

LEGISLATIVE COUNCIL  
PROCEEDINGS.

[Reported expressly for the Colonist.]

WEDNESDAY, Jan. 30, 1867.  
Council met at 3 p.m. Present: Hon. President Birch, Crease, Wood, Hamly, Brew, Robson, Young, Macdonald, Helmcken, DeCosmos, Southgate, Stamp, Pemberton, Cox, Sanders, Trutch, O'Reilly, Smith, Ball, Walkem.

NOTICES OF MOTION.

Hon. Mr. Crease, to introduce an Indemnity Bill for not enforcing certain Vancouver Island Imposts; a Bill to assimilate certain laws of British Columbia and Vancouver Island; and a Bill respecting the application of the Customs Laws.

Hon. Mr. Pemberton—To move an address to the Governor to cause a copy of his Instructions and Commission to be furnished to the Council.

Hon. Mr. Macdonald—On Friday, to introduce a Bill to legalize the Victoria Incorporation Ordinance.

Hon. Mr. DeCosmos—To move an Address to the Governor to instruct the Collector of Customs to discontinue at once the collection of Customs duties on goods shipped from any portion of Vancouver Island to the mainland.

The President put each notice to the Council, and prevailed respecting the Indemnity Bill, and referred to standing orders.

Hon. Dr. Helmcken considered it extraordinary that the Governor should frame the rules for the guidance of the House.

The matter then dropped.

THE REPLY.

Hon. Mr. Hamly presented the reply of the Committee to the Governor's speech.

Hon. Dr. Helmcken claimed that the order of the day should take precedence, but he waived the right as a matter of courtesy.

On motion of Hon. Mr. DeCosmos, Council went into committee of the Whole, Hon. Mr. O'Reilly in the chair, to consider the reply, Hon. Mr. Hamly opposing.

Hon. Mr. DeCosmos commented on the Governor's speech in an address which was attentively listened to, but which from its length we are unable to furnish in detail.

The hon. gentleman was moderate and conciliatory in his tone. He approached his public duties in a friendly spirit towards the Governor and members of the House, believing that the Executive and heads of Departments were actuated by correct motives, but there were errors of the head if not of the heart; and he trusted that a largeness of mind would be manifested by the popular and magisterial members in meeting the issues they would be called upon to grapple with in order to unfold the resources of the large territory confided to their care, and to render the Government a success.

He looked forward with confidence to the merging of all sectional and local interests in order to promote the general welfare. He then proceeded to point out the defects in the speech. Various measures were proposed which were unimportant; others necessary but not important, such as Indemnity, Dredging, Assay Office, V. I. Incorporation Act, Retrenchment, Education, Public Works, &c. As to the Estimates, he would wait until they could be examined in detail, but hoped they would not be cut and dried.

We are fully alive to the serious responsibilities which rest upon us in the discharge of our duties during the ensuing session, and we beg to assure your Excellency that our task imposed upon us will be cheerfully undertaken; that the interests confided to us will be carefully guarded; and that in the promotion of all measures conducive to the advancement and prosperity of the colony your Excellency will meet with our cordial co-operation. With your Excellency, also, we venture to hope that the days of depression may soon pass away; and we confidently look forward to the wisdom of your Excellency's administration to stimulate the present gloom, fervently trusting that under the guidance of Divine Providence your Excellency's efforts may be crowned with success.

THE CONSTITUTIONAL QUESTION.

Hon. Dr. Helmcken presumed by this time the hon. and learned gentleman (Crease) understood the subject fully and was prepared with his reply. If he required more time, however, it should be given him.

Hon. Mr. Crease thanked his obliging old ex-chief for his kind consideration and for kindly feeling with which he (Dr. H.) and his colleagues had addressed themselves to the House. He felt sure that he spoke the sentiments of the other members of the House when he said that those feelings were reciprocated, and he hoped they would all work well and faithfully together. In the explanation he was about to offer, he asked the House to sever questions of policy and expediency as he simply treated the matter as a question of law. The foundation of the House rested on an act of Parliament, following which act was the order of the Queen, in Council '63, the basis of our constitution. Before Union (19th Nov. '66) the Council consisted of 5 Executive members, 5 magistrates and 2 so-called popular members. Except 5, all were nominees of the Government. By the order in Council, Clause 5, the number of Councillors could not be raised above 15, but the Governor might nominate any less number, he might vary the proportions, and take one magistrate instead of five. There was no provision in any written instrument for the selection of any particular persons or of popular members beyond the power of nomination given to the Governor. They derived their position from the Governor. The order in Council was still in force, except as to the number of 15. What change had the act produced? The

majority of the people, from one end of the Colony to the other, excepting New Westminster, were in favor of the seat of Government being at Victoria, should be placed before His Excellency, and the general fact would come up at another time. That it did exist none could dispute; the magistrates and members must all endorse that opinion. Petitions would shortly come to the Council stating this, and it was well that the Governor's attention should be drawn to it to regulate him in framing the message on which he believed the prosperity of the Colony rests.

Hon. Mr. DeCosmos seconded, saying that the amendment was really a statement of facts. A general feeling in favor of Victoria to his knowledge did exist, and he had no doubt His Excellency would give the matter his gracious consideration.

Hon. President regarded the amendment as premature, as the petitions alluded to were not before the Council.

Hon. Mr. Crease thought it was slipping the question in by a side wind. Hon. members had better reserve their opinions.

Hon. Mr. Trutch also thought the question premature and inopportune. The reply was framed so as studiously to avoid the issue.

Hon. Mr. Robson opposed on the ground that it was prejudging the question. The petition consisted of the evidence of the truth of what the hon. gentleman told them. Even if it were a fact, which he would not admit, that was the strongest reason why the House should postpone the consideration until those petitions were brought before them.

Dr. Helmcken withdrew the amendment for the time being.

The clause then passed, and the Committee rose and reported the reply complete.

The reply, which reads as follows, was adopted and ordered to be presented to His Excellency by the House.

To His Excellency Frederick Seymour, Governor and Commander-in-Chief of British Columbia and its dependencies, and Vice Admiral of the same, &c., &c.

May it please your Excellency—We, her Majesty's dutiful and loyal subjects, the Legislative Council of British Columbia have received with pleasure the speech with which you have honored us.

We are fully sensible of the arduous and important duties devolving upon your Excellency at this critical period in the history of the Colony; and we shall not fail on our part to tender every assistance in carrying out all measures calculated to promote the public welfare.

The acts of indemnity referred to by your Excellency and the bills amalgamating the laws of the Colony shall receive our most careful consideration.

We are gratified to learn that the Crown Lands of Vancouver Island are to be placed under the control of the Legislature. We trust that the reconveyance of the Island will be consummated with as little delay as possible, and that it will be followed by a general land system so liberal as to encourage immigration and settlement and to foster our agricultural interests.

Conscious of the financial embarrassments of the colony, we learn with satisfaction that your Excellency has caused the Estimates to be prepared with the strictest economy compatible with the efficiency of the public service.

Your Excellency having drawn the particular attention of the Council to the Assay Office, and to the Dredging Machine and steamer, we venture to assure you of the earnest consideration with which these subjects shall be treated by the Council.

We desire to express our entire concurrence in the proposed measures for the repeal of the Real Estate Tax in Vancouver Island, and for the assimilation of taxation throughout the colony.

We shall look forward with anxiety to the Messages which your Excellency has been pleased to promise us upon the important subjects of Education and the Seat of Government.

We are fully alive to the serious responsibilities which rest upon us in the discharge of our duties during the ensuing session, and we beg to assure your Excellency that our task imposed upon us will be cheerfully undertaken; that the interests confided to us will be carefully guarded; and that in the promotion of all measures conducive to the advancement and prosperity of the colony your Excellency will meet with our cordial co-operation. With your Excellency, also, we venture to hope that the days of depression may soon pass away; and we confidently look forward to the wisdom of your Excellency's administration to stimulate the present gloom, fervently trusting that under the guidance of Divine Providence your Excellency's efforts may be crowned with success.

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principle of representation was still the same. There was no relative proportion prescribed; it was left entirely as before, to the Governor. The number was merely made 23 instead of 15; there was nothing to show that any particular number should be allotted to any particular province. It was left to the Governor, who was the only person to say how many shall be appointed. It must not necessarily be the same in each succeeding year. Where misconception arises in the use of the word representation; but the representation in Vancouver Island was not the same as prevailed in this Council. The Order in Council and Union Act could only be read together, and he would say, that his views coincided with the framers of the act and the law officers of the Crown. An official was as much a member as a non-official, and the House would find that Vancouver Island had 8 members, according to the hon. member's own showing.

Hon. Dr. Helmcken—Point them out.

Hon. Mr. Crease—The hon. member can count heads for himself. It is necessary that 8 members be selected for the Island; it would imply by parity of reasoning that no less than 15 will be necessary for the mainland, and in case of illness or death the proceedings of the House would be rendered null and void. In the House of Commons, at home, with 683 members, these exigencies arose, without in the least affecting the validity of their acts did not become null and void. Whether the Governor appointed 19, 20 or 21, they were all legal and good.

Hon. Mr. DeCosmos would have felt better pleased had the hon. and learned gentleman shown that Vancouver Island had eight members, as he had said. The hon. gentleman was composed of less than 23 members, it was, nevertheless, legally constituted, and that if Vancouver Island had less than eight it was still legal. He would concede the point put as to the absence or death of members, but the organic act of '66, as he read it, meant that Vancouver Island should have eight members [reads extract from act]. The words expressly provide that the eight additional members should be taken from the Island. He had heard nothing to explain what had occurred in carrying out the provisions of the act. The Island had not eight members. It had four popular members, and who were the others? Did the hon. Colonial Secretary, of Vancouver Island, sit in the Council as Colonial Secretary, Junior member for Victoria, or as Treasurer? If the former, as a magisterial member, according to the proclamation, there were 24 members in the Council. The proclamation first nominated the Colonial Secretary, Treasurer, Chief Commissioner, &c., Executive members, then the Magisterial members, then the popular ones. Under which head the hon. gentleman sat? If as magisterial member, he sat unlawfully, before the maximum number was reached. If the House had a full quota on a certain day, then a certain hon. gentleman sat there as an official member, who was unknown to the House, and the matter should be cleared up. He believed the hon. gentleman was not entitled to a seat there.

Hon. Mr. DeCosmos said the Governor was empowered to nominate all the members. The magisterial members were short, whether the hon. gentleman be Colonial Secretary, Treasurer or Magistrate. In reply to the hon. Mr. DeCosmos, the Hon. President said that the Treasurer was not in the House, and that the hon. Mr. Cornwall had declined to attend.

Hon. Dr. Helmcken referred to the Gazette, where the Treasurer was appointed, and the House was now told that there was no Treasurer, yet there were 23 members; was the Council legally constituted?

Hon. President said he had stated that there was no Treasurer in the House.

Hon. Mr. Walkem assailed the arguments advanced by the hon. Attorney General. He could not see how the hon. and learned gentleman could possibly ask the House to construe the meaning of the act in one way, when he knew that in a Court of law it would be construed in another. They were asked in fact to violate English law; such species of logic was too transparent. He cared not for the one or the other, but they were sensible men and could draw the distinction between the intention of the framers, and the meaning and spirit of the Act itself. The language of the Act should be strictly construed, and Vancouver Island have what she was fairly entitled to. If the hon. and learned gentleman was right in his law, then why could not 14 be from the mainland, and 9 from the Island? The hon. gentleman concluded by twisting the Hon. Attorney General for his long speech, which only involved the matter in greater obscurity.

Hon. Mr. Crease made a few remarks in reply.

Hon. Mr. Walkem asked for the production of the opinion of the Crown adviser.

Hon. Mr. DeCosmos thought there had been evasion in respect to the Treasurer, though he was willing to accept Mr. Young in lieu of Mr. Cornwall, so as not to impede business.

Hon. Dr. Helmcken thought it very degrading to the people of Vancouver Island, to say that it was unnecessary to appoint any member from here at all. Such a system of Government could not be tolerated, and would soon be changed.

Hon. Mr. Robson could not understand the agitation. It was necessary to invest the Governor with power to distribute the seats as he thought best, and he could not understand the anxiety to unseat the hon. member, and make him appear an intruder. The hon. gentleman would in any case stand first for appointment. But the Governor had distinctly given Vancouver Island eight members, and it was competent for him to legalize the seat; to give the Island more or less. The hon. gentleman concluded by expressing his surprise at the outbreak of the hon. member, who, as he had aspired to the high position of Attorney General (hear from Mr. Walkem) but had not thrown any light on the legal bearing of the case. He considered the explanation given by the Hon. Mr. Crease clear and lucid.

Council adjourned till Thursday.

POULTRIC.—Joe Eden is out with a card in reply to the Cariboo champion. Joe means "fight."

FRESH GARDEN SEEDS.—Moore & Co. have just received a large invoice of garden seeds direct from the Shakers at New Lebanon, which they are offering at reasonable rates.

European Mail Items.

King Victor Emmanuel's speech to the Italian Parliament is reported in full by Telegraph. His Majesty, it will be seen, expresses the highest confidence in the patriotism of the Italians and their ability to maintain their destiny. He is Catholic, yet national towards Rome, thankful to France, and distinctly admonishes his subjects of the necessity of exercising their self reliance and securing an economic administration of affairs.

Correspondents in Madrid and Lisbon report the journey of Queen Isabella of Spain from her capital and her reception by the King of Portugal. The visit was undertaken evidently with fear and trembling, as Marshal Narvaez was not fully assured if the royal party would be permitted to return to their positions. The Portuguese government has in fact organized a military camp on the Spanish frontier.

Our special correspondent in Madrid, writing on the 6th December, expresses his conviction that the sudden appearance of Queen Christina in Spain, may be accepted as a certain indication of the rapid maturing of the revolutionary movement, the liberal tendencies of her ex-Majesty being well known. The question of who will come after Queen Isabella, was canvassed in the city, and it is said that Napoleon and Frances Joseph of Austria, have consulted and are in accord on the subject of a new ruler for the kingdom.

Pope Pius the Ninth delivered a most eloquent address to the officers and soldiers of the French army gathered to their march from Rome. He thanked them for their services, but expressed a doubt as to their cordial reception in France, on account of leaving the city and Head of the Church exposed to the revolution at that moment. His Holiness acknowledged that the troops were right in obeying orders, and that France was a great Catholic Christian nation, adding the words, "its ruler should be Christian also."

Cardinal Cullen, in his pastoral, warns the people of Ireland against Fenianism and revolutionary conspiracies, but says he cannot understand why England assails Fenianism so severely after according a national ovation to Garibaldi and cordial patronage to Mazzini, the great architect of secret societies.

The West Indies.

We have news from the British West Indies, dated at Kingston, Jamaica, on the 16th, and Ponce, P. R., on the 14th of December, with later reports from the French Antilles.

JAMAICA.

The newspapers to speak from Kingston make no allusion whatever to the existence of cholera, and only speak of vessels from St. Thomas and elsewhere having had to suffer quarantine. The public health was good, and the weather cool.

Government contemplated removing the public offices from Spanish Town to Kings town.

The crew of the American bark, Mary Henry, with a cargo of Mahogany and cedar, bound from Manzanillo to G. B., were wrecked on the Jardines, Cuba coast, were brought safely to Kingston.

Business continues much depressed in Jamaica. Bitter complaints are made against the Colonial Bank under its present management.

The court martial on Ezequiel Cullen had arrived at its thirty-second sitting. The proceeding were closed on the 5th inst., after hearing from the Deputy Judge Advocate, and it was supposed to be favorable to the prisoner. The trial of Dr. Morris, for the share he is alleged to have taken in the same affair, will be proceeded with when he recovers from his serious indisposition.

Mr. Rawlin, sub-agent of immigrants in the parish of St. James, being charged with embezzling a large sum of money received from the coolie employers, was apprehended at Montego bay and placed in the county jail.

Central America.

PERU.  
Several vessels have recently arrived at Callao, with their crews in a deplorable state from scurvy. One from Aden had lost four men, and eight more were in the last stages of the disease. Three other vessels were in almost as bad a condition. We learn that H. B. M.'s Charge has taken the matter up very energetically, the vessels being under the British flag, and had instituted a naval court of inquiry on them.

New York January 20th.—The steamer New York from Aspinwall, arrived to-day. It was advised by this steamer from Valparaiso to December 18th gives confirmation to the rumor that Chile has refused the mediation of England and France on the Spanish question.

A South American Congress is to meet at Lima, and the Republics which have not yet given their adhesion to the league are to be invited.

The bark Teunissen, with sixty cannon for the Valparaiso fortifications had arrived. Lima advices are to the 28th. It is stated that an attempt was made on the night of the 20th to assassinate the President of Peru, at Callao. The shot passed through his sleeve. The assassin has been arrested.

Canadian Items.

D'Arcy McGee is in the midst of an unusually bitter controversy with George Brown, of the Toronto Globe. In answer to a sharp letter published by the former, Mr Brown intimates that Mr McGee is perfectly welcome to hold him responsible for articles in the Globe, either "personally, editorially or any other way in which he has a mind to indulge himself."

At Ottawa (Canada), on the 19th Dec., a young coquette, named Julia Walter, had an appointment to elope with a British private, John Welsh. While in waiting for the girl, the soldier was seized, gagged, stripped, and an old flame, Larry Lawlor, whom Julia had jilted for the red-coat, donned the uniform, kept the ryst, and was firmly tied to the girl, before she discovered the mistake, by a ready-made priest feed for the occasion. The girl's mother had arranged the whole affair. Julia professed her willingness to allow things to stand as were, her one desire for a husband having been answered.

QUEER SCENES IN IDAHO.  
Paid Legislators, Hungering and Thirsting after their Pay

According to the Idaho Statesman, the refusal of Mr Howlett, Secretary of the Territory, to pay the members of the Legislature until he received further instructions from Washington, has given rise to a good deal of ill-feeling and disgraceful proceedings on the part of the members.

After the examination of Mr Howlett, threats of personal violence toward him were constantly made, and knots of angry men filled the halls. Several hours after the adjournment, and at an early hour on the following morning, two or three members called upon the Secretary and threatened him with personal violence unless the members were paid. The language used by these members, and the threats made toward the Secretary, made him think it unsafe to appear on the street.

A caucus was held in the hall of the Lower House in the forenoon. The remarks were angry, defiant and threatening. Some were in favor of forcing the Secretary to make him leave town. The majority finally resolved to go in a body to the Secretary's office and there demand their pay, which motion was carried into effect, and some 20 or 25 members in a body, visited the Secretary's office in a body. While there it was agreed to pay Mr Howlett until half-past 2 in the afternoon, to consult with his attorneys, at which time it was agreed to meet him at the hall to hear his answer.

In the meantime, another meeting was held in the Hall, and all manner of exciting speeches were made, denouncing Mr Howlett and every other Federal officer in the Territory. Judge Cumming was accused of being a defaulter; and the despatch was declared to be bogus, gotten up to gain time for him and prevent an exposé.

During Friday night and Saturday morning much of the furniture of the hall was destroyed and carried away.

At 2 o'clock Mr Howlett repaired to the hall. From the riotous manner in which he had been treated, he thought he had reason to fear personal injury. Therefore he had called upon the United States Marshal for an escort for personal protection, and a squad of infantry was furnished, who at this time were drawn up in front of the hall. After some 20 minutes of indescribable confusion sufficient order was restored so that Mr Lindsey could read a letter from his attorneys to Howlett, in which they stated it to be their opinion that it was his duty not to disburse any moneys until he had further instructions from the Department. After reading the letter, while some were trying to speak, others made a rush for Mr Howlett, who was standing near the Speaker's desk, and but for the effort of several gentlemen near him he would have been torn in pieces. However, he was allowed to leave the hall without serious injury. Quiet was to some extent restored, after which the infantry were finally withdrawn.

Judges McBride and Cumming advised Mr Howlett to pay such members as would take the oath of allegiance. This proposition was agreed to by all parties and carried into effect, and the members and attaches visited the Secretary's office and received their pay.

PROVINCIAL NEWS.

Canada.

[Dates to December 23th.]

A banquet was given at Toronto, on the 19th December, by the Huron and Ontario Ship Canal Company to the delegates from the United States.

Colonel Hamilton, a veteran of the war of 1812, died at Toronto on the 15th December, aged 84. For nearly 40 years he was employed in the office of the Receiver General, and only recently was granted an honorable retirement.

William McComb, fancy storekeeper, of Kingston, was arrested by a constable from Ottawa, under a warrant charging him with forging orders on New York and Boston piano and melodeon dealers, in the name of James Fraser. He left for Ottawa by the afternoon's express, and his store has been closed in consequence.

A hunter on the Colonge river recently shot ten moose deer in one day. Game in that part of the country is said to be very plentiful.

A fire broke out in Vienna on Sunday morning the 9th inst., destroying the stores of Sufel & Co., Francis Jewell, Samuel Brazer, the Post office, and the office of the Montreal Telegraph company; also the warehouses of Sufel & F. Jewell. Mr R. McKay an old resident, and much respected, was burned to death. It is believed that McKay was first murdered and the place robbed, and then fired to avoid detection.

The Board of Trade of Stratford have for some time been talking about a railway from Woodstock to Stratford in connection with the G. W. R., giving as their reason that the Grand Trunk does not pay sufficient attention to the traffic of the way stations.

Prince Edward's Island.

A general election is at hand in Prince Edward Island, and the Confederates fear and tremble. Writs for the election of six Legislative Councillors are out, but these elections create little interest, as the six out-going members are all anti-Confederates, and none but anti-Confederates dare face those constituencies. The elections for the House of Assembly will probably be held in January.

Turk's Island.

Thousands are still homeless in Turk's Island, notwithstanding the efforts to relieve those who suffered so severely from the late storm. Nearly one-half the commercial capital of the Island of St. Vincent has been destroyed by fire.

THE ACTIVE will sail for San Francisco this morning at 9 o'clock, wind and weather permitting.

The Glamara from London may be looked for here between the 8th and 20th of February. She sailed on the 8th October.

A Lesson Twice Taught.

The recollection of the disaster which befel a noble frigate on the sand beach the entrance of Fraser River, a little more than two years ago, has scarcely died out of the popular mind when people of the united Colony will be startled by the announcement of another of Her Majesty's war vessels while on the way from Victoria.

New Westminster, has barely escaped sharing a similar fate, and that damage sustained by her is of serious a character as to necessitate an early visit to a dry dock. It is well known that the Malacca left here day last week for New Westminster to be present at the opening of the Legislative Council, and to fire a salute in honor thereof. But it is a sad not so well known that on her way thither she struck twice, and has leaked freely; that upon her rival at New Westminster, and wilying opposite the camp, her stowed on the muddy bottom; that when she left the river it was with her boilers so filled with fraser river mud as to render them for time almost useless in the general of steam, and cause the return of the ship to this port without a resort to her sails a work of extreme difficulty. After the destruction of the Tribune (the frigate was so badly "hogged" on the Fraser sands as to be condemned and broken up on her return to England), and the consequent loss of our don't know how many hundred thousand pounds to the Imperial Government, it was naturally supposed that no further attempt would be made to fly in the face of Providence and repeat the costly experiment of navigating Fraser River with Her Majesty's vessels.

The self-conceit of a handful of people at the (so-called) capital British Columbia. But the sequel has shown that the first lesson was insufficient to prevent another "lamb being led to the slaughter" at the Colon Government "shambles"—another Her Majesty's ships required to be immolated at the shrine of gubernatorial vanity and the presumptuous self-conceit of a pampered hamlet before their prejudiced minds were convinced that to order a vessel of draught of eighteen feet two inches undertake the navigation of the water lying between Esquimalt and New Westminster was one of the most ill-considered commands that ever emanated from the Vice-Admiral of a British fleet.

The Victoria Chamber of Commerce in their report of 1865, pointed out "the great additional risks and delays for sea-going vessels without steaming navigating between Victoria and Fraser River." This report was based not only upon the general observation and experience of the members of the Chamber, but upon the report of Captain Richards, the eminent hydrographer who says:

"There is yet another cause which must add to the importance of Esquimalt in a maritime point of view, which is, that it is at the extremity of the Gulf of Georgia and the channels leading into it have been navigated by sailing vessels, yet the disadvantages are obvious and very great and the loss of time incalculable. The general absence of steady winds among these channels, the great strength and uncertainty of the tides, and the existence of many hidden dangers, do not fail to be productive of constant accidents, and in a commercial point of view such a class of vessels could never answer."

But it appears, from the results of the two costly experiments with Her Majesty's ships, that the navigation between Esquimalt and New Westminster is not alone dangerous to sailors, but that it is highly destructive to sea-going steamers. Were a mishap of the kind to befall a merchant ship the surprise would not be so great but when we reflect that Her Majesty's vessels are in every instance furnished with the most skillful navigators, the best charts, an efficient crew, high steam power, and all known appliances for assuring the safety of