

The Weekly Colonist.

Tuesday, April 4, 1865.

HOUSE OF ASSEMBLY.

Monday, March 26th. House met at 3.15 p. m. Members present. Messrs. DeCosmos, McClure, Tolmie, Dickson, Southgate, Bayley, Denness, Powell.

FIRST READINGS. The bill for Declaration of Titles came down from the Legislative Council and was read a first time; also the Postal Bill. Mr. DeCosmos's Homestead bill was introduced by the hon. member and read a first time, and ordered to be printed.

Mr. DeCosmos's bill to secure liens to mechanics and others came up for a second reading.

The hon. member said the object of this bill was to afford greater protection to mechanics, artisans and suppliers of material in putting up buildings, &c. The bill also provided fully for the rights of owners as against lessees.

Mr. DeCosmos seconded, and the bill was read a second time.

Dr. Tolmie asked if any provision were made to secure parties lending money to the person putting up the house as against the workmen.

Mr. DeCosmos said the money could be secured by first mortgage prior to the contract.

The bill was read a second time.

BIRTHS, MARRIAGES AND DEATHS.

Dr. Powell moved the second reading of this bill which he thought required no argument on his part to show its value both for the prevention of crime and the procuring of valuable statistics.

As to marriages the bill would tend to afford facilities for marriage by compelling clergymen to register. The provisions for registering births and deaths were also very necessary.

The deaths so far as he could trace, had been in the following proportion: in the year 1860, deaths, 27; in '61, 73; in '62, 98; in '63, 108; in '64, 102; and up to March, 1865, 35.

Mr. DeCosmos seconded, and the bill was read a second time.

REPRESENTATION BILL.

Mr. McClure moved the second reading of a bill regulating the representation of Vancouver Island.

Mr. Denness seconded and the bill was read a second time and sent to Committee.

TELEGRAPH BILL.

Mr. Southgate stated that he had received a letter from Gen. Williams, the President of the Company asking that the time be extended for three or four months, as he hoped by that time that the Imperial Government would consent to the Bill as it stood.

The consideration of the bill was postponed.

UNIMPROVED LANDS.

Dr. Dickson introduced his motion for a Committee on the best means of promoting the agricultural interests of the colony. He felt sure that the House would be unanimous in promoting this great interest, and would therefore move that a Committee of three be appointed to report to the House.

Dr. Powell seconded, thinking it the best mode of settling this very important question.

The motion was agreed to and the Speaker appointed Dr. Dickson, Dr. Tolmie and Mr. Cochrane.

SCHOOL BILL.

The Speaker fixed Wednesday next for the consideration of the School Bill.

Mr. Denness said today had been fixed for this bill, and he thought it would be better if this bill were to come up in Committee on Wednesday next.

INCORPORATION BILL.

The House went into Committee on the Incorporation Bill, Mr. Denness in the chair. The bill was taken up at Schedule A, fixing the boundaries of the city.

Dr. Helmecken moved that the boundaries as they at present stand be the boundaries of the city.

Dr. Tolmie, in supporting the motion of the hon. Speaker, held in his hand a petition from some thirty residents adjoining the north side of the present city limits, praying that they be not included within the limits of the city.

Dr. Dickson also held in his hand a petition from a number of the residents of James Bay, praying that they be not included within the city limits, and stating that as they had already expended several thousand dollars in roads through their property, and were prepared to expend further sums, they did not wish to be forced into the Corporation against their wishes.

Mr. Southgate thought it very unjust to retain the thinly populated region of Victoria West and leave out the more thickly populated districts in other parts of the city. He advocated the adoption of the new boundaries.

Mr. McClure said although this House was always ready to listen to the voice of the people, still there were occasions when small portions of the community should be overlooked for the general good. The gentlemen who signed those petitions declined to place themselves under any incorporation bill, yet at the same time criticised the bill, they refused to acknowledge.

He saw the names of many influential gentlemen attached to this petition, and it would be a pity for themselves and the Corporation that they should be left out. One of the evils in the colony was the absence of a proper interest taken by the inhabitants, an evil which had prevented the city having a respectable incorporation.

The most effectual way to interest the residents of any place in its Government was to bring them within the scope of taxation and this benefit he was prepared to bestow on the petitioners, even though they were disinclined to receive it. (Laughter.)

Dr. Tolmie said these gentlemen certainly knew best whether they should belong to the Corporation or not. These districts were perfectly unanimous in objecting to being included in the Corporation, and he could not see any semblance of justice in thus forcing them against their will to come within the Corporation.

Mr. DeCosmos was really surprised to hear hon. gentlemen advocate such a boundary as this (holding up a map of the present city limits). The boundary was the most remarkable of any one ever proposed by any number of sane men he could well imagine.

If the hon. member for Metochin had proposed some regular boundaries, even on a more contracted scale, he would not have been so surprised as to the argument for local self government. He was always in favor of that, and would therefore wish to bring these petitioning gentlemen within the boundaries to teach them the principles of self government.

He could easily find many gentlemen even in the heart of the city who would object to be included in the Corporation, and with much better reason, because they could say that the streets were all made through their property, and the suburbs might make their own streets.

The rate of tax imposed by the new bill was very low indeed, and would not fall oppressively on any one. As to these petitioners who had spent private moneys on their property, the bill contained a provision enabling them to tax themselves to improve their property.

He was astonished to hear any legislator advocate such a boundary, and thought the petitioners should have been ashamed to put their names to such documents perpetrating a manifest injustice.

Dr. Helmecken was really so sick and so tired of this Incorporation Bill that he could hardly bring himself to allude to it at all. Had he had any idea that it would pass he might have brought in some amendments, but he had hoped it would have been thrown out by the House long ago.

The hon. gentleman might be ashamed of such petitions as those before the House, but he was member for Victoria city, and of course he sought to curry favour with his constituents. But if the people did not wish to be incorporated, the House had no right whatever to force it on them.

Now he would propose that if this ridiculous bill should by any means pass the House, that the bill be sent to the people, so that they might see what an absurd and ridiculous bill it was. The hon. junior member for the city said that if the people outside were included there would be a more respectable Council. Well, there was, no doubt, room for improvement on that head (a laugh).

Another hon. member had said the suburban residents did not contribute to support the city roads. The people of the district already paid for their own roads, and much higher than people in the city (hear hear).

Now this splendid bill, that was to make Victoria flourish like a green bay tree, actually enabled the city to raise the enormous sum of \$25,000. How far this large revenue would go to make the necessary and much asked for improvements he would leave the House to guess.

All he would say was that if the Corporation could raise \$25,000 they would not stop at that sum. As to incorporation itself, what was the intense objection of the residents adjoining the present city limits to being incorporated, and the intense disgust of a great many in the city at the present bill, he thought the sooner the bill was put away out of sight the better.

He had nothing further to say on the subject; he had said so much already, and he was sorry he had said so much already.

Mr. McClure said the hon. Speaker objected to the incorporation of the city because the bill was a bad one, and that therefore the extension of limits was wrong. A queer description of reasoning certainly. Now he maintained that the limits had nothing whatever to do with the merits of the bill. The other argument was that because certain people objected to being incorporated, therefore they should not be included in the city limits. This was certainly a palpable absurdity.

As well might Nanaimo have objected to be included in the general taxation of the country (hear, hear, and no no) it was this description of right asserted by the minority that had caused the present great struggle in America. The idea of twenty or thirty people in the suburbs objecting to be incorporated, with five or six thousand who desired it, should not be entertained, especially when the value of those very men's property was vastly enhanced by the city improvements.

The hon. Speaker had said that the people did not want an incorporation. If there was any such feeling it arose not from any objection to the principle of municipal government, but from the disgust caused by the miserable abortions of bills which had been forced on them from time to time by this House (hear, hear). The present bill, if it was fairly, could be recommitted. Under any circumstances, therefore, the hon. gentlemen had no grounds for their present course. As to the hon. gentleman's allusion to the want of respectability in the Council, he (Mr. McClure) never intended such a remark—it was the want of a respectable Council that was the want of a respectable city.

Mr. DeCosmos said the majority of the people demanded a Corporation and the voice of the majority should rule. He was surprised that a gentleman of such well known ability as the hon. Speaker should sit dumb in his chair while the bill was passing, and then jump up and try to throw it out, instead of taking part in the discussion step by step, and trying to make it what it ought to be. The hon. gentleman again referred to the map of the city and showed the gross absurdity of the boundaries.

Dr. Helmecken—Would that this session were over, and so further trouble! (A laugh). The hon. gentleman (Mr. DeC) said it came with very bad grace from him (Dr. H.) that he did not try to amend the bill as it passed. He certainly did intend to try to amend the bill, and the hon. member had professed himself willing to alter and amend it to suit the House, but when the hon. member found that members opposed to the bill, he said away he took the bit into his mouth, and with a majority at his back rushed the bill through the House. There was nothing for him (Dr. H.) to do but sit a passive spectator. He maintained that no one should be included in the Corporation who did not wish to be so. (Oh, oh.) He denied however that on the same grounds Nanaimo could object to being governed by the general Government, because the Incorporation Bill was purely a private measure, and if the majority of the people were opposed to it, it should be thrown out. The people have to ask to be incorporated.

Mr. Bayley thought the proposed city limits were far too large. He did not see why the Indian Reserve should be included within the city limits, and also the 5 and 10 acre lots of James Bay.

Dr. Helmecken—What's the meaning of "bogus"? Mr. DeCosmos believed it arose from a man out in Illinois, named Bogus, who made counterfeit coin (Laughter).

Dr. Tolmie agreed with the hon. gentleman who had preceded him as to the importance of inducing people to invest in real estate. There were other members who now advocated this 2 1/2 per cent. tax who had previously advocated dividing up the land among the people in almost infinitesimal portions. (Laughter.)

Mr. McClure could not see the slightest argument in anything the hon. gentleman opposite had said. It is true the hon. member for Victoria, in his extensive commercial knowledge, had urged that as fictitious sales took place in other parts of the world they should not be discouraged here. He (Mr. McClure) was however of opinion that it was the duty of the House to discourage what was wrong, and he was sure no hon. gentleman would have the hardihood to say that deception in business transactions was right, if the House could not deal with the question it was giving but a poor indication of legislative capacity. (Hear, hear.)

Dr. Tolmie said it was well the House made no attempt to grasp what an hon. member called a legislative difficulty. He himself was not so Quixotic as to be always striving to overcome impossible obstacles. He did not wish to become a universal pruner and altering.

Dr. Helmecken said this House seemed constantly of the opinion that all auction sales of real estate were for the purposes of speculation. This was, he thought, a mistake. As to the similarity between sellers of merchandise, who had a great deal of expense of various kinds, and real estate agents, who occupied a room 10 feet square, and had no expenses whatever, he could not see it.

Dr. Dickson had listened patiently to the arguments on both sides of the question, and had come to the conclusion that the truth lay between them. He would, therefore, move that the tax be 1 1/2 per cent.

Mr. DeCosmos said the real question was, are we disposed to lay a tax on sales of real estate for the purpose of revenue or not? (Hear, hear.)

Dr. Tolmie said it was indisputable that land was already taxed too highly. (Hear, hear.) He now paid heavier taxes than commerce, and he did not see why the taxes should be increased.

Dr. Helmecken said the reason of the tax on land was to preserve the balance of power. Increased trades licenses had been levied, and taxes must be put on land in proportion. The money must be raised to pay for the improvements to be carried on.

The one-half per cent. motion was put against the 1 1/2 per cent., and lost.

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debtor by being arrested. Again, a debtor imprisoned under final process could be kept for 28 days before he could get his final discharge. This his bill proposed to remedy. These were the leading features of the bill, and having seen so much himself of the injurious workings of the present law, he would ask the House to pass the bill now before them.

Mr. DeCosmos said the first clause, providing for preventing a person from leaving the colony was, under the present state of the colony, perhaps unnecessary. As to clause 5, he disagreed with it altogether. The real and only object of the law was to obtain all the assets of the debtor.

Mr. Denness said the hon. gentleman evidently did not know anything about law whatever. (Laughter.) He would, however, give him a lesson before he left the House. A creditor might seize a man's goods or his person, but if he took the man first he could not touch the goods.

Dr. Helmecken—What about reality? Mr. Denness said real estate could be seized by writ of *replegi*, and sold to satisfy the creditors.

Mr. DeCosmos was sorry to differ from his hon. and learned friend, but he must inform him that under the present law realty could not be sold in the manner he had stated.

Mr. Denness—Well, well! after that I'll sit down; I won't say another word (laughter).

Mr. DeCosmos fully approved of the principle of the bill. He did not believe it was right to incarcerate a man for debt, because he did not believe debt to be a crime. All the law should require was to obtain all the assets of the debtor and give them up to the creditor.

Dr. Helmecken said he did not believe that imprisonment for debt could be done without in this mercantile colony. It must exist. He did not think the fault lay in our present law, but in the facilities it afforded for false swearing. Of course he only alluded to imprisonment in case of fraud (hear, hear).

Mr. Denness did not object to imprisonment for debt generally, but he did object to people from a foreign country being imprisoned under English law on entering the colony.

Mr. McClure said the inhabitants of the colony had been certainly indebted to the hon. member for Salt Spring Island for introducing so urgent a measure as this. The law was necessary, not only for preserving the liberty of the subject, but for removing the objections entertained by many people in California and elsewhere to come to this colony. Ever since 1858 Vancouver Island had been nothing more than a debtor's goal for the neighboring States. (Hear, hear.)

He agreed with the hon. Speaker that the only grounds for imprisonment for debt should be for fraud, or attempting to commit fraud. Whatever arguments might be brought forward in old and stable communities for imprisonment for debt, here the barbarity was out of all question. The vocations of the people in California, and in these colonies were, from the very nature of things—the dependence on mining pursuits—intensely speculative—men were rich to-day, and poor to-morrow; it was, therefore, a grave injury to enterprise and energy, and a gross injustice to the individual, to put him in prison because he could not pay at the time his liabilities. There were some modifications he would like to see made in the measure before the House, which he would propose in committee.

Mr. Bayley asked the hon. member what course he proposed to adopt in regard to the Bill (California).

Mr. Denness said he did not intend to prevent creditors from recovering debts in British Columbia, or vice versa. What he insisted on was that debts contracted in foreign countries should not be recoverable here at all. (Oh, oh.) He had seen the evil workings of the present system for years, and he was convinced of the necessity of this course.

Dr. Helmecken asked if he understood the hon. and learned friend to advocate that persons coming from foreign countries should not be freed from their debts on arriving here (laughter).

Mr. Denness maintained that debts contracted in foreign countries should not be recoverable here; this however, was not the bill.

The bill was reported favorably.

PILOT SERVICE.

Mr. DeCosmos said he had the Pilot Act of 1864, before him, assented to by the Governor last April. This act empowered the Governor to appoint Commissioners, which had been done, but these Commissioners had done nothing ever since their appointment. He had been told that the reason why they did not discharge their duties was that they did not power to appoint pilots for Nanaimo—the most absurd idea. The City Council might as well refuse to work because they could not make by-laws for Nanaimo. He had collected some statistics from the pilots for the time during which the present act had been in force, from which it appeared that the total receipts for that time had been \$9,675. By the act the pilots had to keep a boat cruising outside Race Rocks. They did this up till December last, and their expenses including outfit of a boat, &c., had been \$2,330. The profits to the pilots for this time, after deducting expenses, were \$1,245, or at the rate of \$48 per month. The pilots therefore complained that they could not make a living. They were prepared however to keep a pilot boat cruising in accordance with the act if they were allowed to charge pilot dues on every vessel over 50 tons coming from foreign parts, that is, every vessel except those trading with British Columbia and employed in Vancouver Island coasting trade. The pilots had not made heretofore more than \$600 a year, whereas he thought they should at least have \$150 a month. They were however quite prepared to carry out the bill provided the above provision were made. If this were not done the only other mode would be to make the pilot officers of the colony and pay them regular salaries. He believed the provision of levying pilot dues on all foreign vessels from foreign parts over 50 tons would meet the end required.

Dr. Helmecken thought pilots certainly were of great importance, but not of such immense importance as they seemed to think of as some people would have the House to imagine. When the last bill came up the pilots were ready to do everything, keep a pilot boat, cruise night and day, pick up everything in their way provided the bill

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