

Tuesday, the 8th day of February, 1859

Present: Messrs. J. W. McKay, J. D. Pemberton, T. J. Skinner, J. Yates, J. Kennedy, and The Speaker.

The Speaker Read the following communications from his Excellency the Governor.

Victoria, Vancouvers Island
5th February 1859.

To the Speaker and Gentlemen of the House of Assembly

I have received your Address of the 25th ult. praying that certain public lands should be reserved in the several Districts of Esquimalt, Metchosin, Sooke, Saanitch and Cowitchin for educational and public purposes, and I have to communicate to you, in reference thereto, that instructions have been issued to Mr. Surveyor-General Pemberton requiring him to make large reserves for the general purposes of the Government in the Districts of Esquimalt, Metchosin, Sooke, Saanitch, Cowitchin and Nanaimo and all other Districts in Vancouvers Island, which may hereafter be surveyed for settlement.

signed James Douglas
Governor

Mr. Speaker would enquire of the Surveyor General: how much land had been reserved; it was not intended that reserves should be made in the address for the Church, but for the purposes stated.

Mr. Pemberton replied that the quantities had not yet been decided upon: but with regard to Esquimalt there was very little left unsold; he had not understood, that he had to make reservations for special purposes.

Mr. Yates wished to know by whom the land would be selected.

Mr. Pemberton In reply presumed the Executive would undertake the selection.

The Speaker Then read the following communication.

Victoria, Vancouvers Island

To the Speaker and Gentlemen of the House of Assembly

I have to acknowledge your Speakers communication of the 25th Ultimo, containing the following resolution, which passed the House on that day.

That application be made to his Excellency the Governor for the following information viz. Has the Government of this Island the power to remove the Indians (by purchase) from that piece of land inside Victoria Harbour known as the Indian Reservation? Should the Government not have that power, may it please His Excellency to inform this House wherein the Government is powerless.

(J. Yates)

In reply to the foregoing resolution I have to observe that previously to the grant of Vancouvers Island to the Hudsons Bay Co. the whole island was vested in the Crown as part of its domains.

When the Settlement at Victoria was formed certain reservations were made in favour of the native Indian tribes.

They were to be protected in their original right of fishing on the Coasts and in the Bays of the Colony, and of hunting over all unoccupied Crown Lands: and they were also to be secured in the enjoyment of their village sites and cultivated fields.

These rights they have since enjoyed in full and the Reserves of land covering their Village sites and cultivated fields have all been distinctly marked on the maps and surveys of the Colony, and the faith of Government is pledged, that their occupation shall not be disturbed.

For that reason the Government will not cause them to be removed, because it is bound by the faith of a solemn engagement to protect them in the enjoyment of those Agrarian rights.

It may further interest the House to know that the Title to those Lands is vested in the Crown, and that the Indians of themselves can convey no Title to any part of their Reserves either by sale or lease.

The presence of those Indians so near the Town is a public inconvenience, but their violent removal would be neither just nor politic.

I therefore propose as a remedy to enter into arrangements with their consent to subdivide the reserve adjacent to Victoria, and to let it out on leases to persons who will undertake to build and to make other improvements upon it, and to apply the whole proceeds of those Leases, to the general benefit of the Indians interested. That is by providing them with a School House and Teacher, who will probably be a Missionary Clergyman, for the education of their children, and to endeavour thus to raise them morally and socially to a higher position than they now occupy in the Colony.

By such means a great benefit, worthy of the philanthropy of our country, will be conferred upon the Indians themselves, while at the same time the improvement and increase of the Town of Victoria will not be retarded by their unprofitable occupation of one of its most valuable portions.

signed James Douglas

Mr. Yates considered the communication most unsatisfactory, and an avoidance of the information asked for: a process in fact of circumlocution. He thought the Indians ought and could be removed by purchase to another reserve and then the present reserve sold and the proceeds devoted to improvements in Victoria.

Mr. McKay Did not think committing a robbery upon Indians the most praiseworthy method of making improvements either in Victoria or elsewhere.

Mr. Yates gave notice of his intention to move at a future meeting.

1st That as it is expedient to raise funds for the purpose of making immediate improvements in Victoria Harbour; That the Indian reservation be laid off into Town lots and that the ground unoccupied by the Indians shall be sold to the highest bidders without delay.

2nd To move for a special committee to enquire of the Indians How many years they have used that piece of land as a place of residence? What induced them to come to it and in what part of the country did they formerly reside. The report of the Committee to be forwarded to the Governor for the purpose of enabling his Excellency the Governor to understand fully, all the circumstances relating to the case of the Indians coming to reside where they now are.

3rd That an Address be presented to his Excellency the Governor, praying for the immediate removal of the northern Indians from the Town of Victoria.

Mr. Skinner Gave notice of his intention to re-introduce the "Bill for the protection of Game at certain seasons of the year."

Mr. McKay Moved the first reading of the "Bill to constitute the coinage of the United States of America a legal tender."

Mr. Yates Seconded the motion.

First reading agreed to.

Several Amendments to be moved in Committee relative to the value of the sovereign.

Mr. Pemberton Moved that the Bill to incorporate the Victoria Steam-Navigation Company, be read a first time.

Bill read,

Mr. McKay seconded the motion.

First reading agreed to and the Bill ordered to be printed.

Mr. Skinner begged to be allowed to withdraw the "Bill to quiet certain Titles derived through Aliens." He wished to make Amendments therein.

Leave granted.

Mr. McKay Moved the second reading of the Registration of Voters bill.

Mr. Yates Seconded the motion.

Mr. Pemberton Altho. he felt opposition hopeless, still would move as an Amendment that the bill be read "this day six months." The Bill he considered totally inadequate for the purpose intended; very badly drawn up; full of errors; spoke of cities when none existed; and of offices (not in existence) yet to be created. The Bill had come in the wrong place, as a Franchise Bill ought to have preceeded it. "Who was a voter? Who was to pay the Registrars? and what was to be their salaries?"

Amendment not seconded.

The Bill was then read a second time.

Mr. McKay Moved that the "Bill of Supply" be read a third time.

Mr. Pemberton Seconded the motion.

The Bill was then read a third time and passed.

The House then adjourned after some opposition and division until Friday next at 11 A. M. then to go into Committee to consider the Bill for the Registration of Voters and the Bill to Amend the law relating to Inns and Beer Houses.

J. S. Helmcken
Speaker

Tuesday, the 15th day of February, 1859

Present: Messrs. J. T. Skinner, J. Kennedy, J. Yates, J. W. McKay, J. D. Pemberton, and The Speaker.

Mr. Kennedy Presented a petition signed by several persons complaining that parts of the Saänitch road was perfectly impassable either for waggons or horses, and that vehicles had now to pass through fields, which would very shortly be prevented as they were in course of cultivation.