

Tuesday, October 18, 1864.

HOUSE OF ASSEMBLY.

Wednesday, Oct. 12.
House met at 3:15 p. m. Members present—Messrs. DeCosmos, Powell, Franklin, Tolmie, Trimble, Dickson, Street, Carwell, Bayley, Dennes.

LAND REGISTRATION ACT.
Mr. Franklin introduced a bill to amend the Land Registration Act, 1864.
Seconded by Mr. DeCosmos and carried.

MEDICAL BILL.
Mr. Street gave notice of a bill to regulate the qualification of medical practitioners in the colony.
THE SEAT FOR LAKE.
The House took up the report of the Committee on Privilege in regard to the seat of the hon. member for Lake.

Mr. DeCosmos said he had taken legal advice on this question at first, and had therefore felt anxious to bring it before the House. He believed that if ever there was a case of violation of the 11th section of the Franchise Act it was this. He was happy to see that the hon. member for Lake had not come to the House and endeavored to retain his seat. The hon. gentleman quoted the Attorney-General's evidence before the committee that Mr. Dennes had given an appointment. He therefore took it for granted that the seat was vacant, and he would therefore move that in the opinion of the House the seat of the hon. member for Lake is vacant.

Seconded by Mr. Dennes.
Mr. DeCosmos would say that how Mr. Dennes actually knew that Mr. Dennes had accepted the appointment of Acting Assessor for the Government, he mentioned in his report. He said that he had offered to sell land at 25 per cent; that did not imply a contract. If Mr. Bayley or Mr. Carwell would give evidence in any way, they were much liable to lose their seats as Mr. Dennes. Mr. Dennes justified himself for the course he took in accepting the appointment, and said whether the appointment was verbal or written, did not matter. Mr. Dennes had attempted to sell and that constituted a contract.

Mr. Dennes thought the action of the committee was binding on the House.
Mr. Franklin deeply regretted that the House had not accepted the report of the committee. This House had wisely declared on previous occasions that political rancor should not be allowed to influence the action of committees. This committee had been appointed by ballot, and he thought it would be most unwise to diverge from its report. He was prepared to uphold the spirit of the Franchise Act, and the Speaker had decided in the case of the two other hon. members, whose seats had been questioned, that the same principle should be applied. The same had always been done with private contracts, such as on water bills, railway bills, &c. It would be most unwise to depart from the rule in this case. He would appeal to any gentleman in the House to say whether he would give a contract, unless it was written and had a penalty attached.

Mr. Tolmie said it was his sincere desire to maintain the dignity and respectability of this House, therefore he had voted for this inquiry. He thought no party or personal feeling should be allowed in a case like that before them (hear, hear). All we had to do was to ascertain the facts. He said there was no analogy between the matter of private bills committees and the case now in hand. It would be most dangerous thing to allow such an interpretation of the act as to show the Government to influence the members to give them a present or a lot of valuable lands to sell (hear, hear). The act said any appointment contract.

Mr. Powell said he had voted for the reading of the report yesterday in order to give an opportunity to the hon. member for Lake to discuss the question. Although he thought the report of the committee should be adopted by the House (hear, hear) he was in favor of the report being fully considered.

Mr. DeCosmos asked the Speaker whether he had taken any legal opinion on the question.
Messrs. Franklin, Tolmie, and Dennes objected.

Mr. Street said he looked on this more particularly as a question of the honor of the House, and he would simply be throwing the way open for the Government to introduce a bill, and pay the way to the destruction of the independence of the House, by buying the vote of any hon. member they wished to displace. The committee had not taken any action on this appointment had been made and acted upon as fully as though it had been written.

The Speaker said he had taken the opinion of counsel on the subject.
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Motion lost.

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Mr. Helmecken said this was certainly most extraordinary conduct (hear, hear). Yesterday there was a full House, every hon. member being present, and the hon. member who was the mover in this strange proceeding had full opportunity to discuss the question to day he had not a word to say, but insisted on a full House being called. That was perfect nonsense, as it was impossible to keep hon. members in the House if they chose to leave. All hon. members must understand the importance of this question, and should not need to be told to be in attendance. Nevertheless, despite the extraordinary conduct of the hon. members who had left the House by such means, the discussion of the question (applause).

Mr. Tolmie said he was opposed to Legislative union. He thought British Columbia was not prepared for it at present. Besides, the sparse population of British Columbia would make it impossible to collect the taxes without indirect taxation. He hoped to live to see the day when the colonies should be thoroughly united. He thought that the colony of Vancouver Island was averse to Legislative union at the present time.
Mr. Helmecken said the feeling of the House was averse to Legislative union, and he would, therefore, move that the Legislative union resolutions be withdrawn.

Mr. DeCosmos expressed his willingness to withdraw the resolutions which were so cordially struck out.
Mr. Southgate has entered the House.
Mr. Helmecken was quite certain that the majority of the House were in favor of some kind of union (hear, hear). Members differed as to the kind of federal union, and how far it should go, but the feeling that there should be some closer union was undoubted; there were not more than one or two hon. members in the House opposed to a federal union.
The resolutions were then taken up serially as follows:
I. Resolved—That this House is of opinion:
1. That there should be a Federal union of Vancouver Island and British Columbia.
Carried nem con.
2. That the Federal Government should be vested in a Governor, Legislative Council and Assembly.
Mr. Helmecken said that it was unnecessary to have a Legislative Council and Assembly. Our former Legislature was a Council, and was composed of equal numbers from each colony with full power to fix and bind; whatever they did should be law (hear, hear). He would move that the resolution should read a Governor and Legislative Council. Carried.
3. That the Legislative Council be composed of an equal number of persons from each colony. Carried.
Mr. Powell then entered the House.
Resolutions 4 and 5 were struck out.
6. That one Executive should act for both colonies as far as possible in regard to the Executive.
Mr. Helmecken said he did not propose that we should have one Executive throughout; for instance, we would require more than one treasurer and one judge; more than one judge was the greatest advantage of the proposed union (hear, hear). The question of how much each colony would contribute to the revenue, would come up in the details, but the probability was that the Crown-Lands fund would pay all the Civil List.
Mr. Southgate proposed that the words, "so far as possible" should be struck out.
Mr. DeCosmos said that if in these small colonies the federal officers could discharge the work of both colonies it would be a most desirable saving.
Mr. Tolmie was in favor of keeping things as they are so far as possible in regard to the Executive.
Mr. Helmecken said the thing would work itself out; the term "one Executive" did not mean one Treasurer or one Colonial Secretary, or one Judge; it only meant that the Executive should have one head. (Hear, hear.)
The clause passed, amended as follows:
6. That one Governor should act for both colonies in all matters.
7. That the Governor and Federal Council should have jurisdiction over all public questions in which the colonies have a common interest. Carried nem con.
8. That the capital of the federal colonies be New Westminster.
Mr. Powell moved that the clause be struck out.
Mr. DeCosmos said neither colony had anything to say as to where the capital should be as that was part of Her Majesty's prerogative.
The clause was struck out.
9. That each colony should have a local legislature consisting of their respective members in the Federal Legislative Council.
10. That each local legislature be consolidated into one Chamber.
Mr. Tolmie moved that the local legislatures of each colony remain as they now are. Carried, and clauses 9 and 10 struck out.
11. That each local legislature should have the right to determine the mode of taxation within its jurisdiction for Federal as well as local purposes. Carried nem con.
12. That the Crown revenues be the property of the Federal Government. Carried nem con.
14. That all laws, usages, and liabilities of each colony, except where altered by act of Federal union, remain as they are, unchanged by the Federal or local legislatures respectively.

After some discussion this clause was carried nem con.
II. Resolved—That His Excellency the Governor be respectfully requested to enter into negotiation with His Excellency the Governor of British Columbia with the view of establishing a Federal union of Vancouver Island and British Columbia, based on the provisions of the previous resolution. Carried nem con.
III. Resolved—That His Excellency the Governor be respectfully urged to submit any question of difference between himself and His Excellency the Governor of British Columbia respecting the proposed Federal union to Her Majesty's Principal Secretary of State for the Colonies for final decision binding on both colonies. Carried.
Mr. Powell moved a proviso, excepting from the resolution any question affecting our free trade policy. Carried.
IV. Resolved—That a Committee of three be appointed to explain the views of this House as embodied in the foregoing resolutions to His Excellency the Governor. Carried.

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The Speaker said it was absolutely necessary that his name should be left out, as questions might arise requiring his decision.
He agreed to, and the clause passed as above.
V. That the foregoing resolutions be submitted to His Excellency the Governor. Carried.
The committee rose and reported progress.
The Speaker said, let there be no misunderstanding about this, that these resolutions will come up the first thing to-morrow. He would send the messenger round to warn the members.
House adjourned at 6 o'clock till to-day (Friday).

LETTER FROM THE EAST.

[FROM A TRAVELLING CORRESPONDENT.]

NIAGARA FALLS, Canada, 16th August, 1864.

About a month ago I addressed a brief communication to the Hon. the Premier of New York. Since then I have been pursuing my course at an easy pace in the direction of the great Niagara river, from which the present letter is dated.

The route, peculiarly interesting to me in connection with the first time, is a familiar one to many of your readers, and a description of it therefore can afford them little entertainment. From New York I ascended the great river of the State of New York, and banks are studded with mansions of Yankee merchants, and towns located at various distances from each other. Amidst the numerous objects of scenic and historic interest meeting the eye of the observer, not the least striking spectacle is the renowned West Point, where once prosecuted military studies amiably under command of each other. Amidst the numerous miles we reached the populous city of Albany, and in a few minutes more alighted at Troy, the seat of foundry operations, where many of the necessities of war are manufactured, and furnaces are kept in full blast night and day. Here we tarried for the night enjoying pleasant dreams (of the future) and the next morning we started for Saratoga, a city of poetic associations, and whose name has been in this instance, so venally misappropriated by the name of the city of Saratoga, the achievements of heroic worthies, came vividly before our imagination, including Ulysses (not Grant).

After some inspection of this active city, we took the cars some 50 miles northward and were specially introduced to the acquaintance of a place which in the history of American wars and now still more illustrious by having been the chief watering place in the United States. Its mineral waters are of a rich and pure quality, and America under the brand of "Congress Water," named from the hotel kept by the proprietor of the place, is famous for its medicinal qualities. The streets of this place of fashionable resort are lined in the distance with mansions of the rich, and the mansions of the rich are everywhere to be seen. The streets of this place are lined with mansions of the rich, and the mansions of the rich are everywhere to be seen. The streets of this place are lined with mansions of the rich, and the mansions of the rich are everywhere to be seen.

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Resolutions 4 and 5 were struck out.
6. That one Executive should act for both colonies as far as possible in regard to the Executive.
Mr. Helmecken said he did not propose that we should have one Executive throughout; for instance, we would require more than one treasurer and one judge; more than one judge was the greatest advantage of the proposed union (hear, hear). The question of how much each colony would contribute to the revenue, would come up in the details, but the probability was that the Crown-Lands fund would pay all the Civil List.
Mr. Southgate proposed that the words, "so far as possible" should be struck out.
Mr. DeCosmos said that if in these small colonies the federal officers could discharge the work of both colonies it would be a most desirable saving.
Mr. Tolmie was in favor of keeping things as they are so far as possible in regard to the Executive.
Mr. Helmecken said the thing would work itself out; the term "one Executive" did not mean one Treasurer or one Colonial Secretary, or one Judge; it only meant that the Executive should have one head. (Hear, hear.)
The clause passed, amended as follows:
6. That one Governor should act for both colonies in all matters.
7. That the Governor and Federal Council should have jurisdiction over all public questions in which the colonies have a common interest. Carried nem con.
8. That the capital of the federal colonies be New Westminster.
Mr. Powell moved that the clause be struck out.
Mr. DeCosmos said neither colony had anything to say as to where the capital should be as that was part of Her Majesty's prerogative.
The clause was struck out.
9. That each colony should have a local legislature consisting of their respective members in the Federal Legislative Council.
10. That each local legislature be consolidated into one Chamber.
Mr. Tolmie moved that the local legislatures of each colony remain as they now are. Carried, and clauses 9 and 10 struck out.
11. That each local legislature should have the right to determine the mode of taxation within its jurisdiction for Federal as well as local purposes. Carried nem con.
12. That the Crown revenues be the property of the Federal Government. Carried nem con.
14. That all laws, usages, and liabilities of each colony, except where altered by act of Federal union, remain as they are, unchanged by the Federal or local legislatures respectively.

After some discussion this clause was carried nem con.
II. Resolved—That His Excellency the Governor be respectfully requested to enter into negotiation with His Excellency the Governor of British Columbia with the view of establishing a Federal union of Vancouver Island and British Columbia, based on the provisions of the previous resolution. Carried nem con.
III. Resolved—That His Excellency the Governor be respectfully urged to submit any question of difference between himself and His Excellency the Governor of British Columbia respecting the proposed Federal union to Her Majesty's Principal Secretary of State for the Colonies for final decision binding on both colonies. Carried.
Mr. Powell moved a proviso, excepting from the resolution any question affecting our free trade policy. Carried.
IV. Resolved—That a Committee of three be appointed to explain the views of this House as embodied in the foregoing resolutions to His Excellency the Governor. Carried.

Mr. DeCosmos said he had taken legal advice on this question at first, and had therefore felt anxious to bring it before the House. He believed that if ever there was a case of violation of the 11th section of the Franchise Act it was this. He was happy to see that the hon. member for Lake had not come to the House and endeavored to retain his seat. The hon. gentleman quoted the Attorney-General's evidence before the committee that Mr. Dennes had given an appointment. He therefore took it for granted that the seat was vacant, and he would therefore move that in the opinion of the House the seat of the hon. member for Lake is vacant.

Seconded by Mr. Dennes.
Mr. DeCosmos would say that how Mr. Dennes actually knew that Mr. Dennes had accepted the appointment of Acting Assessor for the Government, he mentioned in his report. He said that he had offered to sell land at 25 per cent; that did not imply a contract. If Mr. Bayley or Mr. Carwell would give evidence in any way, they were much liable to lose their seats as Mr. Dennes. Mr. Dennes justified himself for the course he took in accepting the appointment, and said whether the appointment was verbal or written, did not matter. Mr. Dennes had attempted to sell and that constituted a contract.

Mr. Dennes thought the action of the committee was binding on the House.
Mr. Franklin deeply regretted that the House had not accepted the report of the committee. This House had wisely declared on previous occasions that political rancor should not be allowed to influence the action of committees. This committee had been appointed by ballot, and he thought it would be most unwise to diverge from its report. He was prepared to uphold the spirit of the Franchise Act, and the Speaker had decided in the case of the two other hon. members, whose seats had been questioned, that the same principle should be applied. The same had always been done with private contracts, such as on water bills, railway bills, &c. It would be most unwise to depart from the rule in this case. He would appeal to any gentleman in the House to say whether he would give a contract, unless it was written and had a penalty attached.

Mr. Tolmie said it was his sincere desire to maintain the dignity and respectability of this House, therefore he had voted for this inquiry. He thought no party or personal feeling should be allowed in a case like that before them (hear, hear). All we had to do was to ascertain the facts. He said there was no analogy between the matter of private bills committees and the case now in hand. It would be most dangerous thing to allow such an interpretation of the act as to show the Government to influence the members to give them a present or a lot of valuable lands to sell (hear, hear). The act said any appointment contract.

Mr. Powell said he had voted for the reading of the report yesterday in order to give an opportunity to the hon. member for Lake to discuss the question. Although he thought the report of the committee should be adopted by the House (hear, hear) he was in favor of the report being fully considered.

Mr. DeCosmos asked the Speaker whether he had taken any legal opinion on the question.
Messrs. Franklin, Tolmie, and Dennes objected.

Mr. Street said he looked on this more particularly as a question of the honor of the House, and he would simply be throwing the way open for the Government to introduce a bill, and pay the way to the destruction of the independence of the House, by buying the vote of any hon. member they wished to displace. The committee had not taken any action on this appointment had been made and acted upon as fully as though it had been written.

The Speaker said he had taken the opinion of counsel on the subject.
Mr. DeCosmos claimed the right, as mover of the resolution, to speak a second time on the question. The hon. member for Spanish had treated the question respecting of men or consequences, and he (Mr. DeCosmos) would speak on the subject. The 12th section of the Executive provided against the Executive corrupting members of the House. His hon. colleague had made some remarks about the Executive corrupting the House; he (Mr. DeCosmos) did not believe the Executive had done so. He had attempted any corruption, they might do so, and therefore the safeguard had been placed in the act. His hon. colleague said there was no contract because it was not written. He said there were two kinds of contracts known to lawyers—executed and executory contracts, and this was an executory contract. He said that there was an appointment outside the contract. Mr. Dennes said in his evidence that Dennes & George had not acted, and had accepted the appointment. He would ask hon. gentlemen if they were prepared to place a man in the House and free people to place a man in the House who had violated the laws. It would indeed be a dangerous precedent to place a man in the House who had violated the laws. He would indeed be a dangerous precedent to place a man in the House who had violated the laws.

Mr. DeCosmos said he had every respect for this House, but when he saw how hon. members buried the question he had raised about having all the members present, and when he saw his hon. colleague who had opened the subject by professing to follow British precedent, when he saw him sinking to the lowest depths (oh, oh!) The hon. gentleman may say oh, but if he is not informed as to British parliamentary practice (oh, oh!) he should accept explanations offered. He would move that the committee do rise and report.
Motion lost.

Mr. Trimble wished it to be taken down that he would not sit in committee on this question till a full house were called together.
Mr. Trimble, Mr. Franklin and Mr. Carwell then left the House.
Mr. Helmecken said this was certainly most extraordinary conduct (hear, hear). Yesterday there was a full House, every hon. member being present, and the hon. member who was the mover in this strange proceeding had full opportunity to discuss the question to day he had not a word to say, but insisted on a full House being called. That was perfect nonsense, as it was impossible to keep hon. members in the House if they chose to leave. All hon. members must understand the importance of this question, and should not need to be told to be in attendance. Nevertheless, despite the extraordinary conduct of the hon. members who had left the House by such means, the discussion of the question (applause).

Mr. Tolmie said he was opposed to Legislative union. He thought British Columbia was not prepared for it at present. Besides, the sparse population of British Columbia would make it impossible to collect the taxes without indirect taxation. He hoped to live to see the day when the colonies should be thoroughly united. He thought that the colony of Vancouver Island was averse to Legislative union at the present time.
Mr. Helmecken said the feeling of the House was averse to Legislative union, and he would, therefore,