

76. New Westminster has been merely the Capital of a Colony in the nature of a Crown Colony which never had free institutions, and this only for eight years, while Victoria has been for eighteen years the Capital of a free Colony, the seat of a Constitutional Government, and of a Legislature composed of two distinct branches, of a Supreme Court of Judicature, and the residence of a Governor; and these privileges and this important status were conferred upon her by the same power that created Westminster a Capital.

77. Victoria can, at any rate, urge pre-emption on the ground of longer possession, and this would make her plea of legal status stronger than that of the younger Capital, if such a plea be admitted in either case.

78. But the Memorialists submit to your Grace that the plea of legal status in this matter does not carry much weight.

79. They are humbly of opinion that the plea of legal status should be abandoned as untenable, in order to arrive at a practical conclusion; and, they respectfully venture to hope your Grace will agree with them.

80. Adding all due legal force to the Proclamation which established the Capital, yet it surely cannot be argued that such an Act must be so construed as to be unrepentable; and that a Capital established by virtue of this Act must be perpetual, and immovable under all changes of circumstance, and regardless of consequences.

81. To put such a construction upon this, or upon any Proclamation, would be to assign to that form of Colonial proceeding a character and effect never claimed for any legislative enactment of the Imperial Parliament.

82. Indeed, Governor Seymour himself seems (as if on second thoughts) to admit this reasonable construction in the same Message, for he adds that he would not maintain that any Proclamation may not be repealed when the community reaches a more advanced state of population and mode of government; but, for the present he proposes to "leave matters as they are."

83. The Memorialists are sorry to be compelled to observe on the Governor's admission, that the contingency he attaches to it renders this admission practically valueless; because the prospect of such an increase of population as would "develop the general interests of the Colony in the uncertain future," is so remote as not to justify delay in settling the question of the Capital; and we fully share the objections entertained throughout the Colony itself to the Governor's proposal to "leave matters as they are."

84. Prudent dispatch in settling this question is really essential to the progress of the Colony.

85. Although the Memorialists refrain from arguing this point on legal principles, yet they deem it due to the justice and reasonableness of the wishes of the Colonists, and also to themselves, to remove even fanciful claims and pleas set up on the ground of legality, and on the pledge of "public faith and honor," by stating two precedents which apply to the question.

86. The first is that of the town of Derby originally laid out as the Seat of Government of British Columbia, which was removed from Langley to the present site. This is the place spoken of by Governor Douglas in his Message to the Legislature in 1859.

87. This precedent is in point, for we can see no difference between the former position of the first, and the present position of the second Seat of Government; and to show the similarity of the facts in both cases, we would state that much of the land or the town site of Derby had become private property, having been sold by the Colonial Government by public auction, in October, 1858, to a great many settlers and others for a large amount of money—a proceeding repeated in New Westminster; that Government expended a large amount in the erection of Barracks and Houses for the Royal Engineers and their Officers, who were quartered there—another proceeding also repeated near New Westminster; that Government erected a Church and Parsonage, &c., &c., at Derby; and that private parties built Houses and Warehouses there, and established a commercial business of more or less extent in the Town, and which was continued to be carried on until the Capital was established at New Westminster.

88. We fail to see any actual difference between the two cases, except that the first Town had a shorter life than the second, and that less money had been wasted on the first than on the second.

89. The other precedent, although not taken from the removal of a Town or Capital, is so approximate in character to the one we have just cited, that we think it apposite. It is that of the Free Port of the Colony of Vancouver Island.

90. This fiscal system of the Free Port was established formally, and continued on the recommendation and with the sanction and hearty approval of the Home Government.

91. The Colony enjoyed the privileges of this system, which was considered one of the Institutions of the Country, and to which many attributed the early growth and former prosperity of Victoria, during eighteen years, till it was abolished the other day by operation of the Act of Union.

92. Most assuredly "public faith and honor" were deeply pledged to the maintenance of this system, not by the Colony only, but by the Home Government also.

93. In reliance on the sanctity of this pledge, the system obtained much favor with Merchants and other Commercial Classes in England and in other Countries. And in reliance upon the permanency of the system, important commercial interests were created, and very large investments made in Land and substantial Buildings, such as Warehouses, Shops and Dwelling Houses in Victoria and its neighborhood.

94. Yet this most important privilege, which lent prestige to the Colony, so long enjoyed, and by many so highly prized, was by the Act of Union of last year abolished; and this, too, in opposition to the views and sentiments of many of the oldest, wealthiest and most enterprising men in the Colony, on the ground of expediency.

95. It may be well to add that this question of Free Port, as opposed to that of Customs Duties, excited much interest, and produced a conflict of opinion in the Colony; and although we refrain from entering upon the merits of this disputed point, we may safely assert that the abolition of the Free Port was assuredly of far greater importance to Vancouver Island, in the opinion of many, than the removal of the Capital from Westminster can be to the Mainland, in the opinion of a large majority of the people of that portion of the united Colony.

96. The Memorialists have felt it necessary to dwell upon this part of the subject longer than they could wish, not alone to discuss Governor Seymour's view of the claims of the present Capital on the ground of legal status; but because this is the same position taken, and is, substantially, the only objection made in the arguments of such of the minority of the members of the Legislative Council as opposed the Resolutions for the removal of the Capital to Victoria; and our remarks apply to their arguments as well as to the Governor's view.

97. We beg to furnish your Grace with a Report of the Speeches made in the Legislative Council, pro and con; and although their length calls for our apology in respectfully drawing your Grace's attention thereto, we venture to assure you they deserve perusal, to show how the question is viewed in the Colony.

98. The Memorialists have endeavored in this their Memorial to answer, fairly and temperately, what they conceive to be the objections urged at New Westminster to the placing of the Capital at Victoria; but they must candidly admit that these objections give them less concern than the threat with which Governor Seymour closes his Message of 27th March last, to the Legislative Council, wherein he tells the Members "plainly that, should he find it necessary to set the present question at rest, he will humbly recommend to the Queen that he and his successors in office be commended to 'reside permanently in the present Capital of the Colony.'"

99. The Memorialists are informed that this language gave offence to the Legislature, and created distrust and alarm in the public mind, by the suspicion the threat engendered that the question would be settled arbitrarily, under the influence of prejudice and temper, rather than impartially on its merits, after undergoing dispassionate deliberation; while the unusual personal reference to Her Most Gracious Majesty the Queen, caused both surprise and disapproval.

100. The Memorialists make no comment upon this Address.

101. They have avoided all verbal criticism upon the contents of Governor Seymour's message (No II), and Speech (No IV hereto appended), however open to such a course of treatment many persons consider these Addresses.

102. The Memorialists have abstained from taking this course for several reasons which they trust your Grace will appreciate; first, from their belief that the importance of the matter demands the most serious and unprejudiced treatment on its merits; secondly from a desire to confine your Grace's attention simply to the consideration of the material points at issue; thirdly, from regard for Governor Seymour's high official position.

103. They are, however, deeply and respectfully conscious of the duty, respectively, of authority due to her Majesty's representative.

104. The Memorialists have now only respectfully to submit this Memorial for your Grace's consideration.

LONDON, 26th July, 1867.

Letter from Donald Fraser, Esq.

LONDON, August 10, 1867.

MY DEAR SIR,—I acknowledge the receipt of the various papers you sent to me and of your remarks on the subject of the proper place for the Capital, all of which I found most useful.

Mr. Dallas forwarded to you a Memorial, dated the 20th of April, sent to the Secretary for the Colonies, on this subject, which I hope you received, and which I also hope you will be able to have published in a Victoria paper for the information of all concerned in this important matter.

The answer we received from the Colonial Office stated that the Secretary of State had not then—i.e., on the 13th May—received from Governor Seymour such information as would enable him to decide the question. Since then we have not heard from the Colonial Office.

In consequence of the receipt of information in your own papers, and in other documents from Victoria, of the steps taken by the colonists and of the Resolutions passed by the Legislative Council, all praying that the capital and seat of Government should be placed at Victoria, since our said memorial was presented, the memorialists deemed it proper to prepare a second memorial, which was transmitted on the 17th of July. This second memorial was signed by Sir Edmund Head, the Governor, for behalf of the Hudson's Bay Company; by the Chairman of the Bank of British Columbia; by the Member for Bridgewater, who has some interest in the Colony; by Mr. Dallas; by Mr. Anderson, Thompson & Co; by Mr. Janion, of Liverpool, representing his firm in Victoria; by Mr. Pilkington, late Member of Parliament for Blackburn; by Mr. Sproat, the Honorary Secretary of the Memorialists who signed the first memorial of 20th April; and by myself. This memorial (i.e., the second) is the expression of the sentiments of the first memorialists, who were very numerous and reside in various parts of England, and who authorised the honorary secretary appointed by them in April to sign for them in order to save time. The only distinction to be observed is that some who did not sign the first did sign the second. I shall add that the Directors of the Bank of British North America sent on each occasion of the presentation of

our memorials a special letter to the Secretary of State, recommending strongly the objects of both memorials; and that on the occasion of the presentation of the first memorial the Hudson's Bay Company and, I believe, the Bank of British Columbia, did the same. I may further add that the Vancouver Coal Company (Nanaimo) approved of the last memorial, and that the Secretary promised to procure the authority of his Directors to sign for them, but the memorial had to be transmitted before the Board met.

I have further to add, that I addressed a letter to the Secretary of State on the same subject, yesterday, which I delivered in person to his Private Secretary, with whom I had a conversation on the affairs of the Colony, and who informed me that the Parliamentary duties of His Grace had been so onerous and harassing of late as to have occupied almost all his time, and prevented him from giving that attention to the matter of the choice of the Capital which he would wish. I need say no more on the subject of my letter to the Duke than that I shall in due time send you a copy of it for the information of the Colonists when I shall have ascertained what its effect may be.

I now send you by this mail the second memorial, of the 26th July, and I trust you will be able to get it published in the Victoria Colonist for general information; and I shall be glad to know the opinion of the Colonists upon the course which we, here, have taken for their and our own interests.

I may mention, that I have been asked by gentlemen of influence in London, unconnected with the Colony, but who, as Englishmen, and some of them statesmen, feel disappointed at the depressed condition of the Colony, to take measures to bring the subject before Parliament. Nearly all here who take any interest in the Colony criticize with severity the very great expense attending the Government of so small a population.

No one is more sensible than I am of the grave evils the Colony suffers from; but I have resisted the appeals made to me in order to give the Government time to decide this question of the Capital, from my desire not to be in any way instrumental in causing the Government any embarrassment. I consider this negative course further justified by the fact that the present Secretary of State is new to the duties of his office; and that I am informed, by those who have the means of knowing, he is very desirous to act fairly and justly towards the Colony. For these reasons I think it is due to the Duke to give him time, and to supply him in the meantime with correct and impartial information. This is the object of the Memorial I now send to you.

I am, Sir, always at the service of the Colonists. I cannot do much, but what I can do I shall always be ready to do to the best of my poor ability.

D. FRASER.

A CARD.

EDITOR BRITISH COLONIST:—With reference to the memorial dated the 20th of April, forwarded to me by Mr. Dallas, I may mention that I received that document by the same steamer that conveyed Mr. Birch to England. I did not publish the memorial at that time, because I wished His Excellency the Governor to use his own judgment in answering it, and not to be biased by Mr. Birch, who, it is well known, was and is a strong partisan of Westminster. However, the day after the departure of the steamer, viz. the 11th of July last, I forwarded a copy of the memorial to His Excellency the Governor, intimating at the same time that the document was intended for publication. I did not, however, publish it at all, being aware that the resolutions of the Legislative Council had not reached England, and that the document being therefore imperfect, would be supplemented by another. It appeared to me to be inadvisable, too, at that time, to cause any excitement by its publication, on account of the threat conveyed in His Excellency's message. I may on a future occasion have more to say upon this matter; and also give the reasons why the memorial now published was not earlier given to the public. Suffice it now to say that His Excellency read it soon after its arrival.

J. S. HELMCKEN.

An Old Shellback's Opinion of a Sailor's Home.

EDITOR COLONIST:—In my experience of 20 years service in Her Majesty's navy, I have never been in any place with so little inducement for men to go on shore as No Sailor's Home—it being the principal home of Jack on shore. Sir, a great many of the little dislikes the men have to service on the north part of this station would be removed by the establishment of a Sailor's Home in Victoria, for seamen and marines. And I am very certain, should the heads of departments take the lead in the matter, it would create the liveliest interest on the part of the men composing the crews of Her Majesty's ships on this station. No one but those who have experienced it could form the least idea of the benefit conferred on the seaman of the Royal and Mercantile Navy of England when they established Homes at Malta and Constantinople. At the places above named, one shilling would be as much use to a man as one dollar in this place.

Having this before our eyes, the object is to give Jack and Joe as much fun and pleasure as possible for their money. At present, when men go on shore, they have nothing open to them but vice and intemperance. Should they be otherwise inclined, they have no library, no reading room, no quiet place of resort after they have had their game or their walk.

In the absence of such they turn into the first grog-shop and drink till they tumble out of it more like beasts than men.

Remember, sir, prevention is better than cure.

Such, sir, is the talk of many on the lower deck of a man-of-war—that-home of dauntless hearts. Should it come to war with any nation the men who man our Ironsides will prove themselves worthy sons of the heroes of Camperdown, St. Vincent and Trafalgar.

Trusting, sir, you will find space for this letter in your valuable paper, you will very much serve,

Yours truly,
AN OLD SHELLBACK.

Friday, Nov 15th.

Testimonial to a Worthy Pilot.

EDITOR COLONIST:—Desirous to bear testimony to a deserving man, I ask from your well informed journal the following notice: On the recent trip of the O. O. & M. S. S. Co.'s steamship J. L. Stephens to Sitka, R. A. I had with me as Pilot Mr. Thos. Ainsley, of this place, and take great pleasure in recommending him as competent in every respect for such position. Mr. Ainsley was never at fault in the intricacies of the inner passage, and performed all his duties to my entire satisfaction, and handled with a seaman's skill the largest vessel that ever navigated the intricate channels of the Northern Coast. I recommend him with the fullest confidence to any vessel going north from this port.

C. C. DALL,
Commander S. M. J. L. Stephens.

FROM ALASKA.—The U. S. steamer Osage, Capt. Emmons, which left Sitka on the 3rd November, arrived in Esquimaux harbor yesterday noon. The Osage has on board Gen. Rousseau, U. S. A., and staff, and will remain here some days. The steamship John L. Stephens, Capt. C. C. Dall, from Alaska via Nanaimo, with 1800 tons of coal aboard, also arrived yesterday, and will sail for San Francisco.

THE FAULT, that is designing, is the finest hunt of the season, will come off to-morrow. Victorians are the promoters, and cordially invite their naval friends and all others to participate in the sport. The horses will start at 2 o'clock in the afternoon.

THE U. S. S. Lincoln sailed at 10 o'clock yesterday morning for San Francisco. She carried a mail and an express.

The annual subscriptions and donations to the Royal Hospital are now due.

Servant Girls and the Fenians.

A monster meeting of the servant girls, generally, of Troy, N. Y., was held there on Monday night for the explicit purpose of protesting against any further contributions to the Fenians exchequer in the present dilapidated state of that cause. The meeting was suggested by a private announcement, received on Friday, and since made public at Cleveland, that an official appeal was to be made to this class in particular, and the women of America in general, by the Cleveland Congress of Fenians, to come at once and liberally to the financial aid of the organization.

The chambermaids resolved: First.—That they had not the slightest interest in the capture of Canada, and that they could not discern the propriety or fitness of the policy that would free Ireland through the reduction of the New Dominion.

Second.—That they had now for several years poured out most freely of their small means—the scanty results of hard and honest toil—to sincerely aid in the liberation of Erin from the shackles of domination, and had since those earnings thrown away and wasted by officials on the merest frivolities in the city of New York, and on so-called military campaigns, which had no foundation, either in sense, practicability, or even well grounded prospective success.

Third.—Up to this time all the money and munitions so lavishly furnished by the friends of the Fenian cause, in the United States, throughout this and other countries, has been criminally diverted from their original purposes, and wasted without stint.

Fourth.—That they would under no possible circumstances contribute any further aid to the cause until they were assured beyond the peradventure of a doubt that such aid would be used in the maintenance of an army whose objective point should be Ireland, and Ireland alone. It was also recommended that similar meetings should be everywhere held.

The above embraces the spirit of the resolutions. The gathering was of course a novel one, but the proceedings were conducted in a very orderly and proper manner, the organization being similar to that of all public meetings. To be sure, made up as the singular convocation almost wholly was of the female brogueish servant element, there were many amusing informalities, both of action and of speech, but the intent of the meeting, as above set forth, was firmly adhered to and earnestly and conspicuously evident. The convention was the result of a common understanding among the servant girls, and the issuance of a private circular.

At a future meeting it is proposed to adopt an address in answer to the one to be sent out from Cleveland by the Fenian congress now in session there.

An Elopement Case.

Mention was made a few days since, says the Detroit Free Press, Sept. 5, of an elopement, the parties to which were a young man whose name does not appear and a school miss fifteen years of age, named Blair, whose parents reside in Dearborn. The grand *court d'état* by which the gay Lothario won a bride from an unwilling father was accomplished about a week ago, since which time the angry parent has been scouring the country in all directions in search of the missing pair. For a number of days his search was unsuccessful, and he had almost concluded to abandon the matter, when by the merest chance he stumbled into their hiding place. It happened in this wise: Blair is a farmer, and frequently brings to market pickles, fruit and vegetables of various kinds which he generally disposes of at the hotels in the city, among others the Garrison House. He came to the city on Tuesday with a load of fruit, after disposing of which he dropped in at the Garrison House for dinner. While the waiter was absent filling his order, Blair sat at the table, with his head resting dejectedly on his hand, busily engaged in thinking over plans for the recovery of his daughter, when, behold! upon raising his head the young runaways were seated exactly opposite to him at the same table. Blair rose indignantly on his feet, and reaching across the table seized the offending youth by the collar with one hand, and with the other rained in a shower of blows which had the effect to greatly dampen his matrimonial ardor. Some of the persons present interfered and separated the parties when the young man sneaked off, leaving his bride in charge of the justly angry father.

With the above case before me, I understand that legal steps have been taken to secure the punishment of the person who induced the young lady to cast aside her filial obligations and follow his desperate fortunes.

The Opal Mania in Paris.

A Russian princess in the Parisian *grand monde* has lately spread the report that opals are the surest and truest soothsayers that ever woman consulted in harrowing doubt. She had a set of these gems; it had been given her by an admirer, a gentleman, of course; he was absent, and had suddenly ceased to correspond regularly. The melancholy lady one morning opened the box containing his present and fancied her opals looked wan. She held them to the light; they positively shone less than mother of pearl. "The image of my heart," she sighed, and put the box aside. That day she received a letter; her admirer was very ill. "Ah, the opals," exclaimed the lady, and hastened in search of the box. The set looked very sickly indeed. "Her worst," exclaimed the princess; and all her visitors that day had to be witnesses of the hourly change in her gems. The following morning at day dawn the box was again consulted. The opals were perfectly colorless. They looked like fishes' eyes; just as expressive, without a shade of wink or blink in them. The princess' tears can be fancied but not described. At twelve the opals had crumbled into dust, when shrieks and spasms ensued. At one the postman delivered a letter, bordered round with black edges—the admirer was dead! I need not say that prostration completed the sorrow of that day, and the news ran like wildfire that opals were magnetic fortune-tellers—magnetic, electric, mesmerist, or anything the ladies do not understand. The Paris papers have all, more or less, recorded the above circumstance, consequently there is a great exchange of pearl and diamond rings for opals. To have the state of one's beloved ever plainly indicated on one's fingers is too evident an advantage to be gained.

While this opal mania is on the fair sex it would be useless to expostulate or to try to explain causes and effects. "The opals crumbled and he died," is the staggering answer to reasoning. But before your readers invest too largely in opals, ere the mania has reached New York, the following is worth consideration. Turquoises, pearls and opals all die out in certain atmospheric circumstances; they lose their brilliancy first, but instead of attributing to them a knowledge of the health or feelings of those who offer them it would be well to ascertain what has affected them. Acid damp kills them; an opal touched by vinegar falls into calcined powder.

A lady advertises for sale in a Southern paper, one habboon, three tabby cats and a parrot. She states that, being married she has no further use for them.