

LEGISLATIVE COUNCIL PROCEEDINGS.

[Specially Reported for the British Colonist.]

Monday's Sitting.

Monday Evening, April 1st. The Council met at 8 p. m. Present—Hons Stamp, Trutch, Pemberton, Macdonald, Barnard, Braw, Robson, Young, Crease, Birch, (presiding) Franklyn, Hamley, Wood, Smith, DeCosmos, Southgate, Walkem, Ball, Sanders, Helmecken.

Real Estate Tax Bill. Hon Sanders in the chair. Hon Hamley could come to no satisfactory conclusion in relation to the matter at issue and he did not think any bill would meet the difficulty. He would propose in lieu of the Bill the following resolution: That the Government appoint a committee to be formed with the Chief Justice of Vancouver Island, and the members from that section of the Colony, to hear and decide upon the amount or compensation to be awarded and to determine the most equitable manner of settling existing disputes.

Hon Wood—The commission suggested could not be appointed before the passing of an act for that purpose.

Hon Walkem—The present Sheriff had 2 or 3 writs served upon him already, and if the bill was not passed he (the Sheriff) would be much harassed. In not one of these cases had the former Sheriff distrained. The formalities observed at sale do not do away with necessity for distraint previously.

Hon Birch the commission would eliminate the information so much required on the subject. He should decidedly prefer the resolution to the bill.

Hon Wood the resolution in its present form was remarkable; the bill would not pass if the resolution was added.

Hon Walkem—Looking at amount involved the bill should be allowed to pass; it was mere special pleading to say that the sales were valid.

Hon DeCosmos—The hon member for Cariboo had perhaps received a retainer on his late visit to Victoria.

Hon Walkem—The gentleman who had just sat down had made allusions for which he would have demanded an apology, did he not remember that the hon gentleman's was an after dinner speech.

Hon Ball thought the bill if passed without the resolution might do injury. It would only be doing justice to the sheriff to have a commission, as in some cases he acted legally, and hence all the sales would be illegal. The purchasers at these sales bid on the good faith of getting a title, as promised by the Sheriff, and he thought any man buying in good faith should be indemnified.

Hon Young—The resolution was not worth paper it was written upon, at this late period of the session, but had it been proposed earlier, the arguments in favor of it might have had some force. The purchasers at tax sales could not complain of any injustice. In making such purchases they ought to have made themselves acquainted with the provisions of the act, and they would then have known that these provisions had not been properly carried out. The properties had been sold for taxes due three years after the levy ought to have been made. People who had paid all the taxes they supposed were due, had their property sold without their knowledge. He had sent copies of the bill to Victoria, and found that three fourths of the property holders were in favor of it. He had heard a week before, when a similar bill had been brought before the Legislative Assembly of Vancouver Island, it was defeated by the persistent opposition of two members out of 15, 13 being in favor of it.

Hon Walkem—He had been applied to conduct one of the suits against the sheriff, but had declined. He would not have alluded to that circumstance, but for the insulting remarks that had been addressed to him.

Hon Ball—People from whom taxes were due in 1860 were led to believe that the whole thing had been slurred over when four years were allowed to elapse.

Hon Wood—It was most unjust that men should be allowed to become possessed of other people's property without their knowledge, from the sheriff not having executed his duty. The omission by the sheriff was one of those accidents that occur from time to time for which no one is to blame.

Hon Hamley had been told that the people of Vancouver Island were unanimous in favor of the bill; then why did hon members from the Island vote against it.

Hon Pemberton—In some cases the lots sold at tax sales were undervalued, and have never been discovered since; as a matter of necessity the Bill should be passed, otherwise the Government will have to face a score of actions against the sheriff.

Hon DeCosmos—The clause in the act relating to tax sales was very clear. One year after the sale, in case of non redemption, the purchaser was to receive a title.

Hon Crease—If it was true that titles under these sales were invalid, why not say so at once.

Hon Young—Certain portions of the act had not been complied with, hence titles under such circumstances would be worthless. People had paid their taxes for '62, '63, '64, and their property had been sold for the taxes due in '60 or '61, they had enquired at the treasurer's office, the amount due, and had paid it accordingly. They might or might not have observed their property advertised, but knowing that the taxes were paid they did not think there was any necessity for troubling themselves.

Hon Wood—The mere sale by auction did not give the buyer a title since there could be no conveyance, as the buyer had not demanded to see the title, he had run the risk and his present false position was the consequence. When the buyers apply to the Court for a mandamus they would find out their mistake. It would be much better for them to take their money back, with 21 per cent interest than to have a bad title handed to them, causing great anxiety and loss.

Hon DeCosmos did not think that a mandamus would be asked for, he copied the property holders had quite sufficient notice by advertisement; they had also a year after the sale for redemption. He thought the best way out of the difficulty would be by adopting the resolution of the hon Collector of Customs.

Hon Robson—The officer charged with the business, had grossly neglected his duty. If such was a sample of Vancouver Island law, there would be plenty of such dirty messes to clear up. The requirements of the law had not been observed by the officer appointed for the purpose, and was not likely that the buyers could be cognizant of that. It was very likely that in taking back the property acquired at tax sales, they would be perpetrating a very great hardship. It would certainly be the best for the Governor to appoint a commission; he (hon Robson) would support the resolution of hon Hamley. Hon Helmecken entirely dissented from the principles of the bill that would support it as a matter of expediency. It was useless to go into the merits of the case; there was a serious danger that hung over their heads at that moment, and if some such measure was not passed the Attorney General would find it so. The sheriff was only an executive officer, and was obliged to do his duty. The late sheriff was loved and respected by all and he was very sorry that his name should have been mentioned in that place. If the Government wished to sell the property for the taxes they ought to do so within a year after they were due. A defaulting treasurer had disappeared; when Governor Kennedy required that the law should be carried out many came forward with their receipts of which no notice had been taken in the books, many had lost or mislaid their receipts, few people kept the runaway treasurer were found to be in the utmost confusion. There could be no doubt that purchases at tax sales were purely speculative; hundreds of thousands of dollars worth were sold for a few dollars. He knew a gentleman who happened to be in Cariboo, whose land—1000 acres—was sold for \$200. He could give any number of similar instances where people's property had been sold during their absence. It was better to do a small wrong to prevent a much greater wrong. He thought the speculation was very good when they got back their money with 21 per cent interest. He thought the resolution might be incorporated with the bill.

Hon Mr Macdonald—There was ample evidence to show that the bill should be passed, when all the hon members from Vancouver Island but one were in favor of it. The bill would be a public benefit, and at most they could only do a small private wrong.

Hon Wood moved that the Governor be requested to withhold his assent, to the bill until the commission had learned the facts of the case.

This resolution was adopted, and the committee rose, reporting the bill complete. The House then went into committee of the whole on Hon DeCosmos' motion for change in the constitution of the Council.

Hon Crease proposed that the committee do rise, as a discussion on the resolution would probably occupy the whole of the remainder of the session. The oration delivered when the resolution was brought in would not readily be forgotten.

Hon DeCosmos proposed to take the first clause of the resolution, in order to shorten the debate, as that clause really embodied the whole principle of the resolution.

Hon Franklyn would like to know if the hon member wished to change the constitution of the Council; and if so, it would be better to ventilate the matter and go through the whole of the resolution.

Hon DeCosmos—Had the hon magistrate for Nainaimo been present when the resolution was moved he would have heard him (hon DeCosmos) ventilate the subject fully.

Hon Franklyn believed the colony would be better governed if there was no popular element in the Council at all—simply the Governor and the Executive.

After a conversation, in which Hons DeCosmos and Franklyn took part, Hon Robson said that the question before the House was an important one, and although not calling for their immediate attention, was one which would ultimately be pressed upon them. The principles in the resolution were good, but he objected to the resolution for two reasons. First, because it was not the proper time to bring it forward. Several political changes had already taken place, and another to occur at present would be very injudicious. Second, the manner in which the principles were advocated. They had gone on very well on the mainland before the Union took place. It was from no desire on the part of the people of the mainland that an addition was asked to the popular element in the Council.

After some conversation between Hons DeCosmos and Franklyn, Hon Robson, continued—If there was a desire for an addition to the popular members, the best mode of proceeding would be by an address to His Excellency, which would doubtless receive the proper attention. In moving the resolution the hon junior member for Victoria had used some very hard terms in relation to the present Government, and particularly in respect to the hon magistrates, whom the hon member characterized as so many players at thumbs up and thumbs down. A larger representative element might be beneficial, but with the difficulty at present existing in finding representatives it would be quite impossible to increase the number just now. They did not want half educated politicians. People wanted to be allowed to go quietly about their business, and if the hon member would stump the country from there to Cariboo, he would find the country was not disposed for agitation. The present system of representation was quite sufficient for present purposes. He did not see why people should be pestered by political agitators. Let them make a good use of the representation they had. He did not wish to see the political agitation so prevalent on the Island engrafted on the mainland. The resolution was brought in a great deal for effect, but the debates on such matters were a great tax upon the patience of that House. Men with great mental scope were carried away with pet schemes. The raid which had been made upon the Estimates was not wise, not to say not honest. The motion for reduction in Crown salaries had been brought in by hon members for effect in order that they might stand well with the people outside. Why had that not been passed? Why has no member attempted to complete that glorious work? The bill was not in the orders of the day.

Hon DeCosmos had asked for the bill this morning, but had received no satisfactory reply.

Hon Robson challenged any hon member to take it up now and pass it if he could; it had never been touched from that day to this. The bill had not been introduced, an honest desire to serve the people; it was mere clap-trap. The people of Vancouver Island were thankful, and thought themselves fortunate in being delivered from their late Government. They looked upon representative institutions as a failure. The hon junior member for Victoria, with his long speeches, induced people to ask for things they did not want. He recommended the hon member to withdraw his resolution.

Hon DeCosmos—The principle contained in the resolution was one which he would continue to advocate so long as he drew the breath of life, in public or in private. The principle had been hallowed by the struggles of the people for ages, and much blood and treasure had been expended ere the principle was established. He would rest neither night nor day in contending for the principle. He had brought in the bill and voted for Union at all hazards in order to secure a proper representation for the people. Every other colony under the British Crown had representative institutions, and the conflict would not cease until the idea of governing the country from Downing street. The people of Vancouver Island were a unit on the subject. An hon member had formerly been foremost in his hostility to the Imperial policy in connection with the Port Hope convention. Was the hon gentleman's agitation right then?

Hon Helmecken—Had listened with considerable attention to the arguments on the subject, and there could be no doubt that the principle was correct, and he was sure that every one with a grain of English blood in his veins would support it. The resolution was not got up for effect or in seeking for popularity. The people of Victoria were dissatisfied with the present form of government. They never were glad to give up their institutions, and in being united to British Columbia they expected to the last moment that these institutions would be continued. They would rather be dissatisfied than remain under such a government. The mainland had no school system and the County Court Act just passed gave magistrates the power to issue capias. That gentlemen receiving salaries should be in that council was most objectionable. He was prepared to give them every credit for high principle, but they should not be there. The heads of departments were salaried officers but that was quite a different thing. The Bill in relation to crown salaries was not brought forward for the sake of effect. He was always under the impression that the government cost too much, and the expenditure could be considerably reduced. The resolution would remain there; it was not gone yet.

Hon Pemberton—Did not like to give a silent vote, but he could not support the resolution. It was not a proper time to bring it forward. Very important changes had taken place since the resolution was brought forward.

Hon Southgate—Agitation on such questions retarded the progress of the Colony. He should vote against the resolution.

Hon Smith—If he thought that the resolution would weaken the government he would not support it, but as he was sure it strengthened the government he gave it his support. The people would not be satisfied with the government until they obtained what they thought was a sufficient representation. Although the colonists were not favorable to much agitation, they took a deep interest in what was going on. People set themselves up as exponents of the colony, like the hon member for New Westminster, who contended that we were not prepared for a change. He (Hon Smith) would support the principle of the measure.

Hon Barnard had thought a great deal about the subject since it was first broached and had turned the matter over in his mind, and he was convinced that we were not in a fit state to change the form of the council at present. Men did not wish to see the council composed of Victorian or New Westminster members. He could not see where men were to come from to fill the council in the event of a larger number being required. The people of Lillooet had to telegraph to Victoria, as they could not get a single man to come down and spend his time. The present member was never in the district before. He did not object to a single principle in the resolution, but he must be compelled to vote it down. He would die for it. (An hon member—a queer way of showing it.) It would no doubt benefit the country, but under the present circumstances, it was not possible. The cost of government could not be reduced. He would not insure any gentleman's bones that would attempt agitation in the upper country.

Hon Ball—When we could count thousands in the hundreds of population now in the colony it will be quite time to change the form of representation, when an honorable member had to inquire where the district was that he represented, it was very plain that the colony was not prepared for a change. He trusted that members would never be paid while he remained in the colony.

Hon Young objected to paid members; but he would prefer that two thirds of the council should be elected members with one third government members.

Hon DeCosmos—Could see plainly what the result of a division on the resolution would be; he conceived that the defeat of the measure by the defection of popular members would result in a popular victory. The hon member for New Westminster had taken great credit to himself for his opposition to popular institutions. Whatever credit he had gained in that respect would doubtless be very gratifying to New Westminster, and the hon member ought to be crowned with laurels. He thought his duty as an Englishman was to bring the measure forward although he would have preferred not to have been called upon to take the initiative. He found himself alone with the hon member for Columbia, who gave him a quasi support, at the same time denouncing the measure with faint praise. Hon members from Vancouver Island had pledged themselves to support him. He liked India rubber men in their place. Some hon members who were so careless about coming there would not be traitors to principle always like some gentlemen under the influence of the blandishment of power.

The hon member for Victoria District had pledged himself to support the resolution, and now he would turn round and wish the resolution withdrawn. By adopting the resolution they would take the best means of averting agitation resistance to it, the surest means of producing agitation. The hon member for Yale said he would not insure his (DeCosmos) bones if he went up country. If he went up country he believed his bones would be perfectly safe. The hon member for Queenal had objected to paying members of that council, had they not paid members at that moment? and yet the hon member condemned the principle of which he himself was a shining example. The great orator from Cariboo District had considered the measure premature. He trusted the hon gentleman would be able to justify his vote with his constituents. (The hon gentleman spoke at considerable length, and made a most able speech.)

After a few remarks from Hon Helmecken who proposed an amendment, the house divided when the amendment was lost, the numbers being 16 to 3.

The original motion was then put to the house with a precisely similar result.

Hon Helmecken, DeCosmos and Smith voting in the affirmative in each case. The house adjourned at half past two a.m.

LOCAL INTELLIGENCE.

Wednesday, April 10th.

A PROFITABLE DISCUSSION.—We notice that our morning cotemporary, of yesterday, devotes a column and a half of its space in reply to an article written by the abandoned creature who controls the destinies of the *Columbian*, and who had accused the *News* of brutally abusing the Governor—a clear case of "pot calling the kettle black." These newspaper controversies are never profitable to the public, and valuable space that might be employed in the discussion of some useful topic is devoted to the insertion of articles of crimination or recrimination between editors, who imagine that so warm an interest is felt in them by their readers that a definition of their political position is necessary every thirty days. For instance, we don't suppose the public care whether the *News* was started with the patriotic intention of reforming the *Colonist*, or whether it was brought into being for the purpose of adding to the worldly wealth of the proprietors. Nor is it a matter of importance to anyone outside of the *News* office whether the editor of that paper, two years ago, held views so antagonistic to Victoria that he was induced to buy an interest in the *Columbian* newspaper for the purpose of giving them an airing within the city limits of Stumptown; and we are really not aware that the public are dying to be told that the editor of that paper having discovered, to his great pecuniary cost, that Victoria can live without the assistance of its powerful rival, is endeavoring, by "brutally" abusing the Governor, to regain the lost confidence of those he had abandoned. We say that the public are quite uninterested in all these matters, and the editor of the *Columbian*, in giving them publicity, has certainly acted in very bad faith towards his late partner; while the editor of the *News* has worse than thrown away a column and a half of space that by right belonged to his readers in replying to the blackguardism of a fellow whose political turpitude has been so great as to cause him to lose the respect of every person whose good opinion is worth preserving.

THE BURNING OF THE FREEPORT MILLS.—Passengers by the steamer *New World*, from the Sound, furnish some additional particulars of the burning of the Freeport lumber mills, on Monday afternoon. Fire was first seen in one corner of the mill, and the flames ran rapidly along the lower portion of the main building, then suddenly darted upwards and soon enveloped the entire range of sheds and buildings. Fortunately, the store house, which is distant a few hundred yards from the mill site, was not burned; but all the valuable machinery and the mill buildings, together with lumber on hand, were destroyed. The ruin was so complete that within half-an-hour after the fire was first discovered the entire establishment, which covered an acre and a half of ground, was leveled with the ground. The mill was fitted up in a most complete manner, and cost \$150,000. About one year ago the company suspended operations, and the property passed into the hands of Capt. Pummer, of San Francisco, who held a mortgage upon it for a large amount. A Mr and Mrs Williamson lived near the mill. The fire is believed to have been the work of incendiaries.

PORT CHARGES AND THE "NEW WORLD" STEAMER.—A memorial to the Governor was in circulation yesterday stating that the *New World* steamer, which brings our Sound mails free of charge, has found the new scale of port charges so burdensome that the owners contemplate confining the trips of the vessel to Olympia and Port Townsend, unless relief is obtained. The memorial also states that, should an arrangement be made to have all our mails brought to Olympia, the *New World* will bring them weekly to this port for a merely nominal charge. The memorial, which was numerously signed by all classes, will be sent forward to-day.

ALLEGED ASSAULT ON THE HIGH SEAS.—Yesterday, Capt. Inglis, of the British ship *Egmont*, appeared before Mr Pemberton, to answer a charge of having assaulted the carpenter of his ship while the vessel was on the high seas; and also, for having placed him in irons, and deprived him of sufficient food and necessaries for the space of seven days. The case consumed the entire day, and was not concluded when the Court rose and adjourned till this morning.

FOR THE MINES.—The Enterprise left yesterday morning with over 100 passengers for the upper country and the mines. She also took several sheep and a few head of cattle. Messrs Cornwall, Trutch, Bushby, Carroll, Mitchell, Weill, Babbitt and others left by her.

THE BRUTAL ASSAULT.—The two young Swishes who were accused of beating and kicking a Chinaman on Sunday last, were yesterday tried before Mr Pemberton, and one of the number having been convicted, he was fined \$10, the other was discharged.

OLD SHIP.—The wreck of an old packet ship that was sunk in the Columbia River, upwards of eighteen years ago, by running on a rock, has been sold to an Oregon firm, who wish to save her timbers and iron.

FOUR CHILDREN, the eldest not above seven years, were severely burned by the explosion of a little cannon which they fired off, at Seattle, on Thursday last: One of the party, a little girl, will, it is feared, lose her sight.

A RAISE.—The California Steam Navigation have raised their rates to this port. On the last up trip steamer passengers were charged \$20 instead of \$15, and freight was taken at \$8 instead of \$6 per ton, as before.

A HINT TO THE TIMID.—In case of a Fenian invasion, a friend advises timid colonists to hide in the Admiralty building. The invaders would never think of looking there for them or anything else.

THE SHIP HELIOS, from San Francisco, has arrived at Seattle, and reports the loss overboard, on the passage up, of one of her crew.

IN TOWN.—P. J. Moore, Esq., U. S. Collector of Internal Revenue for Washington Territory, arrived on the *New World* yesterday.

"Satan Rebuking Sin."

EDITORS *COLONIST*.—Under this heading the editor of the *Morning News* attempted yesterday facetiously to describe the folly of the *Columbian* in charging the *Colonist* with indulging in scurrility.

He also gave a somewhat severe though well merited comment on the toadyism of the *Columbian* to the Governor; he, however, a few sentences afterwards exhibits a more unmanly, ignorant and demoralising sycophancy to His Excellency than that accorded by the object of his criticism. In referring to a correspondence between the Governor and the Rev R. Jamieson, he represents the latter as an humble disciple of John Knox, unworthy of His Excellency's notice, and "one so far beneath him socially." I think the reply of His Excellency was no more than just, and tended to allay much ill-feeling; but the editor of the *Morning News* seems to think that the Governor is so far above and removed from the people that he should be inaccessible to them, or that clergymen particularly should be debarred from such communication as being of the lowest grade of society. The writer's brain must have been wandering in the darkness of the sixteenth century, when the clergy did not enjoy the higher spheres of society. Talent, influence and moral worth have, however, raised them to their proper status, and they are now recognised as fit associates of the noblemen as they are of the other classes. They have been ever foremost in defence of the people's liberty, and the British Constitution owes many of its most sacred clauses to their sturdy opposition to monarchial despotism. I am surprised that the editor of a paper claiming to have stamped his "moral worth on the *Colonist* and the public generally should be possessed of such a poor opinion of the ministers of religion; if clergymen, the ideal fountain head of morality, present such a pitiable figure to his sycophant mind, in what light must he look upon the poor layman when his poor eyes are dazzled by gubernatorial splendors?

If the editor of the *Morning News* succeeded in painting the editor of the *Columbian* as the embodiment of sycophancy, I think he also pictured himself such in much more glowing colors, and presented a faithful example of "Satan reproving Sin." VOX.

Big Bend Mines.

A letter from Fort Colville was received by a mercantile house in Portland, from a partner, dated March 18.

It affords us great pleasure to communicate to you that the country is still safe. Good news from the gold regions. Two days ago we received intelligence from Forty-nine Creek, which is very encouraging. What few miners have wintered there have worked most of the winter and have got as high as two ounces out of one prospect hole. They are bench diggings and pay from the surface down. The gold is very coarse and rich. There was a party came down to Fort Shepherd and brought provisions and paid for them with the gold from the new diggings. In addition to Forty-nine Creek they have discovered a creek near by it which they have named Forty-eight Creek, and it is said to prospect better than Forty-nine Creek. Everybody is delighted with the good news and the dark, gloomy cloud which has hovered over their countenances all the winter can be seen no more, but joy and sunshine has taken its place. The honest miners have commenced making preparations to start for the New El Dorado. Quite a number of boats leave the old Fort to-day. A great many Frenchmen in the valley have received letters and are going to start right away. Among the number is Jos Lappy. A party here has received a letter from his partner at Big Bend, requesting him to come immediately, as some very rich diggings have been discovered both on Arlanche and French Creeks, and a big thing is anticipated in the Spring. The weather has the appearance of Spring and the snow is fast disappearing. Our little village will soon be deserted. Everybody goes.

Tuesday, April 11th

The Capital Question "Public Faith"

A few days ago we Prorogation Speech of for the purpose of de fallacy of the view some of the honorable took part in the d capital question. To discuss the merits of with reference to "Pu "Honor," as alluded nor, and for the purpose matter clear, reproduced quoted paragraph, as f

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Such a manoeuvre would beneath the dignity of th Parliament, and we should think that even intereste