

EVIDENCE

TAKEN BY THE

SELECT STANDING COMMITTEE ON PUBLIC ACCOUNTS.

Mr. McCREIGHT appeared before the Committee on the 5th April.

The Chairman asked a preliminary question, if the witness required compensation?

Mr. McCreight answered.—I do not require any compensation.

Referring to 1st report, section 8,

Ques.—Do you consider the money was paid under an award?

Ans.—I know nothing about the award excepting as appears from the opinion.

11TH APRIL, 1877.

Mr. ROBERTSON attended and was asked by the Chairman if he expected to be remunerated?

Ans.—He would abide by the usual practice.

By the Chairman—Do you consider that the report made by the Committee that money paid to Messrs. Finlayson & Tolmie was paid as an award of the Arbitrators was correct?

Ans.—I have not seen the Report of the Committee that I recollect. If it contains that statement I should state that statement is inaccurate, as I consider the award is the award of the Umpire.

By the Chairman—Do you consider that an award given by the Umpire is not the award of the Arbitrators, seeing that they are bound by his decision?

Ans.—I do. It would have the same legal effect.

By Mr. Mara—Do you consider that the Arbitrators were in a position to give an award that would be binding on the Government?

Ans.—I do.

By Mr. Beaven (as written)—Were you ever asked by Government to give your legal opinion on the document of the 22nd April, 1876.

Ans.—No, I was not. The only opinion I recollect giving was on 13th April, 1876. I then considered it valid.

Ques.—Have you ever advised the Government that they could legally pay Messrs. Tolmie & Finlayson the \$16,000 under the authority of the document of the 22nd April, 1876?

Ans.—I have given no opinion to the Government on this matter later than 13th April, 1876.

By the Chairman—Have you ever advised the Government?

Ans.—I gave no opinion later than 13th April, 1876.

By the Chairman—Do you consider that the Arbitrators were in a position to give an award that would be binding upon the Government after 13th April, 1876.

Ans.—I do.

By Mr. Beaven (as written)—As a fact, the claim referred to was not filed in the office of the Chief Commissioner of Lands and Works within that period?

Ans.—I was so informed.

By Mr. Beaven—Have you given the Government any written legal opinion on the document of the 22nd April, 1876, signed by the Arbitrators and Umpire?

Ans.—The only opinion I recollect giving to the Government is the opinion of 13th April, 1876.

By Mr. Beaven—You consider that the claim should have been filed?

Ans.—I was of opinion that the claim should have been filed. I cannot recollect the dates.

By Mr. Beaven—The agreement between Drake & Jackson and yourself of the 24th February, 1876, to consider the claim to have been filed on 1st September, 1875, would not bind the Arbitrators but would be simply an agreement between Counsel, would it not?

Ans.—The admission was an admission of a matter of fact that Arbitrators were entitled to proceed without further evidence of the filing of the claim. There was no agreement between Drake & Jackson and myself. It was a simple admitted fact in the proceedings before the Arbitrators.

17TH APRIL, 1877.

(Signed)

WILLIAM FISHER,
Chairman.

REPORT OF SELECT COMMITTEE

Appointed to enquire into the circumstances connected with the refusal, by the Assistant Commissioner of Lands and Works in the Osoyoos Division of Yale District, of an application made by James McConnell to pre-empt a piece of land in Osoyoos District.

Mr. Speaker:—

Your Committee appointed "to enquire into the circumstances connected with the refusal, by the Assistant Commissioner of Lands and Works in the Osoyoos Division of Yale District, of an application made by James McConnell to pre-empt a piece of land in Osoyoos District," beg to report as follows:—

That Governor Musgrave authorized Mr. O'Reilly in the year 1867 to lay out Indian Reserves in the Yale District; that subsequently he was ordered to Omineca, and was requested to hand over his instructions to Mr. J. C. Haynes.

That Mr. Haynes, in accordance with those instructions, laid out a Reserve on the Lan-co-meet or Oh-com-eth Creek.

That Mr. Lowe assisted in laying out the Reserve, and that he identifies the land applied for by McConnell as a portion of the above named Reserve.

That the Reserve in question has never been gazetted as an Indian Reservation, in accordance with Section 42 of the "Land Act, 1870."

That the Lan-co-meet or Oh-com-eth Reserve is the only Reserve in the Osoyoos Division; that it has been occupied by Indians since the whites first settled in that section of country, and that there have been improvements on the Reserve since 1862, consisting of a church, dwelling-houses, and land under cultivation and fenced.

Your Committee have not had an opportunity of obtaining evidence from Mr. McConnell, but from the evidence before them they are of opinion that the Assistant Commissioner of Lands and Works at Osoyoos was justified in refusing the application of James McConnell.

J. A. MARA,
Chairman.

House of Assembly,
April 17th, 1877.

EVIDENCE.

Evidence of MR. P. O'REILLY:—

I received in 1867 instructions from Governor Musgrave to lay out the Indian Reserves in the district of Yale, and subsequently to go to Omineca. I was ordered by Governor Musgrave to pass my instructions relative to the Indian Reserves to Mr. J. C. Haynes. He afterwards informed me that he had laid out reserves in Osoyoos and Similkameen.

By Mr. Beaven—Can you connect this application of Mr. McConnell with the Oh-com-eth Reserve.

Ans.—No.

By Mr. Beaven—Can you recognize the Reserves in question by the description now before you, viz., McConnell and McCauley's applications.

Ans.—I cannot make anything of the description, not having any knowledge of the locations in the Osoyoos District.

By Mr. Mara—Do you know the Reserve in question?

Ans.—No. I only know that a Reserve was laid out through the correspondence from Mr. Haynes addressed to me officially.