

The Weekly Colonist.

Tuesday, March 15, 1864.

HOUSE OF ASSEMBLY.

Monday, March 7, 1864.

The House met at 3:15 p. m. Members present: Messrs. Young, DeCosmos, Franklin, Powell, Trimble, Street, Carswell, Bayley, and Dennes.

THIRD READINGS.

The Indemnity Bill, and the Chief Justice Pension Bill passed their third readings.

INCORPORATION ACT.

The House went into committee on the bill to regulate the Incorporation Act, 1862, Mr. Bayley in the chair.

Dr. Trimble moved that after the word "repealed," all the rest of the clause be erased, making the clause read "That the Victoria Incorporation Act, 1862, and all by-laws therein enacted, be and are hereby repealed."

Mr. DeCosmos objected to the amendment of the hon. member for Victoria District. We were now called upon to deliberate on a subject which if not treated with sound judgment and discretion, may do an incalculable injury to Victoria.

The hon. member for Victoria District's amendment proposes not only to repeal the Act, but also all the by-laws. The city is now in debt to the amount \$20,130.

On looking at another department, the total taxes received by the Trades License by-law is \$15,000. If we annul all these by-laws, all parties who have paid taxes under this head can compel the Corporation to refund this amount.

By this means every tax payer may be held liable for this \$15,000, which has been already expended. Then, looking at the real estate tax, an amount of \$7,000 has been collected; if these taxes have to be refunded, we will thus create a debt on the city of \$42,000; if we repeal the by-laws, whereas, if we collect these back taxes, there will be sufficient money to pay the city's indebtedness.

If the House does not enable the Council to collect the Real Estate and Trades License taxes, they must pay back all the money collected, and thus increase the city's indebtedness to the amount already stated. He (Mr. DeCosmos) would propose the following amendment to clause 1, that after the word "excepted" be inserted the words "or enacted."

Mr. Young said that he had been waiting for some arguments or additional amendments by the hon. member for Victoria District, but having heard none, he had come to the conclusion that his object was simply to disincorporate the city of Victoria. (Hear, hear.) He thought that it must be plain to anybody in this House that this would injure the credit of the city to a degree which is incalculable. If the city has no funds to meet the debentures, even although the government should make good the liabilities, the credit not only of the city but of Vancouver Island would be most materially injured.

As to the amendment offered by his hon. colleague, he was wholly in favor of it. He would, however, suggest the propriety of introducing the amendment as a distinct section.

Mr. Franklin said the present Council had done their duty according to the present Act, wisely and judiciously, and as doubts had been cast upon an Act it was an duty to support and assist them, and protect them in their past proceedings.

The amendment of his hon. colleague (Mr. DeC.) did not legalize the by-laws, but only legalized the collection of money. He (Mr. D.) would propose to pass the clause as it stands, and make his hon. colleague's amendment come in a subsequent clause.

Mr. DeCosmos was still in favor of bringing in his amendment as first proposed, but he was willing to harmonize it so far as possible with the views of his hon. colleagues and other hon. members.

Mr. Powell had also been waiting for some argument from the hon. member for Victoria District, but was sorry to say he had not heard any. This was simply a question of whether we shall have an incorporation or not. He (Dr. Powell) was in favor of the amendment of his hon. colleague, although he thought it would be better to come in as a second clause. It was necessary to enable the corporation to collect the taxes, and this amendment met the end. There were a great many objections to the clause in this bill, and many he would be disposed to amend, but he was heartily in favor of passing the bill.

Mr. DeCosmos said in order to facilitate business he would propose to withdraw his amendment, and bring it in a distinct clause.

Mr. Dennes said he would certainly support the amendment of the hon. member for Victoria District.

Dr. Trimble said he was not opposed to municipal institutions, but there were so many objections to the Act of 1862, that he wished to throw it out and introduce a fresh bill de novo.

Mr. DeCosmos said the hon. member was opposed to any incorporation, a fact which his amendment showed; the hon. member knew well that if this bill were thrown out, we could introduce no new bill this season, and the city would be left unincorporated. (Hear, hear.) It was a common enough thing in all corporations to amend defects in their laws, not to repeal them.

Mr. Dennes said the hon. members wished to cure bad by-laws, which had been declared by the highest legal authority illegal.

Mr. Young said the hon. gentleman's remark carried its own answer. He would ask the hon. members if it were not their special duties to cure bad laws?

Dr. Helmcken said if the hon. member for Victoria District wished to do away with the incorporation of the city, it was now too late to do it. He proposed to bring in a new bill, where is it? when does he intend to introduce it?

Dr. Trimble—To-morrow or Wednesday. (Laughter.)

Dr. Helmcken—I'm afraid that won't do. Mr. DeCosmos' amendment must insert the words "or enacted" after the word excepted and to leave out all of the clause after the word "repealed," was carried nem. con.

Mr. DeCosmos moved the following amendment, to stand as clause 3:

That the Municipal By-law passed by the Mayor and Council of the City of Victoria, on the thirtieth day of March, one thousand eight hundred and sixty-three, in which persons, corporations, or bodies politic, engaged

in certain trades, callings, or professions, in the City of Victoria, were declared to be liable to pay license moneys to some person appointed by the said Mayor and Council, is hereby enacted and confirmed; and that all license moneys paid in conformity with the provisions of the said By-law by any person, corporation, or body politic, are hereby enacted and declared to be and have been lawfully paid; and that the Mayor and Council for the time being for the City of Victoria are hereby authorized and empowered to collect, in conformity with the provisions of the said By-law, all arrears of license moneys which any person, corporation, or body politic, shall have declared, in the said By-law, to be liable to pay to some person appointed by the aforesaid Mayor and Council to receive the same.

Provided always, that no license moneys or no arrears of license moneys shall be collected under this section of this Act, unless the said license moneys or arrears of license moneys shall have arisen and shall have become due and payable in conformity with the provisions of the said By-law before the thirty-first day of March, one thousand eight hundred and sixty-four; Provided always, that the penalties mentioned in the said By-law to be imposed in case of default in the payment of license moneys shall not be enforced until thirty days after the passage of this Act shall have elapsed.

Mr. Dennes said we had no right to delegate power to the corporation to make By-laws. He would therefore oppose the amendment.

The amendment was passed as read, Mr. Dennes only in the negative. Clause 3, of the printed bill was passed with some trifling amendments, and with the addition of the following amendment by Dr. Helmcken:

"Provided always that no money or arrears of money shall be collected under this section, unless the said moneys or arrears of moneys shall have arisen and have become due and payable, in conformity with the provisions of said By-law, before the 31st day of December, 1863; and provided also that the penalties mentioned in the said By-law to be imposed in case of default, shall not be enforced until 30 days after the passage of the Act shall have elapsed."

In regard to clause 4 of the printed bill, Mr. Young said the words incorporating the inhabitants as a city were simply nonsense; it was impossible to make human beings a city; he proposed to leave out the words "inhabitants residing thereon."

Mr. DeCosmos looked on it as a sort of legal fiction, which was perhaps necessary, for the satisfaction of every one.

The clause was passed, with a few immaterial amendments. The committee here rose and reported progress.

The House will again go into committee on the bill to-day (Tuesday).

House adjourned.

THURSDAY, March 8th, 1864.

House met at 3:15 p. m. Members present, Messrs. Young, DeCosmos, Powell, Franklin, Trimble, Jackson, Foster, Street, Carswell, Bayley, Dennes.

TELEGRAPH BILL.

The private bills committee reported in favor of the telegraph bill being accepted by the House.

The Speaker said the bill would be read a second time and committed to-morrow.

INCORPORATION ACT.

The House went into committee on this bill, Mr. Bayley in the chair.

Clause 6, dividing the city into three wards, and defining their boundaries, was passed.

Clause 8, providing that the council shall consist of nine councillors (three from each ward), and that out of the number they shall elect by ballot as Mayor the councillor having the greater of votes, was taken up.

Dr. Dennes moved to strike out the last clause; he believed the mayor should be elected by the people.

Mr. DeCosmos moved in amendment that the council shall consist of a mayor and six councillors, possessed of the qualifications and subject to none of the disqualifications herein after mentioned.

Mr. Young said the object of having the mayor elected by the council was to give the people more interest in the elections, and to induce the best class of citizens to come forward as candidates. If the people knew that anyone of the nine councillors might be mayor, they would exercise more care in putting in good men.

Mr. DeCosmos said the present system had worked well, and he did not see why we should change it. He considered it highly necessary that the people should have the election of mayor in their own hands.

Dr. Powell supported the amendment. When the city had assumed much larger proportions than it now possesses, the clauses providing nine councillors might be wanted.

Mr. Franklin also supported the amendment, as the present system had been found to work well.

Mr. DeCosmos' amendment passed, Dr. Helmcken and Mr. Young dissenting, to stand as clause 8.

QUALIFICATIONS.—On clause 9, providing that the Members of Council shall be male British born subjects of full age, &c.

Mr. DeCosmos moved that the word "born" be struck out. This was an attempt to perpetuate political and sectional animosity in the colony. It was taking a direct step backward in the policy of the country.

Dr. Powell supported the amendment as calculated to diminish national prejudices and ill-feeling.

Mr. Franklin said he was surprised to see the word "born" introduced into the bill before the House; when he was before his constituency the question was brought up as to aliens sitting in this House, and he was elected by a party opposed to that policy. But he did not think naturalized subjects should be excluded from the Council; if it had been to admit alien born citizens to the Legislative Assembly, he would decidedly oppose it.

Colonel Foster said he could not see any danger in naturalized citizens taking part in the government of this country, but he was sure that there was not an alien in the country who would not say that he did not wish to have anything to do with the government of the country.

Mr. DeCosmos said the hon. gentleman had made a most remarkable speech. He had this day opposed a principle which he had at one time supported. Not one year ago the hon. gentleman had stood on the floor of this House and advocated the admission of naturalized subjects to full rights

and privileges after one year's residence, and now the hon. gentleman opposed this very principle. He (Mr. DeC.) said his sole object in striking out this word, was to make the people one; to prevent them from arraying themselves under party banners, and organizing party factions. This clause did not affect aliens, but it affected naturalized citizens, men who had all their interests in the colony, and why should this House inflict such an injury on a good class of citizens by preventing them from occupying positions in the civic government?

Mr. Franklin said there was a class of aliens, or naturalized subjects, who did not exercise their privileges as British subjects should do. They had endeavored to control and dictate to the rest of the community.

Mr. DeCosmos said he had only one remark to make to the hon. gentleman's statement. He would call to the hon. gentleman's recollection a time not long ago, when some 30 or 40 of this very class were brought to the polls by the hon. gentleman's friends and supporters, and by their votes a seat was obtained in the House of Assembly. (Laughter.)

The amendment was put and lost. Messrs. Young, DeCosmos, Powell, and Helmcken, voting for it; Messrs. Foster, Trimble, Franklin, Jackson, Street, and Dennes against it.

The clause then passed as read, and the committee rose and reported progress.

ANOTHER INCORPORATION ACT.

Dr. Trimble said he wished to give notice that he would to-morrow ask leave to bring in a bill to incorporate the city of Victoria. (Laughter.)

WATER BILL.

Dr. Powell asked leave to read a petition from John Coe and Thos. Martin, asking leave to have the exclusive supplying of the city of Victoria with water (petition read) and moved that the petition be referred to the committee on Standing Orders. Carried.

TELEGRAPHIC REGULATIONS.

Mr. Young gave notice that on Thursday next he would ask leave to introduce a bill to regulate Electric Telegraphs in the colony, and to ensure secrecy and fidelity in the transmission of messages.

To-day (Wednesday), the House will take the second reading of the Telegraph Bill, and the Incorporation Bill in committee.

House adjourned.

WEDNESDAY, March 9th, 1864.

House met at 3:15 p. m. Members present, Messrs. Young, DeCosmos, Franklin, Trimble, Street, Duncanson, Carswell, Bayley, Dennes.

PETITION AGAINST THE WATER COMPANY.

Mr. Dennes asked leave to lay before the House a petition from Henry Otto Tiedeman, praying to be heard against the petition of Coe and Martin. Referred to the committee on standing orders.

REDUCTION OF LICENSES.

Mr. DeCosmos laid before the House a petition from the Licensed Victuallers Association, praying for a reduction in the licenses. Ordered to be laid on the table.

POSTAL MONEY ORDERS.

Mr. Duncanson moved for an address to His Excellency on the urgent necessity for the extension to this colony of postal money orders, a book postage system, and also that the British consul at Panama be authorized to remit from that place letters or newspapers from the South American Republics for this colony, the same being now detained by the non-payment of the American postage.

STATUTE LABOR NOTES.

Mr. Duncanson moved for the return of the amounts collected for statute labor and other road purposes, showing the mode of expenditure of said moneys.

TELEGRAPH BILL.

This bill came up for a second reading. Mr. DeCosmos said that he had been authorized by the President of the Company to state that should the bill be passed, the city of Victoria would be placed in connection with the East in eight months. The advantages offered by the bill were so great that it required no argument.

Mr. Young had much pleasure in seconding the second reading of the bill.

Second reading passed, and bill ordered to be committed.

INCORPORATION ACT.

Dr. Trimble said he would now ask leave to introduce a bill to incorporate the city of Victoria. The hon. member proceeded to dilate on his bill, but the hon. Speaker intimated that it was not quite in order to speak on the bill at this stage.

Mr. DeCosmos opposed the granting of leave to the honorable member's bill on the ground of the great delay caused to the business of the country.

Mr. Dennes supported the motion for a new bill. Although he had voted for the bill now before the House, he believed on second thoughts he was wrong. (Laughter.)

Leave was granted.

Mr. Street moved that the bill be printed. The Speaker said it was a private bill; no notice of it had been given and the honorable member must have printed himself. (Laughter.)

TELEGRAPH BILL.

The House went into committee on the Telegraph Bill, Mr. Bayley in the chair.

Clause 1.—Mr. DeCosmos moved that after the words "Vancouver Island" the words "and its dependencies" be added. Carried.

Mr. DeCosmos moved that the term of 50 years for which the company ask the right to use their line be cut down to 25 years.

Dr. Helmcken said by granting the company a term of 25 years we would prevent the Government from granting a monopoly to any other company, should such need arise. He could readily see why this company should make so liberal an offer. If they get their line into operation, it will have the effect of preventing the construction of the British overland line. He did not know that this would be any serious objection. We would, by granting this line be probably granting an advantage to Americans to the detriment of Britain, but he had not the slightest objection to that; we benefited by the enterprise and energy of our neighbors, and he did not see why we should not look after our own interests.

Mr. Carswell said it was all right to allow the telegraph to be carried along the streets and highways, but he thought even the hon. Speaker himself would not like it brought through his house. Besides he did not approve of giving them fifty years; it was

giving them too good a show. Although he believed in the Americans, as they were two to one on the British, still he thought they should not have the exclusive privilege of talking over the line.

Dr. Helmcken said he would not have the slightest objection to the telegraph line going through his house provided, they would give him an office; it would be a great advantage. As to the use of the line in time of war, he did not see why we should look after the interests of Britain in this matter, they had done nothing for us in regard to mails or telegraphs, or anything else.

Mr. Street did not like to hear so much said about American enterprise; when Victoria was as large and wealthy as San Francisco we might hear something about Victorian enterprise. (Hear, hear.)

Amendment carried and clause passed.

Clause 2.—provides for the carrying of the line across any private land by the consent of the owners.

Dr. Helmcken said his opinion was that the company should have the right to carry their line over private land, whether the owner was willing or not; (hear, hear.) By a private property owner refusing to allow the line to pass over their ground, there might have to be a break in the line. However, as they did not ask for this he supposed the clause might stand as read.—Clause passed.

Clause 3, passed.

Clause 4, provides that the Company must commence the work within five months after the passage of the Act, and that in thirteen further months the line must be completed; otherwise the Act shall be null and void.

Mr. DeCosmos said the President of the Company had told him that they expected to finish the line in eight months from the passage of the Act, but if the legislature insisted on the work being completed in eight or nine months, the company would wish a proviso to provide for accidents.

Dr. Helmcken said he thought the time of 18 months quite short enough; it was considerably shorter than we might have expected. The clause was passed with the addition of the words "of North America," after the words "British provinces."

Clause 5, provides that upon completion of the line the Company shall have the exclusive privilege for twenty years of telegraphing between this colony and the United States west of the Rocky Mountains, but not to interfere with the construction of the projected line across the continent through British Columbia and the Canadas; provided that no other company shall have the right to telegraph between this colony and the said United States, so as to impair the aforesaid rights.

Mr. Young moved that instead of "the projected line," etc., the words "any line through British territory" be inserted.—Amendment carried, and clause passed.

Clause 6, provides that the Governor of Vancouver Island may terminate the exclusive privilege of the Company at the expiry of twelve years, by giving six months' notice. Clause passed.

Clause 7, provides that the telegraph line shall be run from the City of Victoria to some point on the limits of the colony between Nanaimo and Sooke. Passed.

Clause 8, provides that if the Company shall fail for six months to keep the line in working order, unless in case of war, they shall forfeit their exclusive privilege.

The committee here rose and reported progress, to sit again to-morrow.

LEGISLATIVE COUNCIL.

WEDNESDAY, March 9, 1864.

The Council met at 2:30 p. m.—Members present:—Hon. Chief Justice Cameron; President of the Council, Hon. Alexander Watson; Council Treasurer, and Hon. Roderick Finlayson.

BILLS FROM THE LOWER HOUSE.

The Chief Justice Pension Bill and the Governor's Indemnity Bill, as passed by the House of Assembly, were laid before the Council.

BOUNDARIES OF THE COLONY.

The Clerk of the Council read a communication from His Excellency, sending down a map of the boundaries of the colony, to be placed in the records of the Council.

RECEPTION OF THE NEW GOVERNOR.

The Clerk read a communication from the Secretary of the Reception Committee inviting the President and members of the Council to take part in the demonstrations at the reception of the new Governor.

The President said he supposed the Council would take part in the reception in their official capacity.

Hon. Mr. Watson moved that a reply be sent to the Reception Committee, accepting their invitation.—Carried.

PILOT BILL.

The President said the amendments to the Pilot Bill as sent back by the House of Assembly, had been agreed to, and the Bill had been sent up to the Governor to receive his assent.

APPROPRIATION ACT.

The bill providing the supplies for the year 1864, was read a first time.

NEW BILLS.

The President introduced a bill to amend the Land Registry Act. This bill was necessary to remedy some defects in the present act. Also a bill to enable parties who have through the ignorance of conveyancers received defective titles, to have their titles confirmed.

BANK NOTE BILL.

This bill, on motion of Hon. Mr. Watson, was ordered to be taken up in committee.

BARRISTERS' AND ATTORNEYS' BILL.

The discussion on this bill was postponed to enable the Attorney-General to bring in some proposed amendments.

Council adjourned till Monday.

GOVERNMENT CONTRACTS.—The contracts for the construction of a screw steam tug and a mud steam dredger vessel with four mud punts, to which we have previously alluded, have been let by the Government, the former to Mr. Robt. Ewing and the latter to Mr. Trahey, both practical ship builders. The following are the dimensions and particulars upon which the contracts were based: Screw steamer of 40 nominal horse power; length between perpendiculars, 110 feet; length of keel for tonnage 99.9 ft.; breadth extreme, 19 ft.; breadth for tonnage, 18.10 ft.; depth moulded, 10.6 ft.; tonnage o. m., 153.39. Double steam dredger vessel of 25 nominal

horse power; length, 100 ft.; breadth, 22.1 ft.; depth, 10 ft. Four mud punts—length, 70 ft.; breadth, 19 ft.; depth, 6.9 ft.; two hoppers in each, to contain 150 tons of mud, or 50 tons in each hopper. Engines and machinery by Messrs. J. & A. Blyth, Lime House, London.

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