure had long passed away. None but those who have experienced the cooling effect of this Ointment can form an idea of the comfort it bestows, by restraining inflammation and bringing pain. Whenever this Ointment has been used it has established its own worth, and has again been eagerly sought for as the easiest and safest remedy for all ulcers, complications, neuralgia, rheumatism and gout, the same application, properly used, gives wonderful relief.

Jan. 30—The French man-of-war sailed for the Pacific. Hermark has been put in nomination for German Parliament. Dispatches states that the Cretan being scornfully rejected. A been fought, but the result is not such enthusiasm is manifested on and the war is spreading to the islands. Jan. 29—Admiral Persiano has been charged of cowardice. Jan. 30—Persiano, though a cowardice, is to be tried for insubordination and disobedience of orders. Anna surveys for the new boundary between Italy and fully completed. Jan. 27—Two lappers, the Louis Charlotte White, from Caliao sailing on a race, reached Gibraltar the Welsh winning by 25 minutes.

California.

San Diego, Feb. 6.—An exciting race over the Ocean Horse track yesterday, between Katy Trickett and Emigrant won the first heat; the second to be a dead heat; and was won by Emigrant by less than the race was to harness, two miles; time 5:45, 5:32, 5:35.

In the case of Charles Kemball v. Wallace et al, rendered a verdict for \$760 damages in the Twelfth court this morning. The action brought to recover \$30,000 damages for protection, the defendant having plaintiff's store at Pescadero for a was abundantly secured by a on other property, in consequence plaintiff claims that Wallace et al. acted through malice.

Superior hi asks \$5 25 to \$5 50, \$0 to \$5 75; extra hi asks \$5 75 to \$5 00 to \$6 25.