

Paul J.



F 951

Lands and Works Dept.
New Westminster.
19th July 1867.

Sir

I have the honor to submit
for the consideration of His
Excellency the Governor, that
there is an aggregate amount of four
thousand five hundred and
forty four dollars remaining
due to Government on account
of preempted lands surveyed
last year in compliance with
the written applications of
the several preemptors, which
applications expressly stated
that the applicants were

\$4541⁰⁰/₁₀₀

The Honble
The Colonial Secretary.
W - W - W -

prepared

Prepared, in order to obtain
from Grants of the lands
claimed by them, to pay over
immediately on completion of
such surveys the amount
of instalments remaining due
to Government on account
of said lands.

As soon as the surveys
were completed, I forwarded
through the Assistant
Commissioner of Lands and Works
of the District, a circular
letter to each of the preceptors
whose claims had been surveyed,
informing him that his claim
had been surveyed according
to the report, stating the
number of acres, &c. contained,
and the amount of instalment
due thereon.

2
I have
been
sent
the
copy
of
the
circular
letter
to
each
of
the
preceptors
in
due
time
and
I
am
satisfied
that
they
will
be
able
to
pay
the
amount
due
thereon
as
soon
as
the
instalments
are
due.

20th Dec 1867

Wm. J. [Signature]

Wm. J. [Signature]

Wm. J. [Signature]

510 - 11
due to Government, and
anticipating him to pay the
same immediately either at
this office or to the Assistant
Commissioner of Lands and Works.

I have subsequently urged
the collection of the various
amounts due, through the
Assistant Commissioner of
Lands and Works, but am
given to understand that
a very general reluctance
to pay for their lands is
expressed by those whose claims
have been surveyed. who in many
instances at least, urge their
inability to do so.

I think it very certain
therefore that unless further
steps are taken, these
payments

payments will be indefinitely deferred, and I am of opinion that as the lands were surveyed at the express urgency of the Claimants, and at very considerable expense to the Government, a limit should be at once put to the indulgence hitherto extended in reference to their indebtednesses, if indeed it be in the power of Government to compel payment under any of the provisions of the Land Law now in force.

The 20th clause of the Land Ordinance 1865 (which is an almost literal re-enactment of the provisions in this respect of all the previous proclamations)
States

States only that "When the Government shall survey the land claimed the Claimant to" shall be entitled to purchase the land so acquired to, and I cannot find any power directly given to Government in the ordinance to compel the Claimant to purchase. There can be no doubt however that such power was intended to be conveyed, and may be deduced by inference as being in fact a part of the implied contract between the Preemptor and Government.

If it be held that the Government are legally in a position

position to declare the right
of the Claimants to these
surveyed lands forfeited
on failure of payment of the
purchase money due to
Government thereon. I would
suggest that such Claimants
be at once notified that
unless the several sums
due be paid by or before
the 1st December next, the
lands in respect of which
the payments are in default
together with the improvements
and buildings thereon will
be declared forfeited to the
Crown.

I enclose an abstract
showing the names of the
Claimants whose lands
have been surveyed. The
acreage

acreage of their claims,
the amounts due thereon and
the dates of surveys, and
of the Circular letters
from this Office applying
for payment of the purchase
money. I also enclose
copies of the Gazette notices
as to survey of Preempted
or purchased lands, of
the forms of application
for surveys, which were
received duly signed by the
Claimant in every case
before his claim was surveyed,
and of the Circular letters
notifying the completion
of survey, and applying
for payment of the purchase
money

money due,

I have the honor to be,

Sir,

Your most obed^t serv^t

Joseph W. Smith

H. C. of L. N. and S. G.

Statement of the Preemption Claims surveyed
in the District of Yale showing the number
of acres surveyed, date of survey and the
amounts due to Government

Name of Preemptor	No of acres surveyed	Date of Survey	Amount due to Govt	Date of Circular Letter	Remarks
J. Lawrence	166	Oct '65	\$166.00	3 Nov 1866	
J. Kipp	124	Oct '65	\$124.00	3 Nov 1866	
L. N. Agnew	116	Oct '65	\$116.00	3 Nov 1866	
E. Reed	160	Oct '65	\$160.00	3 Nov 1866	
John Kipp	124	Oct '65	\$124.00	3 Nov 1866	
W. Caguel	136	Oct '65	\$136.00	3 Nov 1866	
Owen Jones	160	April '66	\$160.00	3 Nov 1866	
W. Oppenheimer	2	April '66	\$2.00	11 July 1867	
H. P. Walker	102	Nov 1866	\$102.00	-	



NOTICE.

Survey of Pre-empted or Purchased Lands.

IT being evident from the paucity of the responses to it, that a previous Notice on this subject has not been so generally advertised or comprehended throughout the Colony as was desirable, **IT IS HEREBY FURTHER NOTIFIED** that all persons in legal occupation of **PRE-EMPTED** or **PURCHASED COUNTRY LANDS** who are desirous of having the Lands claimed by them surveyed by Government in order to obtain Title for the same, are to make application to that effect before the 21st of August next, to the Magistrate in whose District their Land is situated.

Each application must be accompanied by a rough plan, and as exact a description as practicable of the tract of Land to be surveyed, with such particulars of record of claim, occupation, &c., &c., as may establish the right of the applicant to a Survey and Grant of the Land claimed.

Blank Forms (a copy of which is appended hereto) for such applications may be obtained at the Office of the nearest Magistrate.

With every application a Fee of Ten Dollars for the survey of each claim must be deposited.

On completion of the Survey, claimants will be notified of the amount of the final instalments due to Government on account of the Land claimed by them, which amount must be paid into this Office before the Survey can be recorded or any benefit derived by the settler from such Survey.

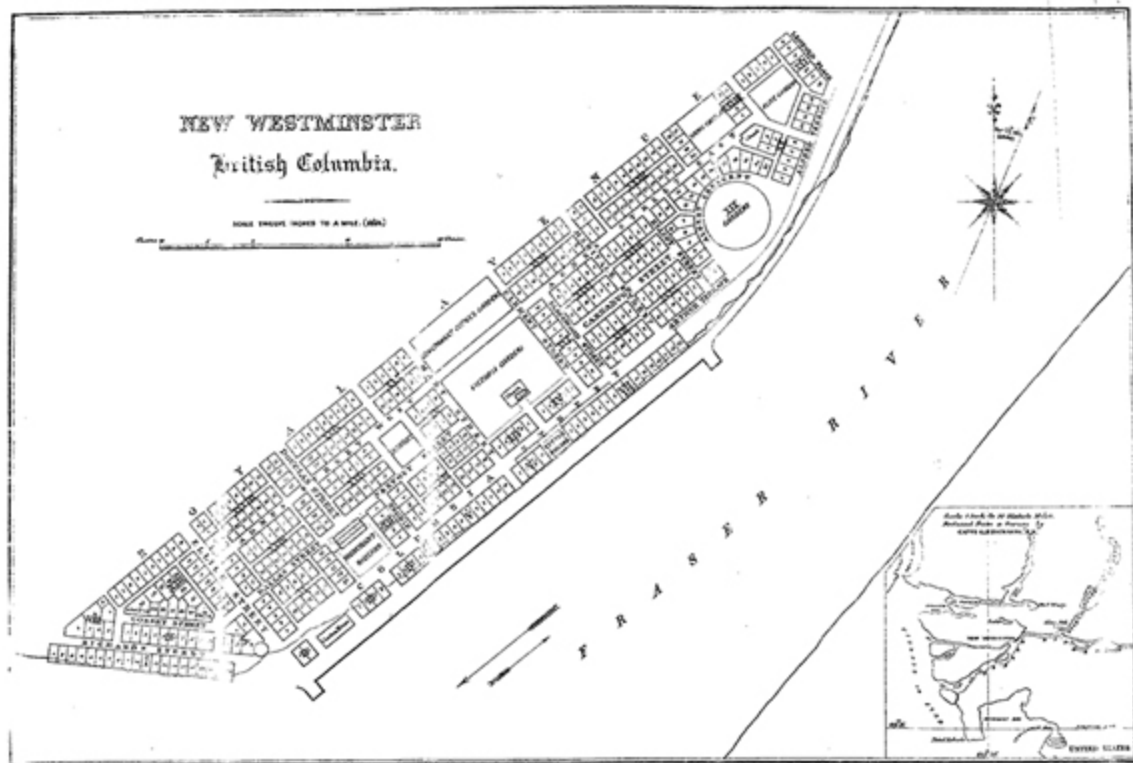
As no action can be taken on the applications already received, owing to their general informality, they should all be renewed in accordance with the terms of this notice.

As soon as a number of claimants, sufficient to justify the expenditure that must necessarily be incurred in the inception of such a system of Surveys, shall have complied with the above requirements, the work will be at once proceeded with.

By Command.

JOSEPH W. TRUTCH,
Chief Commissioner of Lands & Works
and Surveyor General.

Lands & Works Department,
New Westminster, 21st July, 1865.



By James Spenser James George, R.E.

Photographed at the Signal Engineer Camp New Westminster, May 1861 by order of Gen. H. G. Meun, R.E. &c. &c.

Scale 1/16000

Printed by Sayer & Whittier, 1861.

FILE 551

LANDS & WORKS DEPARTMENT
 (NEW WEST.) 1867 - JULY TO DEC.

COLONIAL
 CORRESPONDENCE

P18C

LIGHT ORIGINAL

Statement of the Redemption Claims surveyed
 in the Lytton District showing the number
 of acres surveyed - dates of survey - and the
 amounts due to Government

Names of Preemptors	No of Acres surveyed	Date of Survey	Amount due to Govt	Date of Circular Lytton	Remarks
E. Lambert & G. Johnston	11	May 1866	\$ 11.00	25 Nov 66	
Edward & M. White	82	May 1866	\$ 82.00	25 Nov 66	
L. Duhamel	108	May 1866	\$ 108.00	*	
J. Lewis	104	May 1866	\$ 104.00	25 Nov 66	
J. Barrow & Co	640	May 1866	\$ 640.00	*	* No circular application for payment of the
L. Ross	45	May 1866	\$ 45.00	*	purchase money due as the claimant
H. G. Boothroyd	88	May 1866	\$ 88.00	2 Nov 1866	has not yet complied with the
Miss Gaultier	121	Sept 1866	\$ 121.00	25 Feb 67	25 th clause of the Land Ordinance
H. Foyt	13	Sept 1866	\$ 13.00	25 Feb 67	1856.
Alfred Cornwall	167	Aug 1866	\$ 167.00	25 Nov 66	
Henry Cornwall	160	Aug 1866	\$ 160.00	25 Nov 66	
W. H. Campford	162	Aug 1866	\$ 162.00	25 Nov 66	
J. W. Carr	164	Oct 1866	\$ 164.00	*	

Statement of the Preemption Claims surveyed
in the District of Lifford showing the
number of acres surveyed, dates of survey,
and amounts due to Government

Names of Preemptors	No. of acres surveyed	Date of survey	Amount due to Government	Date of payment	Remarks
David Murray	117	Aug 1866	\$117.00	Feb 1867	
Lionel Lettice	172	Aug 1866	\$172.00	Feb 1867	
John Scott	160	Aug 1866	\$160.00	Feb 1867	
Mr. Ready (R. Kelly)	62	Aug 1866	\$62.00	Feb 1867	
B. Sackel	29	Aug 1866	\$29.00	Feb 1867	

Royal Warrant

To all whom it may Concern
Greeting.

Notice

is hereby given to all persons
whomsoever whose pre-empted
and purchased land have
been surveyed by Government
in accordance with their respective
applications to that effect, that
unless the amounts due by them
respectively to Government as
the price of such lands be paid
to the crown on or before the day of
now next ensuing at
this Office or at the Office of

Royal Warrant
the Assistant Commissioner of
Lands for the District in which
such lands are respectively
situated, ~~such~~ land with
all improvements thereon will
be legal measures will
at once be taken to compel
the payment of the ^{general} amounts
due to the Government

The Covering Letter in each
Case will merely be a recapitulation
of the purport of the above
Notice. -

A. J. M. C.
27/6/67

Application for Government Survey.

Place, _____

Date, _____

To _____
Assistant Commissioner of Lands and Works.

SIR: I hereby apply for a Government Survey of the tract of Land described below; and shall be prepared, in order to obtain a Title to the same, to pay over immediately, on completion of such survey, to the Chief Commissioner of Lands and Works and Surveyor General, or his Agent, the amount of instalments remaining due to Government on account of said tract of Land.

Name,

Address,

No. of acres claimed,

Where situated,

Whether by Pre-emption or right of }
purchase, }

Date of Record,

Where recorded,

Date of Certificate of improvement,

By whom given,

Whether claimant has posted, as re- }
quired by clause 33, of Land Ord- }
inance, 1863, notice of his intention }
to apply for a Crown Grant, }

Date of such notice,

Description of claim by metes and }
bounds, in accordance with the ac- }
companying plan, }

I think it not at all impossible that we may have to apply to
 the Court for an order to be recalled
 upon to make
 in default of
 payment of the
 purchase money
 H.M. 1888

There is no specific
 clause in any of
 our laws on this
 point but I think
 under 1 1/2 only with
 the parties affected, & in writing,
 should be given, requiring them
 to pay up either the whole, or in
 such instalments as the Governor
 may please to appoint - on some
 specific day or days - a pain of
 forfeiture of all their rights of
 the land and improvements
 and the total avoidance of the
 contract for the purchase of the land
 now subsisting between them and the Crown
 without compensation. Evidence of the
 delivery of the notice in each case should
 be preserved by the local boards of lands.
 The notice should be as formal and
 particular & imposing as the Govt.
 permitting office can make it.

I should say the 1st December 1889
 would be a good day ^{for payment} that if by
 that time there be any difficulty or
 delay in payment the Council will be
 at hand to consider any application
 & 2 wks notice is as good as enough
 here.

Yours faithfully
 R. J. G.

Approved accordingly
 In Council 11th July
 1889

P.D.
 20 July 1889

Some of your letters have been returned
 by express, but the last few have
 been sent back, as the last few, after
 & Attorney General

Request Attorney General to send up his
forms Justice the record on each
individual, also return for Justice
the signed by Surveyor General

W.B.
21 Sep 67

W.B.
Referred to Attorney General
for action accordingly and
with the request that he
confer with the Surveyor
General and arrange
the matter

W.B.
23 Sep

Referred to Chief Commissioner Lands & Works
with draft notice prepared by the Attorney
General, for publication
W.B.
20 Oct

On perusal of the Attorney General's minute on this subject I am confirmed in the doubt which I previously entertained as to the power of Government under the Statute's Land Laws to compel payment of the amounts due on preempted lands surveyed at the request of the claimants -

The Attorney General states that there is no specific clause in any of our laws on the point. It is therefore at the best very doubtful what decision would be given if - as the Attorney General thinks not all possible - we should have to apply to the Court to enforce forfeiture of these lands or payment of the purchase money therefor.

I would therefore suggest for His Excellency's consideration that the notices advised by the Attorney General be deferred until an Ordinance has been passed declaring the power of the Government to compel payment of the price of preempted lands after survey - or penalty of forfeiture by the proprietor.

of all right in such lands
and in the improvements
thereon -

Provision to this effect
was contained in the
Land Bill (Clause 23)
passed last Session -
and there could be no
hesitation in giving such
a declaratory clause
retrospective force - because
it is well understood
that this would only be
defining a reasonable
right which has been
always intended to
belong to Government
although hitherto not
expressly enacted -

Wm. H. Smith
17th Dec. 1867

Let the Surveyor General know
this is kind for me to do

W. H.
15 Oct. 1867
Submitted according to
instructions
Wm. H. Smith
20th Nov. 1867
J. H. G.

COLONIAL CORRESPONDENCE

FILE 951

ITEM 2

NOT AVAILABLE FOR FILMING

FILE 951 LANDS & WORKS DEPARTMENT COLONIAL PABC
(NEW WEST.) 1367 - JULY TO DEC. CORRESPONDENCE

a.p. House

F951

Lands and Works Dept. 3

New Westminster

11th August 1857.

Sir

I beg to inform you that a fire occurred between 2 and 3 o'clock yesterday afternoon in Mr. Wolfendens Quarters at the Camp, which narrowly escaped being burnt to the ground.

The cause of the fire appears to have been a spark from a stovepipe which set fire to the dry shingles at the eaves of the building.

This morning I examined the house and found that

The Howls
The Colonial Secretary
W. W. W. Considerable

Considerable damage was done to the roof, many parts of it being burnt into holes and the zinc in the valleys partly melted.

The canvas ceiling in the bedroom was torn down in order to throw water on the underside of the roof.

I have made the following estimate of the cost of Repair to -

Shingles	-----	\$ 4.50
Zinc	-----	4.00
Flooring (for ceiling)	-----	4.50
Nails	-----	1.75
Seaming	-----	2.00
Labor	-----	5.00
		<u>\$37.75</u>

I have the honor to be,
Sir,
Your most obedt. servt.
A. R. Howle.

Twisted 224

F 951

Lands and Works Dept
New Westminster.

20th August 1867.

[Handwritten signature]

Sir,

6

I have the honor to forward herewith enclosed for the consideration of His Excellency the Governor a report on the subject of the Lower Indian Reserves which I had drawn up in obedience to His Excellency's minute of the 20th ultimo before leaving for Cariboo.

I have the honor to be,

Sir,

Your most obed^t Serv^t.

The Hon^{ble}
The Acting Colonial Secretary
P. C. C. C.

[Handwritten signature]
J. P. W. Smith
C. of L. & W. and S. G.

Thank Mr. Threlkeld's suggestion in the
minutes should be carried out

P.

24th 1867

W. B. Threlkeld
Secretary

Lower Fraser River Indian Reserves

It is certainly very desirable that the extent of the Indian Reserves along the lower Fraser River should be definitely determined, and the boundary lines thereof surveyed and exactly marked out on the ground as soon as possible, so that the uncertainty now existing as to what lands are to be permanently held by the Indians may be terminated, and the roots of disputes and collisions between the white settlers and the Indians as to their respective land rights, be as far as practicable removed.

The subject of reserving lands for the use of the Indian Tribes does not appear to have been dealt with on any established system during Sir James Douglas' administration.

The rights of Indians to hold lands were totally undefined, and the whole matter seems to have been left in abeyance, although the Land Proclamations specially withheld from preemption all Indian Reserves or settlements.

No reserves of lands specially for Indian purposes were made by Official Notice in the Gazette and
tho

Those Indian Reserves which were informally made seem to have been so reserved in furtherance of verbal instructions only from the Governor, as there are no written directions on this subject in the correspondence on record in this Office.

In many cases indeed lands intended by the Governor to be appropriated to the Indians were set apart for that purpose and made over to them on the ground by himself personally; but these were for the most part of small extent chiefly potato gardens adjoining the various villages.

Previous to 1864 very few Indian Reserves had been staked off, or in any way exactly defined.

The only Indian Reserves on the lower coast actually surveyed off before Colonel Moody left the colony as far as I can ascertain were the following.

1. Three lots at the mouth of the North arm of the Crater.
2. An island at the mouth of the Copmillen River.
3. Two lots on the banks of the Copmillen River.
4. One lot opposite New Westminster.
5. Two lots at Katze, one on each side of the River.

In April 1864 an Indian
Reserve

reserve of 300 acres in extent was laid off by Mr McCall by instructions from Mr Brew on the right bank of the Crater River opposite Fort Langley.

By letter dated the 6th April 1864 Mr Brew directed Mr McCall to mark out Indian Reserves around the different Indian Villages on the Crater between New Westminster and Harrison River, wherever reserves had not yet been declared and defined, also to mark out as Indian reserves any ground which had been cleared and tilled for years by Indians; all lands claimed by Indians as theirs were to be marked out with corner and intermediate posts, and at all Indian villages where the quantity of land claimed by the Indians was not equal to ten acres for each family, the reserve was to be enlarged to that extent, each grown man to be considered as the head of a family.

Additional verbal instructions were given by Sir James Douglas personally to Mr McCall to the effect as understood by Mr McCall and subsequently stated in his report to Mr Brew dated 15th May 1864 that all lands claimed by Indians were to be included in their Reserves. that the Indians were to have as much land as they wished and that he was in no case to lay off a reserve under
our

one hundred acres.

Acting on this latter indefinite authority rather than on the written instructions from Mr. Drew, Mr. Fall marked out reserves of most unreasonably extent amounting as estimated by himself to 50, 60, 69, 109, and even to as much in one case as 200 acres for each grown man in the tribe.

The sketch map sent in by Mr. Fall with his report is compiled from his own roughly estimated distances alone, no actual survey was made by him. He seems to have merely walked over the ground claimed by the Indians, setting up stakes at the corners pointed out by them, including the lands they claim to ask for, and then to have estimated the acreage contained therein.

These figures therefore cannot be relied on, but it is certain that the extent of some of the reserves staked out by Mr. Fall is out of all proportion to the numbers or requirements of the tribes to which they were assigned.

The Indians regard these extensive tracts of land, as their individual property, but of by far the greater portion thereof they make no use whatever and are not likely to do so, and thus the land, much of which is either
poor

rich pastures, or available for cultivation and greatly desired for immediate settlement. Remains in an unproductive condition - is of no real value to the Indians and utterly unprofitable to the public interests. I am therefore of opinion that these reserves should in almost every case be very materially reduced.

Two methods of effecting this reduction may be suggested - (1) to deprive absolutely Mr. Falls authority to make these reserves of the extravagant extent laid out by him, and instead to survey off the reserves afresh either on the basis of Mr. Brent's letter of instruction to Mr. Falls namely, ten acres to each grown man, or of such extent as may on investigation be determined to be proportionate to the requirements of each tribe or (2) to negotiate with the Indians for the relinquishment of the greater portion of these lands, which they now consider their own, on terms of compensation, in fact to buy the lands back from them.

The former of these systems was carried out last year in the reduction of the Kamloops and Shuswap Indian Reserves where tracts of land of most unreasonable extent were claimed and held by the local tribes under circumstances nearly parallel to those now under discussion; and I think that a similar course may be very fairly and expediently adopted in this case.

The

They cannot sell
to individuals

The Indians have really no right to the lands they claim, nor are they of any actual talent or utility to them; and I cannot see why they should either retain these ^{lands} or the prejudice of the general interest of the colony or be allowed to make a market of them either to Government or to individuals.

It seems to me therefore both just and politic, that they should be confirmed in the possession of such extents of lands only as are sufficient for their probable requirements for purposes of cultivation and pasturage; and the remainder of the land now shut up in these Reserves should be thrown open to preemption.

But in carrying out such a reduction of these Reserves in the manner proposed, very careful management of the dispositions of the Indian Chartrants would be requisite to prevent serious dissatisfaction;—firmness and discretion are equally essential to effect the desired result, to convince the Indians that the Government intend only to deal fairly between them and the Whites who desire to settle on, and cultivate the lands which they/the Indians have really no right to and no use for.

Perhaps the most judicious course would be that some agent of the Government

Government be commissioned to confer with the Indians on each Reserve - to ascertain exactly the numbers of each tribe, and the amount of land actually cultivated or used by them as pasturage, to apprise them that their rights to the tracts now held by them are not acknowledged by Government - but that such extents of land will be at once surveyed and confirmed to them, as the Government may determine to be proportionate to their actual requirements, and to report the results in each case, stating the amounts of land that in his opinion should be finally included in each Reserve.

The Government would after the receipt of such a report, be in a much better position than at present to take decisive action in the matter.

Wm. H. Mitchell
28th August 1877

Copied
H.R. 7

Lower Fraser River Indian Reserves

It is certainly very desirable that the extent of the Indian Reserves along the lower Fraser River should ~~with further delay~~ be definitely determined, and the boundary lines thereof surveyed and exactly marked out on the ground as soon as possible so that the uncertainty now existing as to what lands are to be permanently held by the Indians may be terminated and the risk of disputes and collisions between the white settlers and the Indians as to their respective land rights be as far as practicable removed.

The

✓ The subject of reserving lands for the use of the Indian tribes does not appear to have been dealt with on any established system during Sir James Douglas' administration.

The rights of Indians to hold lands were totally undefined, and the whole matter seems to have been kept in abeyance, although the Land Proclamations specially withheld from pre-emption all Indian Reserves or Settlements.

No ^{reserves} ~~reservations~~ of lands - specially for Indian purposes were made by official notice in the Gazette and those Indian reserves which were informally

✓
informally made seem to have
been so reserved in furtherance
of verbal instructions only
from the Governor, as there
are no written directions
on this subject in the correspond-
ence on record in this office.

In many cases indeed lands
intended by the Governor
to be appropriated to the
Indians were set apart for
that purpose and made
over to them on the ground
by himself personally; but
these were for the most part
of small extent chiefly
potatoe gardens adjoining
the various villages.

Previous to 1864 very few
Indian reserves had been
staked off, or in any way

grantedly

1
vaguely defined.

The only Indian reserves on the lower Fraser actually surveyed off before Colonel Moody left the colony as far as I can ascertain were the following.

- (1) Three lots at the mouth of the ^{North} Fraser
- (2) An Island at the mouth of the Coquitlam River.
- (3) Two lots on ^{the banks of} the Coquitlam River.
- (4) One lot opposite New Westminster
- (5) Two lots at Katzie one on each side of the River.

In April 1864 an Indian reserve of 300 acres in extent was laid off by Mr. Melchior by instructions from Mr. Brew on the right bank of the Fraser River opposite

Fort Langley

1
/

John Langley
By ~~the~~ ^{the} 6th April 1864
Brew directed Mr. Metcalf to
settle ~~to~~ ^{to} mark out Indian
Reserves around the
different Indian Villages
on the Travers between New
Westminster and Harrison
River wherever reserves had
not yet been declared
and defined. Also to mark
out as Indian reserves
any ground which had
been cleared and tilled
for years by Indians. ;
all lands claimed by Indians
as theirs were to be marked
out with corner and intermediate
posts, and at all Indian
villages where the quantity
of land claimed by the
Indians

1
Indians ~~was~~ not equal to their
acres for each family the
Reserve ~~was~~ to be enlarged
to that extent, each grown
man to be considered the head
of a family. ~~the~~

Additional verbal
instructions were given by
Sir James Douglas personally
to Mr. McCall to the effect
as understood by Mr. McCall
and subsequently stated
in his report to Mr. Brew
dated 16th May 1864 ~~the~~ that all
lands claimed by Indians
were to be included in
their Reserves - that the
Indians were to have as much
land as they wished, ~~the~~
and that he was in no case
to lay off a Reserve under

and

over hundred acres.

Acting on this latter indefinite authority rather than on the written instructions from Mr. Brew McCall marked out reserves of most unreasonable extent amounting as estimated by himself to 50-60-69-109 and even to as much in our case as 200 acres for each grown man in the tribe.

The sketch map sent in by McCall with his report is compiled from his own roughly estimated distances alone. no actual survey was made by him. He seems to have merely walked

walked over the ground claimed by the Indians sitting up stakes at the corners pointed out by them, including all the land they chose to ask for - and then to have estimated the acreage contained therein.

These figures therefore cannot be relied on, but it is certain that the extent of some of the Reserves stated out by McCall is out of all proportion to the numbers or requirements of the tribes to which they were assigned.

The Indians regard these extensive tracts of land as their individual property, but of by far the greater

greater portion ^{of it} that they
make no use whatever,
and are not likely to
do so; and thus the land,
much of which is either
rich pasture, or available
for cultivation and greatly
desired for immediate settlement,
remains in an unproductive
condition - is of no real
value to the Indians - and
utterly unprofitable to the
public interests.

I am therefore of
opinion that these reserves
should in almost every
case be very materially
reduced. ~~As to what this part~~
~~of the reserve should be~~
~~of, and what method of reflecting this reduction~~
may be suggested - either to
adopt the same, or to disavow
absolutely Infall's authority

~~Consequently, I think that~~
~~discussion - and I think that~~
~~similar to those now under~~
~~a long similar were may be~~
~~considered, and it is that~~
~~very fairly and expediently adopted,~~
~~which I think should be~~
~~in this case~~
~~carried out now.~~

The Indians have really
no right to the lands they
claim, ~~and that~~ ^{nor are they of any}
actual value or utility to
them ~~and~~ I cannot see ~~therefore~~
why they should ^{either} retain them
to the prejudice of the general
interests of the colony - or be
allowed to make a market
of them either to the Government
or to individuals.

~~All these lands are not~~
~~likely to be put to good~~
~~use whilst in possession~~
~~of the Indians who now~~
~~hold them and who have~~

11

Ans

~~no actual right to them~~
It seems to me ^{however} both justice
and policy ^{therefore} that they should
~~be taken from them and~~
~~hand over to those who~~
~~will improve them.~~

be confirmed in the possession
of such extents of land
only as they are sufficient
for their practical requirements
for purposes of cultivation
and pasturage - and that
the remainder of the land
now shut up in these
reserves should be thrown
open to preemption -

But in carrying out
such a reduction of these
Reserves in the manner
proposed ^{it is} ~~it is~~ ^{very} ~~very~~
careful management
of the ^{dispositions} ~~dispositions~~ of the Indian
claimants would be
^{responsible to prevent} ~~responsible to prevent~~
^{and direction} ~~and direction~~ ^{are equally} ~~are equally
essential to effect the desired
result.~~

result - ~~that~~ to convince
the Indians that the
fort ~~is~~ ^{is} only to
deal fairly between them
and ~~the whites~~ ^{the whites} ~~whom~~
desiring to settle on and
cultivate the lands
by which they the
Indians have really no
right to and no use for.

~~I suggest~~
Perhaps the most
judicious course would
be that some agent employed
the fort be ~~appointed~~ ^{commissioned}
to confer with the Indians
on such terms - ~~to ascertain~~ ^{ascertain}
~~more exactly~~ ^{more exactly} with
the numbers ~~of each tribe~~
of each tribe - ~~and~~ ^{and} the
amount of land actually
utilized or used by them
in pasturage - ~~and~~ ^{and} to
appraise them ~~that~~ ^{that} their rights
~~are~~ ^{are} to the ~~lands~~ ^{lands}
now held by them are not ~~adversely~~
affected by the fort but that such
extent of land will be at once
surveyed off ~~and~~ ^{and} confirmed ~~to them~~
as the fort may determine & be

proportionate to their actual
requirements - and to
report the results in each
case ~~and~~ stating the
amount of land that in
his opinion should be
finally included in each
claim.

The Govt would
after the receipt of such a
report be in a much
better position than at
present to take decisive
action in the matter.

Wm. L. Dwyer
25 Aug 1867

Report by Mr
Paul Commissions
of James Street
on the Indian
Reserves on the
Lower St. Lawrence
20th August 1867
Copy

FILE 951

LANDS & WORKS DEPARTMENT
(NEW WEST.) 1367 - JULY TO DEC.

COLONIAL
CORRESPONDENCE

PABC

Trust



F951
Lands and Works Dept: 5
New Westminster.

25 September 1865

H. J. D.

Personal correspondence
to be returned

I have the honor to forward for the consideration of His Excellency the Governor, a letter to myself of the 26th ultimo, from the manager of the Bank of British Columbia.

In reference to the first subject alluded to in Mr. Wards letter I have to state, that on the 20th October 1865 I received a letter (forwarded herewith), from Mr. Munro, at that time contractor for the construction of the Waggow road from Cottonwood

The Hon^{ble}
The Acting Colonial Secretary to
to. to. to.

to the Milk Ranch, - requesting ~~three~~ ^{three} thousand dollars with interest at banking rates, should be held by Government at the disposal of Messrs Marks and Winkler, out of the last (6th) instalment of the Contract price of that work.

Previous to the receipt of this letter, four instalments of the Contract price had been paid over to Mr. Memmo; but in consequence of his failing to make satisfactory progress in the work, it had been resolved to declare the Contract forfeited, and to complete the road by labor hired directly by Government.

Accordingly on the date above mentioned 20th October.

I notified

I notified Mr. Memmo that his Contract was forfeited, and I also on the same date wrote to him a reply (a copy of which is herewith forwarded) to his letter of October 10th.

The work was subsequently taken out of Mr. Memmo's hands and completed under Mr. Spence's superintendence during the year 1865. So that of course neither the 5th nor the 6th instalments of the Contract price ever became due to Mr. Memmo.

On the completion of the road in the Autumn of last year there remained an unexpended balance of Two thousand seven hundred and forty five dollars with one Cent.

\$ 2745 ⁰¹/₁₀₀

Cents of the original Contract
price against which Claims
for labor done on the work
before it was taken out of
the Contractors hands have
been preferred, amounting in
the aggregate to above
Two thousand dollars - as $\$5000$ ⁰⁰/₁₀₀
stated in my letter to the
Colonial Secretary of January
1866, ~~and~~ exclusive of
this Claim of Messrs Marks
and Hunkler.

Frequent application
for payment of wages due
by the Contractor on this
work have been made to
Government, by the Claimants
in person or through their
agents as well as by a
Memorial on the subject
to the Legislative Council -
and it has been my
impression

impression that some of
these applicants at least
have been given to understand
that on the final settlement
of the accounts of the work,
they would probably receive
some portion of the wages
due them.

I do not however remember
to have heard any reference
made to this Claim of Messrs
Marks and Hunkler since
the date of my reply above
mentioned to Mr. Munro's letter
on this subject, nor have I
seen any further correspond-
ence regarding it, but I
enclose a letter received by
me on the 3rd November 1866,
from the Official assigned to
Mr. Munro's bankrupt estate,
and a copy of my reply
thereto, which may be considered
to have some bearing on the
present

present application.

In reference to the latter portion of Mr Wards letter I have to remark that it does not appear to me to be incumbent on the Government to protect the Cottonwood Ranch from being injured by the overflow of the River. and that I would recommend that the road be diverted away from the river bank altogether and a new road constructed for a distance of about half a mile on ground safe from the action of the current of the river - unless the Bank at their own expense undertake the removal of the obstruction in the River mentioned in Mr Wards letter, and to which he attributes the injury he complains of - or at all events

events assist very materially in effecting that object and in further protecting the bank of the river by Crutwicks at the point referred to as liable to further injury.

I have the honor to be,
Sir,

Your most obed^t Serv^t
Joseph W Smith
C. C. of L. T. W. and C. G.

Copies

Lands and Works Dept.
New Westminster.
6th November 1857.

Sir,

I have the honor to inform you
in reply to your letter of the 2nd instant
that the agreement for the construction
of the section of road between Ottomoo
and the Mill B. Ranch entered into
by Mr. Munn with this Department in
April of last year, was declared by
Government to be forfeited on the
18th of October following, and all his
legal interest in that agreement
ceased absolutely from that
date. The accounts of expenditure

Daniel Lindsay Esq } on this
Victoria T. L. }

on their works, subsequent to the
date just named have not
yet been made up, and I
am therefore unable to inform
you whether or not there remains
any unexpended balance of the
contract price, and can I state
what disposition would be made
by Government of such balance
if any exists.

I have, &c. &c.

(Signed) Jos^{ph} W. Hutchins
C. B. H. to ans & G.

Copy

Lands and Works Dept.
New Westminster,
October 20th 1855.

Sir

I have the honor to acknowledge
the receipt of your letter of the 10th
instant requesting me to hold at
the disposal of Messrs. Mackay and
Ericsson Winkler, the sum of three thousand
dollars with interest, out of the
5th instalment of payment on account
of the Yellowwood and Richfield Road.

In reply I have to inform you
on the part of the Government, that
such an arrangement cannot be
entertained.

Malcolm Munro Esq.
New Westminster.

I have to be
Signed Geo. H. Smith
C. of L. H. and C.

9th Sept 1951
WV=

Dear Miss

A lease is to
be made to certain
parties Felt, Keywood
& others of 5000 acres
of land at Baynes
Sound for coal mining
purposes on the same
terms as the lease
to the L. C. Co.
with a proviso
that they may purchase
1000 acres of the 5000

at 4 per acre -

I wish you would
just lead through
the lease again
and see if you
have any amendment
Suggest -

Anything I should
like much or that
the payments for rent
monthly &c should
be made payable
at the Chief Office

if that is Dept
whether demanded

or not - &c -
can't you insert this
in a few words -

It occurs to me
that we lease 5000
acres for 21 years at a
fixed rent of \$100 per
annum ^{& a weekly} of
12 cents to be paid
on all coal taken
out of that 5000
acres - & then we
provide that the

Company may purchase
at \$1 per acre 1000
of the 5000 acres -
How can we after
they own this 1000
acres in for simple
continue to collect
royalty on the fuel
taken from it?
Can we do so - and
if we cannot would
they of course make
all the coal come out
of their 1000 acres?
Please look into

this at once and
let Howe bring
back your opinion
soon as I am
wound down the
draft of the loan
by next post.

Yours truly

Joseph S. Smith

Wm. H. P. Swan

COLONIAL CORRESPONDENCE

FILE 951
ITEM 7

NOT AVAILABLE FOR FILMING

FILE 951

LANDS & WORKS DEPARTMENT
(NEW WEST.) 1367 - JULY TO DEC.

COLONIAL
CORRESPONDENCE

PABC

24/10/1867

F951
8

Lands and Works Dept
New Westminster
19th Sept: 1867

Sir

I have again to call on you for
payment of the rent amounting on the
\$611.10. 1st September inst: to the sum of \$611.10
due to Government for the land opposite
New Westminster held by you under
lease from this Department, and I
have to notify you that unless this sum
be paid at this Office within 14 days
from this date I shall take steps to de-
-clare your tenure of the land at an end
as provided in the Indenture of lease

I have the honor to be
Sir

M^r: Samuel W. Herring
New Westminster

Your most Obedt: Servant

Joseph W. Trutch

C.C. Loewell

Mr. S. W. Goring

To The Government of British Columbia

		£	s
Rent of land opposite the City of New Westminster known as Sec. A and B Lot I Group II 1866 @ £84 $\frac{1}{4}$ annum			
June	1 one quarter due in advance	21	0
Sept.	1 $\frac{1}{4}$ $\frac{1}{4}$	21	0
Dec.	1 $\frac{1}{4}$ $\frac{1}{4}$	21	0
March	1 $\frac{1}{4}$ $\frac{1}{4}$	21	0
June	1 $\frac{1}{4}$ $\frac{1}{4}$	21	0
Sept.	1 $\frac{1}{4}$ $\frac{1}{4}$	21	0
		less	£ 136 13 0
Exchange £1 = \$1.25			\$ 611 10

Lands Works Department
New Westminster 2 November 1867

6/11/60
7 27
603 13
2 11
9 33

FILE 951

LANDS & WORKS DEPARTMENT
(NEW WEST.) 1367 - JULY TO DEC.

COLONIAL
CORRESPONDENCE

PABC

Thatcher



7951
Lands and Works Dept
New Westminster.

25th Sept: 1867

H. J. B.

Sir,

I have the honor to forward herewith for the consideration of His Excellency the Governor, letters to me of the 18th July and 11th September from Mr Sanders, together with a copy of my reply to the former; and I beg to recommend that I may be authorized to carry out the course suggested in my letter to Mr Sanders,

The Hon^{ble}

The Colonial Secretary

and

W - W - W -

and which he considers
advisable, namely, to have
the land referred to in the
enclosed correspondence
surveyed off into Suburban
lots, and sold to the highest
bidders at Public Auction.

The position of this
piece of land is shown
in the accompanying outline
tracing of the Official
map of the Town of
Lillooet. The expense of
laying it out into lots of
such size as may be found
most suitable to intending
purchasers, would be not
more than One hundred
and fifty dollars. $\$150 \frac{00}{100}$

Should my recommenda-
tion meet with His Excellency's
approval.

I propose to write at
once to Mr. Dewdney instructing
him to go to Lillooet on
his way down from Fairbairn,
to lay out the lots for sale
under Mr. Sanders immediate
direction.

I have the honor to be

Sir,

Your most obed^t Serv^t
Joseph W. Smith
C. of L. W. and S. G.

I think it would be desirable to carry
out the recommendations of the Chief Justice's
Report

Mr. Justice
Report

W. G.
1914

W. G.
1914

W. G.
1914

Report of the Chief Justice with regard to the
carrying out of his recommendations as herein contained.

By order W. G.
1914

Land Ordinance of 1865
at Public Auction. Should
you therefore advise that
it is desirable so to do
under the circumstances
stated by you. I will take
the first opportunity of a
surveyor being in the
neighbourhood of Lillooet
to have the land in question
laid off into suburban lots
of such size as you may
recommend as convenient
and the land can then
be advertised for sale
and disposed of by you
to the highest bidder.

Awaiting a reply from
you on this point

I have &c. &c.

(Signed) J. W. Trutch
C. J. W. and Co

Thurs

F951
10

Lands and Works Dept.
New Westminster
26th Sept 1867



M. J. L.

Sir,

I have the honor to forward
for the consideration of
His Excellency the Governor,
a letter of the 11th instant from
Mr Sanders ^{covering} ~~concerning~~ a petition
from Messrs Marshall and Jamieson
the lessees of the Lillooet Ferry,
praying that the rent payable
to Government for their Ferry
right, be reduced to one hundred
dollars per annum from its
present rate of two hundred and
fifty dollars per annum, which

\$100⁰⁰/₁₀₀

\$250⁰⁰/₁₀₀

The Honble application
The Colonial Secretary
to to to

application Mr Sanders thinks reasonable and recommends to be favorably considered.

The original charter for this ferry was granted in 1863 to Mr Elphinstone at a rent of one hundred pounds per annum, and by him transferred to the present lessee, who last year applied for a reduction of the rent to two hundred and fifty dollars per annum, $\$250 \frac{00}{100}$ in consideration of the diminished receipts from the Ferry toll.

This application was granted, and a further reduction of rent to one hundred dollars is now asked for.

Since the Government toll Gate was removed to Clinton I have no means of checking the

the amount of receipts from this Ferry toll, but I have no doubt that Mr Sanders took means to satisfy himself of the correctness of the statement accompanying the petition to him before recommending it to favorable consideration.

The only means I can suggest of arriving at the actual value of the Ferry privilege - if Mr Sanders estimate thereof be not adopted - would be to advertise it for Public Tender. But as the present lessee have expended a considerable sum of money on the ferry boat and equipment I am of opinion that it would be advisable to reduce their

their rent in accordance with the strong recommendation of the Resident Magistrate, at all events during the current year.

It appears clear to me however that the principle of levying toll on all freight brought in boats up the river and landed at Lillooet within the ferry limits, is entirely inadmissible, and such a concession, being no part of the terms on which the ferry was originally established, would certainly be unjust to the people of Lillooet.

As Mr. Elliott omitted to furnish me with a copy of the agreement made by him
last

last year I am unable to state positively the duration of the present charter, but I believe it will expire at the end of next year. I have however written to Mr. Sanders to forward me a copy of the document by the earliest opportunity.

I have the honor to be
Sir,

Your most obed^t. Servant
Naphth. W. Frutkin
C. C. of L. & W. and S. C.

Y^{rs} Oppose the work being returned
to P^r 1000 acres under present
circumstances.

V.P.

10th Dec 1867

Mr. J. G.

Forwarded for signature and purchase
of King's land and Works.

W. J. G. 10th Dec 1867.

Smith

F951

Lands and Works Dept.
New Westminster
10th October 1867.

Sir,

I have the honor to report for the information of His Excellency the Governor that I visited the Royal Marine Camp at San Juan on Monday last and made arrangements for the repairs to the men's quarters there to be at once commenced.

On more particular inspection of the Officers quarters, I find that repairs

The Hon^{ble} The Colonial Secretary.
to. to. to.

to the extent of three -
hundred and fifty dollars
will be necessary to render
them habitable during
the winter, and even
this outlay will only
suffice to preserve the
buildings for two or three
years at the utmost.

\$350.⁰⁰/₁₀₀

New quarters for two
Subalterns consisting of
four rooms and two
kitchens, might be -
constructed of a more
permanent character, and
far more comfortable than
the present buildings will
be even after the proposed
repairs, for a sum of
about one thousand two
hundred and fifty dollars.

\$1250.⁰⁰/₁₀₀

and

and I therefore think
it right to submit for
His Excellency's consideration
whether it would not be
preferable to expend this
sum in the erection of
such permanent quarters,
rather than to incur an
outlay of one-third (nearly)
of the amount in repairs
to buildings, which at the
best will not be available
for more than three years.

I have the honor to be,

Sir,

Your most obed^t. Serv^t
Joseph W. Smith
C. L. of L. & S.

sent

F951

12
18th Nov. 1874

Dear General -

I wish you would
give me your opinion
by return of the bearer
on the case I have
put before you -
Enclosed herewith.

I will think that
the right of preemption
that is a way of purchase
at the upset price -
is given only to
those of who have

improved their lands
and obtained certificate
to that effect.

I think this should
be the law - but
it does not seem to
be at all clearly
laid down.

See 28 - provides
that "when the first shall
own the land claimed,
the claimant who has
recorded his claim as
aforesaid or his heirs
or devisees - or in the
case of the grant of a

certificate of improvement
hereafter mentioned, &c
shall if he or they
shall have been in
continuous occupation
of the land &c
be entitled to purchase
&c -

Clearly enacting
that he shall have
the right to purchase
at the upset price whether
he shall have obtained
certificate of improvement
or not -

But then follows

See 29 -
What do you

make fit?

I have just
recd. third copy
your opinion on the
def. - owned Land
Bill of last session
but have not yet
read it though

Yours truly

James W. Smith
Hon. A. T. Moore

21st
Lands and Works office
21st Oct. 1867

Dear friend

I cannot but
think that the terms
suggested by me to
you in my note of
last Saturday in
regard to the rent
due by Herring
were most reasonable

As I understand
your note of the
951

19th just received
the Herrings
decline to give
their notes at any
date -

Under these
circumstances I
am of opinion that
there is no alterna-
tive but to proceed
against J. W. Herring
at law - and
I feel convinced
that we shall

not obtain pay-
ment of the rent
so long in arrears
by any other
method -

Yours truly,
J. P. Smith

Hon. H. P. P. (please
see see see

ReHerring

FILE 951

LANDS & WORKS DEPARTMENT
(NEW WEST.) 1367 - JULY TO DEC.

COLONIAL
CORRESPONDENCE

PABC

Smith
10/17/67
Cont. to Herring
8 Nov 1867

F951
13

Lands and Works Dept.
New Westminster
15th Nov: 1867

Sir

I have the honor to acknowledge
the receipt of your letter of the 11th inst.
covering a Bill of Sale given by John -
Herring and S.W. Herring to secure pay-
-ment of the rent due to Government by
S.W. Herring together with the sum of
\$150 ⁰⁰/₁₀₀ being the first instalment re-
-ceived by you from S.W. Herring in -
accordance with the terms of the said
Bill of Sale.

I have the honor to be
Sir

Your most obt. Servant
Joseph W. Smith
C.C. L & W. & S.G.

The Hon^{ble}
The Attorney General

16.200/67 F951
14

Dear Creese

It's all right
about Mr Mason's taking
the Bill of Sale as now
explained - but of
course I could not
understand the cir-
cumstances without
enquiry - Will
you kindly tell him
that I am quite
satisfied in regard
to the matter -
The amount

specified in the Bill
of Sale as due and
coming due for rent
are not correct.

On the 1st Sept.
the sum of \$611.¹⁰/₁₀₀
was due and on the
1st Dec^r a further
sum of \$104.⁵⁵/₁₀₀ will
be due for the last
quarter in advance
of the term of lease.
in all \$715.⁶⁵/₁₀₀

The Bill of Sale

states that \$600.⁰⁰/₁₀₀
is now due and that
the further sum of
\$105.⁰⁰/₁₀₀ will be due
on the 1st Dec^r in
all \$705.⁰⁰/₁₀₀ and
provision is made
for the payment
of this latter amount
only. I suppose
however that this
inaccuracy is not
material - we can
of course demand
the balance (\$7.⁹⁵/₁₀₀)

at the date assigned
for the payment of the
last installment.

The arrangement
you have made of
this matter appears
to be the best that
could be done under
the circumstances -
and I trust the
Herrings will come
up in time -

Yrs truly
Joseph W. Smith

16 Nov 1867

Hon. H. P. Grease

Tenth

F 951
Lands and Works Dept^s
New Westminster.
19th November 1867

Sir,

I have the honor to report
for the information of the
Governor that in accordance
with His Excellency's instructions
conveyed to me in your letter
of the 6th instant I have
in company with Captain
Ball, the Magistrate of the
District, visited all but four
of the Indian Reserves on
the lower Fraser which were
land out by the late Sergeant
McCall, and have conferred

The Hon^{ble} }
The Colonial Secretary. }
to. to. to. }

with the chiefs of the various tribes at their respective villages.

The Reserves which from lack of time we were unable to visit are those laid off on the Upper Chilukweput for the Scotkalo and Towhylee tribes, and those on the right bank of the Craber, opposite Summit, reserved for the Stakwand and Kuckameen tribes, the latter of which however we saw from the River extending about four miles along the bank.

I am satisfied, as the result of our reconnaissance, that these Reserves are in almost every instance too extensive, and in some cases extravagantly so; but that there

will be no practical difficulty in reducing them, with the full concurrence of the Indians themselves, within much narrower limits.

The Indians generally, and indeed without exception so far as we could ascertain, are ready to abide by any decision of the Governor may make as to the extent of land to be reserved for their use.

They do not seem opposed to relinquishing portions of the lands which, since Mr. Galt's survey, they have been led to consider as set apart for them. They are only anxious to retain their villages and potato patches and such moderate

extents of land around them
as may be finally reserved
by Government for them.

They express themselves
however as much aggrieved
at the appropriation by
white settlers of portions of
the lands which they have
hitherto considered as intended
for the Indians alone, evidently
regarding such settlements as
unauthorized intrusions on
their rights.

I took occasion at each
village to inform the Indians
that McFall had no authority
for laying off the excessive
amounts of land, ^{mingled} by him
in these reserves, and that
his action in this respect
was entirely disavowed; but
that

that the Governor would
direct that such amounts of
land should be secured to the
use of each tribe as he should
determine to be proportional
to their numbers and requirements,
and that next spring these
reserves would be definitely
stated off, and maps of
the same given to each
Chief so that the boundaries
thereof should be clearly
understood.

It was also impressed upon them
that such lands would not
be their property to sell or
convey away in any manner,
but would be held in trust
by the Government for their
use as long as they continued
to live upon them, and free
from

from all intrusion either of
white people or Indians of
other tribes.

I had not time to make
such a careful and detailed
inspection of these reserves
as would warrant me in re-
commending what specific
tracts of land should be set
apart for each tribe. This
can be best decided on the
ground, the boundaries of
each reserve being so arranged
as to leave out as far as may
be found practicable such
lands as have been settled
upon, and improved by white
persons, retaining always however
for the use of the Indians the
sites of their tillages and as
much land around them
or

as will in some cases
be found expedient both
around their tillages and at
the spots where they have been
in the habit of cultivating potatoes,
as will amount in the ag-
gregate to ten acres of til-
lable land to each adult male
in the tribe together with a
moderate amount of grazing
land for those tribes which
possess cattle and hordes.

I enclose herewith a
statement of the numbers of
each tribe visited by us
and of the cattle so possessed
by them as furnished by
the Chiefs at their respective
tillages.

I have the honor to be

Sir

Your most obedt Serv^t
Joseph W. Smith
Chf. of L. & W. and S. G.

The museum should be located off
in the spring. This report will
probably be called for the Upper
Council.

R.

29 Nov. 1867

M. J. P.

Statement of the numbers in the Andaman tribes
 in the lower grades visited by Mr. Clutch
 and Captain Ball on the 11th, 12th, 13th & 14th Nov^r
 1867

Name of the Tribe	No of houses visited	No of houses in the tribe	No of houses in the tribe	No of houses in the tribe	Number of Cattle houses pigs etc belonging to the tribe
A Mhono	2000	10	14	9	2000 cattle 12 pigs
B Saanoo	500	9	5	-	6 cattle, 3 houses & pigs
C Malgou	9600	16	22	14	12 pigs 1 horse
D Kall-kaad	2000	Not visited			
E Lumar (upper)	1200	1	12	10	16 houses 12 pigs
F Lumar (lower)	6400	22	22	30	20 houses 16 pigs
G Kikraamen	6400	Not visited			
H Kachy Sch-wayee	500	13	11	15	some pigs
I Loguhoay schwayee	2300	23	23	23	5 cattle some pigs
J Kigadaa-phak	4000	8	8	7	1 cattle 3 horses some pigs
K Kwaya-ayee	1000	11	10	8	9 cattle 1 horse some pigs
L Kwaya-ayee	400	4	4	2	some pigs
M Kwaya-ayee	2000	Not visited			
N So-ahy-lee	4000	Not visited			
So-ahy-lee	7	9	12	13	5 cows 1 horse & 6 pigs
Wii-ahy-lee	9	9	8	8	28 pigs
So-ahy-lee	49	10	9	11	
	23	18	20		12 cows 3 horses 75 pigs
So-ahy-lee	23	23	25	29	Many pigs
P Kwaya-ayee	6	8	4		9 pigs 5 cows 1 horse of
Q Kwaya-ayee	54	14	10		6 cows 22 pigs
Kall-waee	6	4	7		10 pigs

LIGHT ORIGINAL

Shelton

B.C.

Instance No. 25 F951
in Dep'tate No. 14992/101. 2872

See Chief Commr. & the Provost

Lands and Works Dept
New Westminster

19th November 1867.

Register of H. Sec Office

Sir,

In obedience to your instructions conveyed to me on the 3rd instant, I have the honor to submit the following remarks on the Land Bill passed by the Legislative Council last session.

This Bill introduced no radical change in the disposal of the Crown Lands from that now in force.

It is in fact in all material points, except those to which I will presently refer, only a careful reconstruction of the Land Ordinance 1865.

defining more clearly the method

His Excellency
Frederick Seymour

method of acquiring and holding land by preemption rights; and in this respect it would in my opinion be found in practice, a far clearer guide to preceptors than the Ordinance now existing, which is certainly in several of its working clauses much involved, and of doubtful interpretation.

The most material departure in principle of the Bill of this year from the Land Law now in force, is the definition of the word "person" which is so rendered in the bill, as to admit foreigners and women to the right of holding land by preemption.

So these innovations & most strongly object.

I would favor by every legitimate means the settlement of foreigners among us, and encourage them to purchase land either from the Government or from private individuals;

but

but it appears to me that the right of preemption should be in this colony, as it is in the United States, specially reserved for those who own allegiance to the Government.

The admission of foreigners to equal rights with the British subjects in the colony in this respect, as well in all others, would not only be according to my judgment wrong in principle, but would be sure to be most readily condemned as a false step by those to whose views the colony is the principle aim of the measure.

It appears to me sufficient condemnation of the proposal to extend the right of preemption to women, without advancing further arguments against it, that practically they would be unable to avail themselves of the privilege, unless indeed occupation of the land by an agent be admitted to be, as defined in this Bill, the fulfilment of the requirements of

of the law in this respect.

But to this definition of the word "occupation" which is the only other elementary change of any importance introduced into the Bill under referred, I must also take exception.

It has always been my impression, derived from experience of the working of the preemption system in other countries, that the very essence of a preemption right, must be the personal residence of the preemptor on the land claimed by him. In other words that he should give his personal residence on the land taken up by him, in advance of the Government survey, in consideration of, and as an equivalent for the right assured to him of purchasing it at the upset price when surveyed; thus affording the best guarantee in his power, that the land will be cultivated, or turned to useful account by him, and that the general interests of the country

country will be thus advanced.

It is certainly quite foreign to the true intent of a preemption law, that lands should be acquired under its provisions as a speculation, or that a preemptor should occupy the position of an absent landlord holding his land by the tenure of the labor on it of his agent, whether tenant or hired laborer.

The preemption claim should be the preemptor's home. He should have no other place of abode. Not that he should be compelled to imprison himself on the land, or to pass any fixed number of weeks or months on it. He should be at liberty to follow the requirements of his business even should these lead him to absent himself from his preemption claim for a considerable period. But his "personal residence" should be on his preemption claim, and I think it no hardship to require of any bona fide settler this personal residence thus liberally interpreted at the fulfilment of the term "occupation".

'occupation' required by the law.

As to the extent of land
(three hundred and twenty acres)
defined as the limit of a pre-
emption claim under this Bill,
I would observe that it seems
impracticable to establish any
fixed standard of the extent of land
that could be reasonably required
by a settler, which would apply equally
throughout all the districts of the
Colony differing so widely as they
do in climate, quality of land,
of grass, of timber, and in the
supply of water.

Perhaps three hundred
and twenty acres is as fair
a medium amount of land as
could be named, if a preemption
claim must be of equal extent
throughout the Colony; but three
hundred and twenty acres
is certainly a large amount
of land for one person to mono-
polize in Vancouver Island, or in
the district of the lower Fraser,
while one hundred and sixty
acres would clearly not be enough
for

320

160

320

for a farm in the districts east of
the Cascades, where overstocking
soon destroys the pasturage. I
would therefore suggest that it
would be advisable to provide
that a preemption right shall
be defined to be of the extent
of one hundred and sixty acres
only in the district west of the
Cascade Mountains and three
hundred and twenty acres in
those East of that Range.

If the amendments above
mentioned were made I think the
Bill would be a very good one,
and would meet all the requirements
of the Country, and be found to
work far more satisfactorily than
the present Ordinance. Without such
amendments however, I consider
this Bill a very objectionable measure,
and would certainly recommend
that the Ordinance now in force
be retained in preference to it.

The select Committee which
prepared this Bill strongly ad-
vocated in their report to the Legislative
Council the adoption of a system of free
grants to intending settlers as tending
to

to attract a settled population
and to invite the investment of capital.

In regard to this recommendation I would observe that our present land system is most liberal in relation to actual settlers on the Crown lands. Great facilities are afforded under it to intending settlers for acquiring possessory rights to extents of land, adequate for their requirements for cultivation and pasturage; and in fact large tracts of the best lands on the Mainland have been held and farmed for years past, without payment to Government by the occupants of any money consideration whatever.

Virtually indeed land is now granted to pre-emptors almost at a donation, for the price to be eventually paid by them (one dollar per acre) will \$100 when received be little more than commensurate to the cost to Government of the survey of the

the land, and other expenses incidental to putting them in possession thereof and making title to the land.

In liberality and the facility it affords to bona fide settlers for acquiring land, our present system compared favorably with that of the neighbouring Republic, to which the report of the Land Committee referred.

The only ground therefore upon which the proposed system of free grants to settlers can be advocated, is that it would be a sort of puffing advertisement to attract immigration; but its merits in this respect would I am confident be found in practice, to be more theoretical than real.

The power of making grants of land in aid of works of construction within the Colony, such as roads, might however, if vested in the Executive, be

of much practical benefit to
the general interests of the com-
munity.

I have only further to
state that, as Chairman of
the select committee above re-
ferred to, I expressed the opinions
now advanced, and urged
them to the utmost of my
ability both before that com-
mittee and in the Council.

I have the honor to be,

Sir,

Your most obed^t Servant

Joseph W. Smith
Clerk of L. & W. and S. C.

Memorandum of Cash required to meet Lands works indebtedness F951

Black, Shames & Gifford	100 .		
Cunningham Bros. Furniture	50 64		
J. Withrow	16 50	167 14	
J. Murray		7 .	
Henry	183 .		
do	12 50	195 50	
Stark		5 .	
Mills Co		270 .	
Indians		20 50	
C. J. Wells	30 .		
W. J. Wade	30 .		
W. Hancock (oct.)	40 .		
do (Nov.)	75 .	175 .	
J. B. Brook		50 56	
		890 50	
Due on Contract for Building cottage at San Juan	1700 .		
Wages to Richards & others for repair	850 .	2550 .	
		\$ 3440 50	

An advance warrant for the sum of \$3500⁰⁰ is requested to meet the above liabilities

Col. Secy Joseph W. Smith
20th Nov. 1857

West paper 11/15/10
20
15th Nov. 1884
[Mr. 28
The principal portion is for
the same, and comes out by
[unclear] message
[unclear] 11/7
25th Nov 11
[unclear] 11/11
[unclear] 11/11

F951
18

To Henry Valentine Edwards
Esqre New Westminster.

Greeting

I do hereby authorize
you to distrain the
Cattle goods and chattels
of Samuel Weaver Herring
wheresoever situated or
from whomsoever held
for ~~six hundred and~~
~~eleven dollars~~

being six quarters rent
due to me in advance
of the 1st September ^{New West}
for or in respect of
Section () of Lot 1.

Block II. - [New
mine and adventure of lease
When you receive the

LIGHT ORIGINAL

aid made between
on the 1st day of
Nov^r 9 - 10 of the 1st part
September now last
and the 3rd S - W - A of the 2nd part
part and for you
So doing this shall
be given a sufficient
warrant.

Given under
my hand ^{at New West.} the
day of Nov. 1867.

Chief Court L & W S & C
acting on behalf of
Her Majesty: Queen
Victoria.

Wm. J. P. Fellowes
Her Majesty's Attorney General

LIGHT ORIGINAL

Draft Warrant of Distress

(Applicable only to a Crown
Tenant)

FILE 951

LANDS & WORKS DEPARTMENT
(NEW WEST.) 1367 - JULY TO DEC.

COLONIAL
CORRESPONDENCE

PABC

^{in your presence}
in the evening before
I went to Victoria
Would you be
so good as to
advise Mr. H. P. Pease

that I am expecting
to hear from him?

Yours sincerely
J. P. D. Smith

The Hon.

H. P. Pease

Lands and Works office
New Westminster
Dec 10th 1867

Dear Pease
According to
the terms of the
Bill of Sale from
the Kerrings an
instalment of \$100.00
should have been
paid at this office

Smith
951
19

on or before the
7th inst. We
have however
received no payment
from Mr. Keeling
nor any communication
from him on
the subject. I
must therefore
ask you to take
such steps in
this matter as

you may deem
advisable under
the circumstances
on behalf of
the post.

I find that
no letter has
been received
at this office from
Mr. Halbrook on
the subject dis-
cussed between

Recd 24 Dec 1887
Draft sent back
for approval
30th Dec 1887

F951
20

Free Grant of Lot 29
in the Town of Barkerville.
The correspondence on this
subject is herewith forwarded
to the Attorney General with
the request that he will prepare
a form of Crown Grant in
accordance with Mr Ball's
suggestions, and advise
what steps should be
taken to convey this lot in
trust in fulfilment of Mr.
Joy's promise confirmed
by His Excellency's Minute
of the 16th instant.

Implicd with
23rd Dec 1887

The Honble
The Attorney General
P.S. A copy of the usual
form of Crown Grant of
Town Lots enclosed
herewith. J.W.

05748-67

Re

De France

Michel P. H.

Chapelle

Carros

Boisberrille

1867

From the Title Book	Name	Acres	Rate per Acre	By whom conveyed	Date of conveyance	Whether sold by Public Auction or Private Sale	Remarks
				<i>District of New Westminster</i>			
1 104	Saml & Co's McLeary	160	2 1/2	By contract	Not recorded	Private Sale	Country Land
				<i>District of Council Bluffs</i>			
1 2	Peter Richard	160	11 00	J. Sheeh		Private Sale	Country Land
				<i>District of Yale</i>			
1 4	W. Briston	23	11 00	P. V. Leech		Private Sale	Country Land
1 6	C. B. Rombot	28	11 00	do		do	do
1 112	W. Steinberg	20	per lot	Not recorded in this Office		do	Crown Lot
				<i>District of Lytton</i>			
1 5	W. Toft	119	11 00	J. Sheeh		Private Sale	Country Land
				<i>District of Kamour</i>			
1 412	J. J. Barnard	26	11 00 per	By contract	July 1880	Private Sale	Crown Lot

The Colonial Secretary,
Victoria B.C.

Joseph W. Smith

1951
21

No. of the Title Book	Name	No. of Acres	Rate per Acre	By whom Surveyed	Date of Survey	Whether sold by Public Auction or Private Sale	Remarks
40	Hudson Bay Company	Grant		H. Howells	June 1865	Grant	Town Lot ^{Carriacou} _{St. Pierre}
29	Deitz & Nelson	44.00		K. Jensen	Sept 1865	Public Auction	D. - Yale
30	Do	11.00		Do	Do	Do	Do - Do

Enclosed a deed of purchase
 Charles Jones

28 May 1867

The Colonial Secretary
 Victoria St.

Joseph W. Smith
 C. C. of L. & W. and S. G.

F 951