

## Inclosure 5 in No. 46.

*Rear-Admiral Baynes to Governor Douglas.*

Sir,

*"Ganges," in Esquimalt Harbour, August 13, 1859.*

I BEG to acquaint you that I have cancelled the orders under which Captain Hornby, of the "Tribune," was acting from Captain De Courcy, given in consequence of your Excellency's letter and requisition of the 29th July last, as I thought, if carried out, they could not but produce what I feel it my positive duty, if possible, to avert—a collision with the forces of the United States, and in which opinion I trust your Excellency will agree with me.

2. I inclose, for your information, copy of my confidential order to the senior naval officer in Griffin's Bay, and I would ask your Excellency to communicate to me the instructions with which you have furnished the Resident Magistrate for his guidance, that I may endeavour, to the best of my power, at this critical juncture to act in concert with you.

3. The ordinary powers of a single Magistrate, without any one to advise with, are much too irritating to be carried out in the face of a strong military force, and though the Resident Magistrate may possess all the qualifications to fit him for the office, yet the risk that he may at some moment overstep the line of prudence is great, and I would, therefore, suggest to your Excellency that no step of consequence shall be taken by the Resident Magistrate without previously consulting with the senior naval officer present, who will at all times be willing to afford his best advice and co-operation.

4. If your Excellency should take the same view of the question as myself, I think it will enable both Civil and Naval authorities to act with more effect.

5. You will oblige me with an answer to this communication at your earliest convenience.

I have, &amp;c.

(Signed) R. LAMBERT BAYNES.

## Inclosure 6 in No. 46.

*Governor Douglas to Rear-Admiral Baynes.**Government House, Victoria, Vancouver's Island,**August 15, 1859.*

Sir,

I HAVE the honour to acknowledge the receipt of your confidential letter of August 13, acquainting me that you have cancelled the orders which Captain De Courcy had given to Captain Hornby, of the "Tribune," in consequence of my letter and requisition of the 29th July last, when that vessel was dispatched for the protection of British interests at San Juan.

2. Though differing in opinion with respect to the conclusions at which you have arrived, and believing that had those orders been vigorously carried out in the first instance, and the plan adopted for the protection of San Juan resolutely and consistently pursued, there would have been neither bloodshed nor collision with the United States' troops—that they would either have been withdrawn or would have attempted merely a nominal occupation, and that we should have avoided the humiliations and complications, involving the most serious risk of collisions, which will now daily arise in consequence of the increasing force of troops, and the position assumed by the Federal officers of the United States, yet I do not see any objection to the withdrawal of the orders in question, seeing that, in fact, they have been previously revoked by a subsequent letter of instructions from Captain De Courcy.

3. With reference to your desire to be supplied with a copy of the instructions with which I have furnished the Resident Magistrate at San Juan, I inclose herewith, for your information, a copy of those instructions.