Tuesday, November 19 1867;

THE CAPITAL MEMORIAL.

THE MEMORIAL of British Columbia Bondhold-

ers, and Representatives of Commercial, Banking, Landed, and other Interests in British Columbia, some of whom have resided in the Colony for several years :

The Memorialists beg leave respectfully to refer to the Memorial dated the 20th of April last, which they had the honour of presenting to your Grace on the subject of the Seat of Government; and again to draw your Grace's serious attention to this subject. I. Petitions were lately presented to the Governor and to the Legislative Council.

praying that Victoria be made the Capital and Seat of Government. 1. Copies of these Petitions, as published

in the Government Gazette of 24th April, 1867, received since the Memorialists last addressed your Grace, are appended hereto, and marked No. I.

2. These Petitions, eight in number, express the wishes of Property Owners, Merchants, Traders, Farmers and other Colonists and Residents of Vancouver Island and the Mainland.

3. One of these Petitions from resident, and anoth r of them from non-resident Property Owners in New Westminster,from which place they ask the Capital to be removed .- both express the wishes of Owners of Property in that place amounting to twenty-five per cent of the assessed value of the whole real property of the town.

4. The Memorialists are informed that if the Petitions from the Interior Districts of the Mainland bad not been circulated in the Winter, when the bulk of the Miners, and others subsidiary to the Mining interest were absent on their annual migration from the scenes of their summer and autumn occupatious, more persons would have joined in the expression of the same sentiments; and that, for this reason, the signatures are chiefly those of the more constant or settled residents -a fact construed in the Colony as adding weight to these Petitions.

5. The Memorialists, in calling your Grace's attention to the reasons adduced for granting the prayers of these Petitions, would state that the Petitions represent a preponderance of the intelligence and property, and of the commercial and industrial interests of the community of Vancouver Island and the Mainland.

II. The Memorialists have now received Governor Seymour's Message to the Legis-lative Council-No. 11., also appended here-

a character unsuited to the condition of the has never thriven. Mainland at the time; and the wants of the character since, it is not to be wondered at stances which have led to the present posithat its results have been unsatisfactory.

and justily these remarks. 12. The Mainland was established into a separate Colony, on the presumption that it contained a large population which would become settled, that is to say, a population OF VICTORIA AND NEW WESTMIN. which would remain, more or less permanently, to be governed, This presumption was inaccurate. 13. The fact was, that although on the

discovery of Gold on Fraser River, a multiude of Miners and others of all Nationalities, but nearly all foreigners, to the number of upwards of Thirty Thousand persons, rushed suddenly from the neighboring countries to the British territory (of the Mainland, after-wards named British Columbia) in the sum-

mer of 1858; which fact reached the Colonial Office, and no doubt influenced the Minister in his measures, and led him to prepare an Act for the government of a considerable population; yet as winter approached. this multitude left almost as hurriedly as they came.

14. This population, being in excess of the extent of the Gold field then discovered. departed as fast as they could find means of transport; and only such as were profitably not sail. employed on paying-gold-diggings remained. -a residue an ounting to but a tithe of the original number.

were on the wing when the Act arrived ; and, Agricultural Districts, at the time of its proclamation, the bulk of returned.

16. It is true that next season brought tants. back a certain number of Miners, but what returned and what had remained of the first immigration never amounted to a population and of being the Capital of a Colony with a sufficient in number, or in variety of occupations, to be capable of supporting, as we shall immediately show, the expensive separate Administration established by the Imperial Government,-an Establishment sufficient for the government of the former number, or even a larger population.

17. In short, the Tax payers were gone, but the expensive system of Government was and good will.

best intentions, but on insufficient informa- was a heavy drain upon the diminished retion at home of the true state and condition sources of the Colony, and resulted in two ter to a right conclusion ; and this measure a loss which New Westminster has not re- is that of a forwarding post to the interior. baving been premature, unnecessary, and of trieved to the property owners, as the place 32. The importance to your Grace of

hat its results have been unsatisfactory. 11. A short recital of facts will explain will excuse them for baving ventured to trace with the Mines, 53. And besides, if the Country ever fills

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X. They will now advert to another por- of the Mainland that offers attractions for tion of this subject, namely, the RELATIVE settlement to any extent, then the chief CONDITIONS OF THE TWO TOWNS town will be placed farther inland, where the Governon says, "the centre of population STER. will be found on the eastern side of the 33. Governor Seymour's remarks in his

Cascade Range." Message of 27th March last, hereto append-54. On the other hand, should a Road

ed, No. II., on the question of the Capital, to the Upper Country be opened from the of render it necessary to explain to your Grace the Inlets on the northern coast of the the relative conditions of the two towns of Mainland, as is contemplated, and is the sub Victoria on Vancouver Island, and of New ject of negotiation at present in England and Westminster on the Mainland of British in British Columbia, then it is believed that the Home Government to provide another. Colum ia, to enable your Grace to come to a New Westminster will be practically deright decision on that question. serted ; as by this new route the intricate and

difficult and intermitt nt navigation of the First, as regards Victoria-Fraser River will be avoided, and a shorter 34. Belore New Westminster existed and cheaper route from the Coast obtained Victoria, situated on the Straits of Fuca, the highway from the Pacific Ocean to British to the Upper Mining Country. 55. The facts above set forth are Columbia, was well advanced.

firmed by the present condition of New 35. It was the Emporian of Trade, not Westminster, as described by the Solicitor only for the Island, but for British Columbia General in the recent Debate in the Legislaalso, for which latter purpose, it was well

adapted, both by its proximity to Fraser tive Council of British Columbia, at New River, and by its being the terminus of Ocean Westminster, on the Capital question : "Official life is its only hope. For eight Navigation, beyond which large vessels did years it has attempted to struggle into im-36. Victoria at this early period concenportance as a town, but has struggled in vain.

Enormous sums have been lavished upon it. trated the wealth and commercial enterprize of the entire country, insular and Continental; Houses, wharves, plank-ways erected for no 15. The exodus had begun, in fact, while attracted Settlers of several clas es and of practical end; and, almost at every step, we the Act of Parliament establishing the Colony different Nationalities who invested large meet something which shows the sad results was on its way from England. The Miners sums o' Money in the Town and adjoining of misapplied energy, one grave of great expectations, the monuments of departed hope. 37. Victoria at this time possessed all the "What is New Westminster, he asks ? It is the population had fled; and, in fact, never elements of a rapidly growing, busy, and a Wharf and landing-place on the Fraser

thriving Town of several thousand inhabi-River ; a Custom-house Station, and a Seat of Government by Proclamation only." 56 The failure of New Westminster is 38. It had the advantage of a resident

Governor of local knowledge and experience: believed to be due : Constitutional Government composed of a (2) To the want of attractions for set-Legislature, consisting of an Elective Assembly and of a Nominative Council of Colonists.

39. In short, Victoria was in 1858-59 exactly such a Town as Governor Seymour correctly thinks, "the spare resources of the inhabitants (of both the Island and Mainland) should have been concentrated on, in the continued, and had to be provided for by a early stage of the political existence of this population too small to support it with ease vast and thinly peopled territory," so as to have made " one town of magnitude and of 57. This result is just what was predicted

chief town " of the united Colony, and Capital.

Che Werkih Brilish Culutist take, which a short delay and the possession of fuller information might have prevented. 10. The measure which created the 10. The measure which created the 10. The measure which created the 11. This expenditure following close at this late day only a few hundred inhabi-take, which a short delay and the possession place to the improvements become a place of outlay to complete the improvements become a place of outlay to complete the improvements become a place of the place to the intervention of a this late day only a few hundred inhabi-take, which a short delay and the possession become a place of colonists in any number, having begun by that gentleman-more espec-at this late day only a few hundred inhabi-tion when the original por-Mainland into a Colony, was passed with the upon the waste of money laid out at Derby, tants. And, notw thstanding it has been the tion-yet it is clear that, as he and his Port of Eatry, and has had the Custom family inhabited the House in its present House Establishment and Staff, the only condition till they left the Colony a lew of the country to guide the Colonial Minis- unprofitable investments in a short period, - commercial character the place has attained months ago, it cannot require a heavy outlay to make it " permanently habitable."

52. This wuld seem to be its natural XIV. Governor Seymour says, " The destiny; and even this subsidiary position is Legislature of the Mainland was called upon in danger of being invaded by the superior to provide a House, suitably furnished for country not having required a measure of this having correct information on the circum- claims of Yale higher up the River, better the residence of the Governor, while no such situated for a forwarding business by land provision was required from Vancouver Island." 64 The natural inference that anyone,

the origin of the Colony and of its Capital up in the interior, which is the only portion ignorant of the facts, would draw from this , that while there is " a suitably furnished Residence for the Governor" at New Westminster, there is no such accommodation at Victoria.

requirements of the Country ;

them from New Westminster.

House at Victoria permanently habitable, the

60. As to the public offices at New West-

minster, the Memorialists would remark in

tlers in the neighbourhood ; and

On this statement we beg to offer the following explanation ;--

65 There was a Government House on the Mainland at the time mentioned by the Governor, and for several years before ; and we are at a loss to understand why the Legislature should have been called upon by 66 This House, now occupied by Gov. ernor Seymour on Fraser River, was built in 1859 by order of Governor Douglas at "The Camp," and occupied by Colonel Moody and family until he left the Colony ; and after Colonel Mcody's departure, your

Grace's predecessor in office caused farniture to be bought for that House, to be sent out from England, and to be paid for out of Colonial funda 67 Instead of" no such provision having been required from, Vancouver's Island," the Secretary of State for the Colonies called upon the Government of that Colony most pointedly and urgently, at the period menioned by Governor Seymour, to have a Goveroment House built, there being none then, as Governor Kennedy's predecessor had oc-

cupied his own house. "The Legislature ade an appropriation afterwards, and a Government llouse was bought at Victoria, and furnished by G vernor Kennedy at the expense of the Colony of Vancouver Istand. 68. This explanation is required to confirm the accuracy of our statement made above to your Grace respecting the Government House at Victoria. (1) To the town being in excess of the

69. The expense of repairing Governa ment House at Victoria is the only outlay which Governor Seymour says would be incidental to the removal of the seat of Gov-(3) To the better situation of Victoria ernment from New Westminster; and the for trade; its better climate, com-Memorialists woald confidently submit that mercial resources, superior means the saving of this outlay cannot counterof education, social amenities and balance the disadvantages of keeping the public amusements; advantages which seat of Government in an unsuitable and attract the people of the Mainland to inconvenient spot, to the prejudice of the Victoria ; while their absence repels general interests, and in opposition to the expressed wishes of the Taxpayers; while

78. New Westminster the Capital of a Colony i Crown Colony which never tions, and this o ly for eig Victoria has been for eigh Capital of a free Colony, the tational Government, and composed of two distinct Supreme Court of Judicatu dence of a Governor; and and this important status upon her by the same powe Westminster a Capital. 78. Victoria can, at any scription on the ground of lo and this would make her ple stronger than that of the yo such a plea be admitted in ei 80. But the Memorialists Grace that the plea of legal matter does not carry much w 81. They are humbly of plea of legal status should b notenable, in order to arri conclusion; and, they respect hope your Grace will agree w 82. Adm tting all due le Proclamation which establish yet it surely cannot be argue Acl must be so construed as able; and that a Capital virtue of this Act must be immoveable under all chan stances, and regardless of al 83. To put such a constru or upon any Proclamation, w to that form of Colonial proce ter and effect never claimed tive enactment of the Imperi 84. Indeed, Governor Ser seems (as if on second the this reasonable construction Message, for he adds that he tain that any Proc'amation pealed when the community advanced state of population government; but, for the pre to " leave mutters as they are." 85. The Memorialisis are pelled to observe on the Gu sion, that the contingency he renders this admission practic because the prospect of such population as would "deve interests of the Colony in future," is so remote as not in settling the question of the we fully share the object throughout the Colony itself t proposal to "leave matters Prudent dispatch in settling really essential to the progres try. XVII. Although the Men from arguing this point on yet they deem it due to 1

reasonableness of the wishes and also to themselves, fanciful claims and pleas set of legality, and on the ple faith and honor," by stating which apply to the question. 86. The first is that of the originally laid out as the S ment o' British Columbia, wh from Langley to its present s place spoken of by Governo ne with

Town which; in consequenc

the Colony,

71. In Governor Seymour's message of XII. The Memorialists now beg leave to 27th March last to the Legislative Council. is carried on," all contribute to render Vic- make a few remarks upon the two more No II hereto appended, the Governor, in retoria the most suitable place now, as it was prominent objections to the removal of the citing circumstances which occurred when in in 1858 and in 1859, for the Capital-at all Capital, in Governor Seymour's Message and England last year, between himself and "an influential Member of the Government." XIII. In the Message of 27th March, No. states "that it was on his (the Governor's) II. bereto appended, the Governor alludes to intercession alone that the order to sell Gov-43. It is natural that to a stranger, look- the public offices at New Westminster in ernment House at Victoria was withheld." ing at a Map of the united Colony, it might terms which do not convey that they are

72. The inference from this statement is, that the Crown has paid, or intends to pay, 73. The Colonists and the Memorialists are however, under the belief that the pro-

perty belongs to the Colony; and it would be satisfactory if your Grace would have the goodness to inform the Memorialists of the eal position of the matter, and to cause this information to be communicated to the Colonists.

XVI. The oply other objection remaining to be noticed is contained in Governor Sevbuilt, when materials and labour were very mour's last speech (No IV hereto appended) high, they are mere rough wooden buildings to the Members of the Legislative Council, wherein he tells them that. " If in spite of your Resolution in favor of Victoria I still hesitate on removing my abode and the seat and with the true state of the two Coun- some of the Memorialists know the officials of the Legislature from the spot established complained of the offices being unfit and by law, you will understand that I consider 47. The facts and circumstances stated uncomtortable, although the complaints may the public faith and honour engaged on the one side, and possible expediency on the other.'

74. This reasoning no doubt has reference to, and is to be taken in conjunction with the expression previously used in the message (No II hereto appended) that "New Wests minster was by proclamation, having the force of law, created the Capital of British March, 1867, namely, that some few years Columbia."

48. And the Memorialists agree with back £10 000 had been voted " for the erec-75. The Memorialists admit that New them, not alone on Colonial, but also on tion of public buildings in New Westmin-Westminster has been the Capital of the Imperial ground. The uses and advantages ster"; [5] that the unfitness of the existing Mainland since 1859, and that it was legally established as such; and they never heard of from the town of New Westminster, were either of the two facts disputed, but they do not admit that these facts can have any money at the time alluded to by the Goverweight in settling the question of the future 49. New Westminster, from the first, has nor; and [6] that it appears from all this Capital.

49. New Westminster, from the first, has presented a striking contrast to Victoria. 50. Built almost entirely of Wooden Houses, it has progressed but little in eight will be needed to replace the neutral office. (000, at least, will be needed to replace the contract office.) (000, at least of the fraser, for the first, for the first, has be the capital. (76. The question now to be decided is, whether New Westminster is to continue to be the Capital, not only of the Mainland but of the Mainland and of Vancouver Island, 61. And further, as regards this matter of and their Dependencies now all united under

77. If an argument is meant to be neers, for whom costly Houses and Service of the United Colony, specially built founded, as the Governor's language would for such uses, at great cost, in 1859 the oc- imply, on any legal rights that may be al-(2) Victoria business Agencies and cupation of which would save all outlay at leged to have accrued from the " Proclama-

(3) the present Governor's residence and patronage since he came to the 62. The saving of the smallest sum is, in guaranteed this creation, to the effect that

(4) the residence of the Governor's Staff perative necessity. changed; then we respectfully and confipermanently, and that of the J dge 63. The Government House at Victoria, dently maintain that Victoria has still and Interior Magistrates periodically, improved and added to by Governor stronger claims, from longer enjoyment of the

they ask the Governor to take steps to carry ation which fell naturally on the consumers. out the desire of the Petitioners that Victoria be made the Capital and seat of Government: and (6) that the next session of the Miners, on this class fell inevitably the Legislature be held at Victoria.

IV. These Petitions of the Colonists, and Resolutions of the Council, confirm the general facts and statements made in the last Memorial submitted to your Grace, and particularly the special assertion in the fourth paragraph thereof.

V. The Memorialists, therefore, under all the circumstances of the case, and in view of the facts now submitted, and of those contained in their Memorial of 20th April last, feel justified in respectfully but earnestly praying your Grace to give effect to the vishes of the settled population of the class. Colony, as expressed in so decided a manner

by the Colonists themselves, and by the Legislature, representing all local interests, views, and feelings; by ordering the Capital and Seat of Government to be fixed, for the present at least, in Victoria.

VI. The Memorialists, having drawn your Grace's attention to the Petitions and ture, which fell heavily upon a limited pop-Resolutions in favor of placing the Capital ulation. at Victoria, consider it now due to your

Grace to advert to the objections made to VII. The objections are contained in

Governor Seymour's Message, No If., hereto appended, and in his Speech proroguing the Legislative Council, 2nd April, 1867, an extract from which is also hereto appended and

this measure.

Marekd No IV. VIII. Before discussing the more marked of these objections, the Memorialists take leave to make the following observations the country. did not, as may be supposed, upon such other passages of these two documents as touch, remotely, the ments of the question of the Capital; and which are the Mainland. really essential to a correct understanding

of the point at issue. 7. The Memorialists unite with Governor Seymour in deploring that the "thinly peopled territory" on the Mainland and Vancouver Colony.

Island, with reciprocal interests, had not been united, in 1858, into one instead of being, as they were, made into two Colonies, with different systems of Government, and with a double Government Staff and Establishments, which neither, separately, was able to support except by an immoderate and established, and was then, as it has ever since unnecessary outlay. 8. In fact this division of Government

and separation of territory led to the present and is amply sufficient. pecaliar condition of the country, and has a 29. The evil of the attempt to build this marked bearing on the Capitals of both.

IX. The Memorialists therefore consider it necessary to a full understanding of the upon another town, viz. Derby (at Lang'ey) question of the Capital, now at issue, to ex- intended for a Capital, but which was aban they arose.

9. Experience has proved that the creation bank traversed by gullies and covered by a of the Mainland into a separate Colony, so forest of gigantic trees,-all which draw-soon after the Gold discovery, was a mis- backs involved a large outlay in grading,

e of indirect tax. " where the principal commerce of the Colony 22. The chief industry of the country being Mining, and the bulk of the population weight of the taxation, as they were the prinevents until the increase of population on the Speech Mainland may need the Capital to be placed cipal consumers,-a burden they complained of as pressing unduly upon a special indus- far inland. try,-and a fact which, added to other causes of discontent, on similar grounds, of late years, did not encourage, but no doubt seem inconsistent with the fact of the great suitable or comfortable; but seems to think,

prevented immigration of this most important extent of the Mainland, that the Capital on the ground of economy, that because for Government House. 23. Operous as was the expense of Gov-44. This objection is, however, equally and, "inasmuch as a considerable outlay applicable, on the ground of convenience, to would be required to make the Government eroment under the peculiar circumstances just stated it was not the only expenditure the site of New Westminster which is in a corner of the Mainland, being at the south retention of the Seat of Government on the that had to be provided for by taxation. western extremity of the Mainland ; only 12 bank of the Fraser is to be perferred." which as we have shown fell chiefly upon one miles north of the American boundary line 24. In addition, the attempt to reclaim

(parallel 45). 45. New Westminster is besides farther the first place, (1) that although they cost a and improve a wild country like British Columbia from a state of nature,-a very removed than Victoria from the felands vast amount of money at the time they were wilderness in fact encumbered with dense which are dependencies of the present Colony forests of enormous trees, and without a sinof British Columbia. gle Road, and scarcely a path of communi-46. Admitting that the objection is erected in 1859 at "The Camp," a mile discation open,-caused an enormous expendiplausible on a superficial view, yet to one tant from the town of New Westminster, for familiar with the positions of the two Towns, the various uses of the Royal Engineers; [2]

25. To this was added the exceptionable tries, the objection loses its force. cost of building extensive Military Resid. in paragraph 5, of our Memorial of 20th not have been made (ficially . [3] that their ences, and accommodations for Soldiers sent from home, unsolicited, which cost having April last, and the fact, admitted by Naval unfitness for business purposes is a matter of

been incurred, as was believed, for Imperial Officers, that Esquimalt Harbour is the only local notoriety, and so well known in the convenient and the most suitable Station for Country, that the Petition from the Interior purposes, was expected to be borne by the Home Government Her Majesty's Ships, are reasons that justify asserts the fact, No I appended hereto; [4] the almost universal opinion of the Colonists that their condition is indeed put beyond 26. The taxation imposed, to defray all

of both the Island and the Mainland that question by the fact mentioned by the Goverthese objects of expenditure, upon a sparse Victoria is the most suitable place for the nor himself in this same message of 27th and poor population, before the Colonists had time to develope the natural resources of Capital. either dispose, or encourage the Colonists to favour the scheme of building a Capital on

ed British Columbia as a separate Colony was construed as rendering it necessary that a separate Capital must be built for that

the case of New Westminster, the abortive attempt to build one of "two rival towns in comparatively close proximity," as Governor Seymour remarks, when one town would have sufficed; for Victoria was already continued to be, used practically as the Capital of both Colonies, for which it was

new Capital was aggravated by two facts. 30. First, by a previous expenditure

plain to your Grace the circumstances, as doned ; And, secondly, by the untoward site chosen for New Westminster. on a steep

of Victoria for Imperial purposes we have buildings at "the Camp," and their distance 27. The unlucky measure that establishnever overlooked. XI. Secondly, as regards New Westmin- put forward as reasons for the voting of this ster, the Memorialists state :

28. And this caused the costly, and in

years of its existence.

51. Although a wast amount of Public Money has been expended upon and around the public offices, we would state that there the name of British Columbia; and the dethe place : Although it has had from the are extensive public buildings, including a cision must depend upon consider tions much period of its founcation the advantages of : House of Assembly, Court House, and Gov- more important than the legal status of New (1) the residence of the Commander, erment Offices at Victoria sufficient and suit- Westminster, past or present.

Officers and Corps of Royal Engi- able for all the requirements of the Public Barracks were erected ;

connexions;

present offices.

New Westminster, while the officers would tion" which created the Capital, and upon

the presentcondition of the finances, an im- the arrangement of 1859 must remain un-

et with all these benefits and favours New Kennedy, will no doubt require some honours of a Capital.

at the important Trading p on Fraser River, had a pecul estimation of the public; but was considered expedient to of Government in 1859.

87. This precedent is in p see no difference between the of the first, and the present second Seat of Government; similarity of the facts in would state that much of the site of Derby had become pl having been sold by the Colon by public suction, in October, many settlers and others for of money—a proceeding rep Westminster; that Governme large amount in the erection o Houses for the Royal Engine Officers, who were quartered proceeding also repeated nea minster; that Government er and Parsonage, &c.. &c., at D private parties built Houses a there. and established a c.mm of more or less extent in which was continued to be the Capital was established minster. 88. We fail to see any ac

between the two cases, except Town had a shorter life than t that less money had been was than on the second.

XVIII. The other prece not taken from the removal Cap tal, is so approximate in one we have just cited, that posits. It is that of the Fr Colony of Vancouver Island. 89. This fiscal system of was established formally, and the recommendation and wit and hearty approval of the ment.

90. The Colony enjoyed t this system, which was con the Institutions of the Country many attributed the early gro prosperity of Victoria, during till it was abolished the other tion of the Act of Union. 91. Most assuredly "pu honor" were deeply pledged ance of this system. not by th but by the Home Governmen 92. In reliance on the s pledge, the system obtained m Merobants and other Commerc England and in other Coun reliance upon the permanency important commercial interest and very large investments and substantial Buildings, bouses, Shops and Dwelling toria and its neighborhood. 93. Yet this most impo which lent prestige to the Cold joyed, and by many so hig by the Act of Union of last y and this, too in opposit on sentiments of many of the ol and most enterprising men in the ground of expediency.