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neighborhood of Drake's Bay, which would have saved ship and cargo; I cannot give any reason why he did not pursue so obvious a course; I went to sea in '53 as a midshipman apprentice; held a second mate's certificate; I studied it as a profession; I went below again and visited the carpenter's forward, until I was ordered to get the sail over the bows which had been prepared early in the night, but in consequence of pumps having gained on the water and the captain's orders to clear decks up, the lines had been coiled away; when I again received orders to put the sail out the ship was making more water; I called some hands to assist, and while we were at work the passengers reported the fires out; went and by captain's order fired guns until twenty-five charges were expended; while firing, the fore trysail was set and a few men were placed to bale out forehold; I directed Petrie, carpenter, to take his axe and cut the lashings of the spars on deck as rafts might be required; when the last gun was fired I assisted the 2d and 3d engineers to get the stowage tables clear of the deck to construct rafts, and then helped to get all the boats over the side and the passengers to get into them; three boats were filled while I was firing guns; I went with the boat in charge of the women and children; landed them and immediately returned to the ship, which was then fast settling; I did not go on board but kept charge of the boat while she was filled with luggage. That is all I can touch for.

By the Court.—I believe the steering compass to have been in error, having compared the compass with one below by the captain's direction, and found a variation of a point and a half; this was about an hour after the accident had occurred; I believe the error to have been the sole cause of placing her on the rock; in my judgment, after striking the best thing to be done was to get back the same way she came, or knowing that a large sandy beach lay close, to have steered towards it and run her ashore, especially as I called Captain Mout's attention to the land after we had seen Farallone lights; the land looked like Point Reyes and no other that could be adjacent; had the captain returned as he came he might have been in a better position to have saved ship and cargo; he would have been in shallow water, and probably near enough to obtain assistance; the statement in the protest that the course was S.W. by S. is incorrect; that protest was read hurriedly; when I went on the hurricane deck and took charge I am certain she was steering due West; I am aware there are five points difference; I testified to the general correctness of the protest, and not to any particular thing in it; the engineers, for instance, could know nothing of the course steered; the S.W. by S. course might have been steered up to the time I went on deck; Quinn was at the wheel then; Spillet told me steering when she struck; I did not hear any orders given me to take charge of the women and children; I was ordered to take charge of the luggage in the boat on my return to the ship; Mr. Warren received the mail on board; I knew nothing about them; I considered it my duty to go with the women and children; I had not received any orders then for some time and was doing what I thought right under the circumstances; I was standing with my hands in my pockets when I saw only one man in the boat, and got an oar and jumped in and ordered the boat back to take more hands in; then pulled round the stern, saved one man who was in the water—one of the boats having upset—and then pulled ashore, landed the women and children, and Quinn and another man helped to pull the boat back; we were the first to get back.

His Honor.—It was very right and proper to take charge of the women and children, but was it not your duty, as chief officer, to stay by the captain and ship?

Witness.—I was left to act as I thought proper; in fact, I seldom got orders from the captain at all. He generally left me to do as I pleased, and then contradicted my orders. This was known to all the crew.

His Honor.—What was?

Witness.—That he snubbed me.

His Honor.—Can you give any reason for it?

Witness could not, but said that there had been coolness gradually arising between himself and the captain, which had grown to ill feeling. A statement signed by engineers and crew, that witness had done his duty, was handed in, and a letter addressed to Captain Mout, calling upon the latter to retract a charge of desertion made before the Consul, and stating that witness would otherwise be compelled to make an honest public statement of the whole affair was read and explained. It was not intended as a menace, but in order to clear himself with the public. Witness adds: I had a statement ready to publish, but did not do so; I am now on oath and am compelled to state all that I know; I should not have voluntarily made any statement reflecting on Captain Mout's judgment or conduct, but I do not think there was a single seaman on board that will not say that the ship might not have been saved by being beached; I should say it was scarcely good seamanship to go to sea without swinging the ship to adjust the compasses, at the same time forty-nine out of fifty would have done the same thing.

The Court here rose and adjourned till 10 a.m. on Saturday.

SECOND DAY.

SATURDAY, May 5th, 1866.

His Honor took his seat at 10 a.m.

Captain Mout informed the Court that he was unable to find his pilot certificate.

A. J. Chambers examination continued.

His Honor asked witness for further particulars respecting the boat that was upset.

Witness.—When I was a few yards from the ship in the ladies boat, I saw one of the small freight boats capsize close to us, four men were in her, she drifted round the stern turning over; I pulled up to it, one man was drifting from the boat in a sinking state, we threw the painter from the bow of the boat and took him in, at the risk of capsizing our boat; the other three managed to get on to the bottom of the boat, one was sitting on the stern, I believe it was the colored man Marshall; all of them with the exception of the one I took into the boat were colored men; the man I saved, I think remained in San Francisco; I told them to hold on until I pulled up to them; seeing our boat full they said we had better get ashore, and they would endeavor to reach the ship. I considered it advisable to go ashore as our boat contained 39 or 40 passengers; went

ashore, and on returning saw nothing of them, so concluded that the fishing boat had picked them up, but nothing has been heard of them; it is possible they were picked up by the Orizaba or a schooner that was to windward. The sea was running high, the wind was rising and blew fresh, it was daylight at that time. I took some baggage from the ship the second time I came alongside; did not go on board; two men, one out of each boat, went up. The captain told me to come alongside, and take a large trunk containing clothes, as we were the larger boat; I took a quantity of carpet bags and passengers baggage; was alongside at least half an hour; could not have taken more in my boat, as it was full; we had only left the ship about 5 minutes when she sank. I signed no paper for the mails; I never received any orders from Captain Mout about the mails; they were not in my charge, but in Warren's. Saw the bark Glimpse, I think about 2 a.m.; she was at anchor the first time I saw her; she was on the starboard bow afterwards; she was not anchored in Drake's Bay, as I should have seen her, she arrived in San Francisco before we did; the Captain of her remarked in San Francisco that he did not know what we were doing, sailing round him. When I saw the Glimpse the pumps were gaining on the water.

I never had any doubt in my own mind as to where she was from the time she first struck; the high land and the distance we had gone told where we were; besides, I afterwards saw the Farallone light. I was not allowed to say anything to the captain as to where we were; I did try to make remarks to the captain, but was only snapped at. Did not learn anything from the captain of the Glimpse.

Witness by the leave of the Court added; there is a statement made by Captain Waterman that he examined all the crew; only four or five of the crew were examined by him at San Francisco; I was not one, and from what I can ascertain, the protest was only read, and one single question asked. I never received any message to come. I never expressed any opinion about the captain not having handled his ship in a masterly manner. I hesitated about signing the protest, and the captain said if you don't believe it is true, don't sign it. I thought and still think that he did his best to save the ship, but whether he erred in judgment or not, is for others to decide. I have given my opinion on that subject. The protest gives the ship's course at S.W. by S. when I saw it was W.; the former course would have given the ship a good offing; due west with a good compass would also give a good offing, it is I believe the course generally given by pilots in thick weather. Four years ago when leaving San Francisco in the same steamer, much thicker weather, the course given by the pilot, was W. ½ N. I never saw any lead going on board after the ship struck. I was knocking about and must have either seen or heard it; it is certainly expedient if in doubt of the position of the ship. I did not request the captain to bend sails before leaving port; it was no use asking for Captain Mout had already told me that he would not send the sails aloft; it was certainly not prudent to leave without bending the sails; I believe by the laws of England it is compulsory to prevent accident.

Henry Quinn, sworn—I have been 13 years at sea and was an A.B. on board the Labouchere when she left San Francisco, on the 14th April; I took the wheel at 6 p.m., and remained there till 7.55 p.m. After leaving Port Point I steered S.W. for 15 minutes. It was quite thick and foggy and we could not see ahead; about 6.45 the captain gave me S.W. by W. as her course and stood by for a few minutes, when I put her on that course; the captain then left telling me to keep that course; there were two compasses in the pilot house, in front of the wheel; I steered by the starboard one; don't believe there was any difference between them; I kept the vessel on that course until about 20 minutes or a quarter to 8; when I altered her course, by the captain's orders, to W. S. W.; I kept her on that course till 5 minutes to 8; when I was relieved by Blohm, and I told him to steer W. S. W.; I saw that he did so; I went below to supper and then to bed; remained there till she struck the rocks; I went on deck, looked over starboard side; she was then going astern; could see rocks or breakers on starboard bow, but did not know where we were; I know the coast when I see it, but I could only see the loom of the land; went down to the engine room to see what water she was making but found none.

Witness then described the rigging of the pumps as before stated.

About half an hour after she struck Capt. Mout sent me to the lead. I have the lead but got no soundings at 8 and 10 fathoms; tried the lead I believe over 40 times during a space of two hours; we were going I believe about 6 knots; it was still foggy with no wind. Between 3 and 4 a.m. I saw a flash light on our port quarter and about 10 or 15 minutes after saw another light on port bow; she went towards the light which turned out to be a ship's light; we passed her about 100 yards off but did not speak her; I believe we could have spoken her—she was heading to the left of the flash light, on the wind, starboard tack, and was not at anchor. I could not then say for certain where we were as I could see no land; I believe it was the captain who told me that it was the Farallone Light that flashed; we were steering from it; about half an hour after this they reported the water gaining on us; the captain gave orders to rig a sail and get it over the forehold; I helped to do so. About this time saw high land ahead; passengers were helping at pumps; Mr. Chambers and I fired minute guns; powder was all spent; went on hurricane deck to captain, and all boats were lowered; a cutter was half loaded and wanted to leave, captain ordered me in charge; I got in and got a lady and some more passengers in. Round the stern Mr. Chambers and more got in; shoved off and saw a boat capsized about 12 or 14 yards astern; three were on the boat's bottom, one was drowning, pulled the boat towards him and picked him up; went ashore landed passengers and returned to the other drowning men but could not see them, and we pulled to the ship. Captain Mout had returned in another boat and saved some of the passenger's clothing, and some bread; and went ashore. He was the last to leave the ship. Five minutes after we left she went down; the American steamer Orizaba came up after she sunk, and

Captain Mout spoke her; we went ashore, landed the passenger's things and hauled the boats up and the captain left. On the following morning a steamer came to Drake's Bay and took us all back to San Francisco.

By the Court.—I was not sure it was Reyes Point when I saw the high land; I signed the protest; I don't remember that part being read over which says that the ship's course was S. W. by S., instead of W. S. W.; the latter was the course I steered; Petrie, the carpenter, saw me steer that course; I was asked what course I was steering, and told them in the Consul's office; I am certain.

David Petrie—sworn.—Was carpenter on the Labouchere; knew Quinn; saw him at the wheel between 6 and 8 p.m., the evening we left San Francisco, and saw the course he was steering; it was W. S. W. by the compass; I think it was between 7 and 8 p.m.; watched it for about a minute; am certain as to the course.

William Wood—sworn.—Was A. B. on board the Labouchere; took the wheel from Henry Blohm; I think at about 8.10 p.m.; He told me to steer W., nothing to the northward; I know the time because I looked at the time piece in the cook house before going to the wheel; I steered that course up till 10 o'clock, when I was relieved by Spillet, and gave him the same course; Blohm was steering the same course when I went to the wheel; he had been steering I think for about 20 minutes.

James R. Spillet—sworn.—Was A. B. on board the Labouchere; relieved Wood at the wheel at 10 p.m.; he gave me W. nothing north to steer; I steered that course till I should imagine about 10.30 p.m., when the ship struck a rock; the Captain came once to me during that time and remained a minute or two; he asked me what course I was steering and I told him, and he said that was right; he asked me how she steered I said very easy, more so than when the wheel was aft; he went on the hurricane deck; It was about 10 minutes after I took the wheel that the Captain came to the pilot house; the captain told me to stand by Quinn while he hove the lead; I did so and part of the time I hove it myself about 6 times; found no bottom at 9 or 10 fathoms; had no instructions to use a deep sea lead; I hove between 1 and 2 a.m. I was examined before the Consul and signed the protest.

Frederick Inwood—sworn.—Was carpenter on board the Labouchere. I assisted in stopping the leak with blankets and oakum; saw no leak; the water was rushing through the ceiling on both sides of the stem.

His Honor.—Where did the water come from?

Witness.—From the outside I suppose. (Laughter, in which the witness and Bench joined.) I beg your honor's pardon. She must have scraped her floor on the rock and started a butt or done some other damage further aft than where we cut the skin. We saw no hole.

William Alfred Elliott—sworn.—Was chief engineer of the Labouchere. I witnessed an extract from his log, showing the time of starting, pressure of steam, &c., rate of speed; I kept an average pressure of 14 or 15 pounds; ship going 8 or 9 knots; heard the bell ring to stop her; immediately it rang she struck; there was no time to stop her, and she ran on full speed; the bell was rung to back, and she backed off immediately. The third engineer, by my direction, looked into the bilge and found water coming in very fast; put on all bilge pumps and bilge injection; placed all hands (10) in their places in engine room; sent second engineer to report to the captain that she was making water fast; went on deck and reported to the captain that water was coming in very fast, and heard him order the carpenters to see all pumps clear; he ordered engines to go ahead to keep their pumps going, and to report to him every five minutes the state of the water; I told him we were only bolder our own; he said "try to keep her so, and at daylight I will try and run her ashore;" I went and saw the main deck pumps put in order; they should have been put in order before going to sea; It took about half an hour to put the pumps in order; they were not wanted at that time, and were not used. The captain frequently asked me how the water was, and I told him we were gaining on it; we gained on it till between 3 and 4 a.m. At two we eased the engines, and finding the water increasing, I told Captain Mout so, and he told me if we could gain by going ahead at full speed to do so; at 4.15 I reported the water gaining on us; one of the carpenters was just then reporting a fresh leak, and the water coming in fast; stopped the ship for about 5 minutes while they hung a sail over the bow; reported again that the water was increasing; he ordered all hands to pump and bail. I ordered good steam to be kept up. Told the Captain at about 4.45 that there were two feet water in stoke hold, and that we could not hold out much longer; he said if we could do so for an hour more we could reach shore; at about 5.10 or 5.15 the water was in the furnace, and I told all hands to leave the engine room and help to pump and bail; on reaching deck heard the Captain give orders to lower boats; on looking round saw boats lowered, and leaving the ship. The Captain told me to save myself if I could find a boat; saw a boat leaving with only two men, called them back and got into her with others. The Captain ordered me and several others to go in the fishing smack to San Francisco. We had 2 packages of Wells Fargo Express, and 2 or 3 packages and they sent a steamer. Don't know anything about the courses stated in the protest, and said so.

David Stephens—sworn.—Was 2nd engineer on board Labouchere, saw nothing of the courses steered; I agree in the statement made by the Chief Engineer.

David Ross—sworn.—Was 3rd engineer, saw two small boxes marked M, two small bags of Wells Fargo, and two ships chronometers taken out of the ship; the boxes I believe contained jewelry. I know nothing of the ship's course.

John Henry Scott—sworn.—I was chief steward—I was in the cabin when the vessel struck. I know nothing of the course steered. Saw the mail bags come on board; I don't know how many; I don't know who took charge of them; I saw them put in the saloon, some of the men assisted in putting them away.

Upshur, the second steward, was exam-

ined as to mail bags, but could add nothing. James H. Allen—sworn. Was 1st cook. When the mail bags came on board, I was sitting in the galley; all I did to assist was to take up the carpet of the lazarette.

Thomas Cameron, Fireman—sworn. Added nothing material.

Robt. H. Adams—sworn. I was a passenger on board the Labouchere; I know nothing about the other statements; I was present when the two bags and two boxes were handed down into the fishing boat. I lost baggage and freight which I had on board. I heard the captain say something about the mate Mr. Chambers, leaving the boat, but I did not hear exactly what he said, only "for shame Mr. Chambers," which left the impression on my mind that Mr. Chambers was not doing his duty. I know nothing of the ship's course. I don't wish to add anything more.

Edward Dickinson—sworn. I was a cabin passenger. Captain Mout did his best to save the mail; he stooped down to the hatch of the lazarette and opened it; I was standing on the ladder, he passed up two bags; I felt them and found that they were newspapers; we felt quite a number of bags and found they were all newspapers; if we had found any letters we would have saved them. There was no room for more in the fishing smack; the bags of newspapers were left upon the deck; this occurred about 6 or 6.50 a.m.; I cannot recollect how many bags were passed up to me. We left off because all the bags we found were newspapers; I left off when no more bags were passed up to me. I heard the Captain say to Mr. Chambers when he got into the boat "for shame Mr. Chambers." I had permission from the Captain to go in the fishing smack, back to San Francisco, and see his boys safe on shore.

David Edgar—sworn. I was a cabin passenger. I am an American; I saw Mr. Warren receive the mail bags in San Francisco; I saw them afterwards on board the steamer, they were brought aft, and put in the lazarette; I saw one small bag about 2 feet 6 inches long and 18 inches wide; the others were all large, and looked like newspaper bags; there were no other small bags; they were all put down in the hold together; I have been nine years up and down the coast, and I think that great praise is due to the officers of the vessel and Captain Mout for saving the lives of all the passengers, for if the vessel had been run ashore on any part of the coast that night there would not have been a man of us left to tell the tale.

Edward Radovich, sworn—I am an Austrian; I was a cabin passenger; I saw Capt. Mout fire a pistol towards the bow of the ship. I heard two reports and saw both shots fired, they were fired in the same direction.

Captain Mout, recalled.—The reason why I fired the pistol was that I threatened one man that if he did not come out of the boat I would fire at him, he got in without my order; I told off four men to each boat—two in the boat and two lowering them; I told the passengers that to avoid confusion I would insist on the women and children going into the boats first, then the married men, and the bachelors afterwards; Mrs. Pidwell, a lady passenger, did not avail herself of this order, but made way for another lady. I must say this was very brave of her; during this time the boats on the other side were being loaded with passengers; I heard that one boat was going away without being loaded with as many as she could take; I called out to them that I would fire if they did not come back; a passenger in the boat cried out don't fire, we'll come back; they however paddled slowly away; I fired, and as they continued paddling away I fired again; after this the cap jammed in the chamber of the revolver and I could not fire. I cannot find my Pilot's certificate, I presume it is lost; the Colonial Secretary has, however, I believe a record of it; Mr. Chambers was first mate with me on the first voyage I made with the vessel; I often found fault with him on account of not pushing the work forward enough; when Mr. Chambers got into the boat he said to me I am going to save my life; I said Mr. Chambers you are a coward; I had ordered Quinn, A. B., to go into the boat with the women and children to take charge of her, as I did not consider Mr. Chambers capable of taking charge of so valuable a cargo of lives, the boat being so heavily laden, but Mr. Chambers flung himself into the boat by the Davit falls; the vessel was headed towards the land, and after I saw the ship Glimpse, which was then I believe under sail, the leak increased almost instantly; when I saw what was thought to be a pilot boat I was uncertain where I was; the vessel was headed for shore. Point Reyes, about one hour before the passengers left; I kept away from the boat to save half pilotage; in my judgment it was better to head for the rocks rather than Drake's Bay, being about four miles nearer; it was about 4 a.m. when I saw the shore; the vessel was going about five to six knots an hour; the sails would only have been of use during the last hour, as before that there was a perfect calm; the reason why they were not sent was that the topmasts were housed and the yards on deck, as I expected to have strong head winds during the passage; this act I consider is what a good, careful painstaking master ought to do. I had only the fore trysail set, the main I did not bend as I was afraid that the sparks from the funnel might set it on fire; the fore staysail was ready but not bent; we did not save more of the mail bags as there were no means of taking them away; I could not find any of the letter bags; I did not observe any bag marked "Admiralty mail bag;" I did not give Warren authority to act independently of the mate, as he was only a freight clerk under the mate's orders; when the consul sent the mail down to the ship I left a memorandum desiring that the last southern mail should be kept on top in order that I might get it at them conveniently without turning all the bags over, as it was my duty to sort them during the voyage; I did not run the ship ashore because the engine pumps alone kept the water sinking; immediately after turning the vessel to evade the pilot boat the leak increased suddenly; the vessel was going ahead with full power; I then put all hands to pump and untanned the lower fore hatch, and set six buckets going bailing, the vessel gained directly for Point Reyes; the water gained rapidly on the pumps and put the fires out, when the stood still; the reason why I did not allow the fore hatch to remain open was that a large quantity of wines and spirits in casks and cases was stowed down there, and I was

afraid of the people getting at them; the great discrepancy between Mr. Chambers' statement and the protest signed by him will be accounted for by the bad feeling which had previously existed between us; after returning to San Francisco I met all the crew; I told Mr. Elliott, the engineer, and also the steward, to get the men boarded for the night, but would not make myself responsible for anything that Mr. Chambers might require, as I considered that he had deserted me; the next day, or possibly the day after, we went to sign the protest; I signed first, but Mr. Chambers hesitated; I then told him not to sign it if he had the least doubt, and afterwards said you shall not sign it; he, however, did sign it, and volunteered the remark that he believed that Captain Mout had done all he knew to save the vessel; what he meant by this I do not know; whether he intended to convey that I did not know much, or that I had really exerted myself, I cannot say; I refused to pay Mr. Chambers his wages on the ground of desertion, and referred him to the Consul to have an examination into the matter while all were present and the circumstances were fresh in our memories; he did not do so; the Consul wished me to pay Chambers his wages, but I declined doing so, fearing, as I had accused him of desertion, that it might afterwards be construed into giving him a sop to make him hold his tongue; the Consul then recommended me to pay Chambers' passage up here, which I did on being so advised by the Agents, Messrs. Falkner, Bell & Co.; before we started from San Francisco in the Labouchere, I asked Mr. Chambers whether he intended taking his wife back this trip; he said no; because, I said, we shall part when we arrive at Victoria; Chambers said why? I said, because we don't get on together; "this, sir, does not look like any ill feeling on my part."

Mr. Chambers rose and said: My Lord, Captain Mout has made several accusations against me, and I wish to be allowed to confute them, as I deny them all in toto.

His Honor said that he could not allow any discussions or arguments, as this was not a trial of any criminal charge, and that he would adjourn the Court until Thursday, when the coming Assizes would be over, and other parties wishing to give testimony would have an opportunity of coming forward.

TELEGRAM FROM WASHINGTON!

MR. COLFAX GREET'S VICTORIA!

We were yesterday favored with the following complimentary message from the Hon. Schuyler Colfax, Speaker of the U. S. House of Representatives. The fine sentiment contained in the pithy allusion to the union of the two honored names of "Washington" and "Victoria" is worthy of the illustrious man who adorns the highest seat in the Legislature of his great country—the stepping stone to future greatness.

WASHINGTON, May 1st, 1866.

To W. A. Harries, Editor British Colonist

Washington and Victoria united by lightning. May the two countries represented by these honored names be ever united in the good work of progress and civilization.

SCHUYLER COLFAX,
Speaker

ESQUIMALT ELECTION.

The nomination of candidates for the Town of Esquimalt, to fill the vacancy created by the absence of Mr. Southgate, took place yesterday at eleven o'clock, a.m. About twenty-five persons were present. After the Sheriff had gone through the preliminaries, Mr. Williams proposed and Mr. Selleck seconded the nomination of Edward Stamp, Esq. No other nomination having taken place, the Sheriff declared Mr. Stamp duly elected. As the few parties in attendance were moving off, Mr. D. B. Ring came forward to address the "multitude."

Mr. Ring said he came before them to thank them for the election of Mr. Stamp.

Mr. Howard—Why, you wanted to run against him. (Laughter.)

Mr. Ring came there to thank them for returning Mr. Stamp. He was a man who had a large interest in the country, and would, he believed, endeavor to retrieve the disastrous policy of the present Assembly. One of the last things Sir Robert Peel did was to remove the duties on the necessities of life; and yet here they had the Assembly taxing cattle, than which nothing could be more injudicious. Mr. Ring then went on to show that the safety of the Empire was endangered by the action of some of the members of the Assembly, and declared that English capital would never be invested in the country so long as the Assembly taxed the beef.

Mr. Ring's remarks were listened to with much attention; not a cheer or other demonstration interrupted the oration.

Mr. Rothwell next mounted the rostrum, and declared that one paper, the Chronicle, had had the impudence to say that to Mr. Stamp and Mr. Southgate was to be attributed the scheme for erecting dry docks at Esquimalt. He would not say the paper told lies, but it was very far from the truth (laughter); in fact, as far as it usually is in everything it publishes (laughter). Mr. Southgate had told him (Mr. Rothwell) that to Sir Thomas Maitland, and him alone, was due the merit of the project. Mr. Rothwell then made some humorous allusions to local matters and retired.

The few Victoria citizens who came down to witness the election shortly afterwards left, and Esquimalt quickly resumed its unruffled placidity.

QUERY—

Making all my days unquiet—
Robbing all my nights of rest—
Mixing aloes in my diet—
Planting nettles in my breast—
Answer me, O Fate, the question—
Answer, and accept my thanks—
Is it love, or indigestion,
That is playing me such pranks!