

FOURTH REPORT.

TENTH SITTING—WEDNESDAY, MARCH 24TH, 1886.

Present—Messrs. C. E. Pooley, R. Beaven, C. Semlin, and T. Davie.

Minutes of previous meeting read and confirmed.

Mr. Smithe appeared before the Committee, and his evidence given on the 12th inst. was read over to and signed by him.

Mr. Smithe's statement re Prout's claim continued:—I received a letter dated the 22nd of February, 1886, from Mr. Tunstall, [letter put in and read] again asking me to sustain the Reserve. Letter to Mr. Tunstall from Mr. W. S. Gore dated the 4th of March put in and read. To this letter no reply has been received from Mr. Tunstall.

Mr. Beaven—In what land recording district is this land situated, and who was the recorder?

Mr. Smithe—Kamloops. Mr. Tunstall.

Statement in writing by Mr. Prout put in and read.

STATEMENT TO THE LAND COMMITTEE.

In reply to Mr. Smith's statement in regard to my pamphlet, I would say that I do not pretend to hold any claim against the Government on account of it. I wished to sell them 2,000 copies for distribution in Eastern Canada, on the plea that they would be the means of filling up the Similkameen and Okanagan Districts with a class of people that were loyal to our institutions, but on their saying that "they did not want them," nothing further was said or thought about it.

I have had no bad feeling towards Mr. Elwyn. If I said anything that could be construed to mean that he was a personal enemy of mine, I am willing at any time to apologize. He did nothing more than I would have done, and was appointed to pass judgment on his own report on Granite Creek.

In answer to Mr. Smithe's question—"Where are you going to get the timber?" I replied, "I am going to lease it from the Government." I do not think that he will insist that I said anything to the contrary. What he said in regard to our conversation about timber, previous to this, is correct in every particular.

I called on the Land Commissioner as soon as I saw the notice of the reserve in the papers. He told me that if I had pre-empted it and occupied it according to law, there would be no effort made to take it from me. He told me that they did not know that I had, and did not think that Mr. Tunstall did either. I called on him afterwards and told him that as soon as the improvements were made I would pay them the \$160 and take out a Crown grant. To this he offered no objection. I then wrote my agent on my ranch that the reserve was a mistake, and the Commissioner thought my title good, and never thought different until I was leaving for Granite Creek and called on him for a written statement of his intentions. I did not come out to British Columbia to mine, but to look out a suitable place where I could settle down with my family. I found such a place at the mouth of Otter River. I properly staked it out, recorded it, and occupied it nearly three months, as will be seen by the date of my application, when along comes a man sent by the Government, and without even an apology, drives stakes alongside of mine, or what is exactly the same thing, "jumps the claim."

Respectfully, etc.,

(Signed) PETER L. PROUT.

March 24th, 1886.

Re KOOTENAY CROWN GRANTS—LOT 6, GROUP 1.

Mr. Beaven—Were you at Farwell in 1884?

Mr. Smithe—I was.

Mr. Beaven—Did you stop at the townsite of Farwell?

Mr. Smithe—I did not; I stayed on the other side of the river in a tent. I do not know the name of the owner.

Mr. Beaven—Was any one at that time residing on Lot 6, Group 1, so far as you know?

Mr. Smithe—I cannot say, as I did not know the limits of the land, but on the opposite side of the river about half a mile lower down there were one or two cabins.

Mr. Beaven—Do you know whether there was any one in possession of Lot 6, Group 1, at that time?

Mr. Smithe—The land not having been surveyed, I am not in a position to answer the question.

Mr. Beaven—Do you think any of those people were in possession at that time? *Ans.*—Having since seen the plan of the townsite and map, I am inclined to think those cabins were on Lot 6, Group 1.

Mr. Beaven—Do you remember that any one consulted you as Chief Commissioner as to a claim to the lands? *Ans.*—No, so far as I remember.

Mr. Beaven—Before you issued the Crown grant did no one tell you that there was a settler in occupation? *Ans.*—I do not think so.

Mr. Beaven—This land was reserved by the Kootenay bill. How did you come to issue the Crown grant? *Ans.*—When land questions come up I consult the Land Acts and don't think of private bills; and provision being made in the private bill that no land should be taken within 20 miles of the railway by the Kootenay Railway Co., the impression upon my mind was that this land was not affected by the reserve under the Kootenay Bill. The Crown grant for this land was not issued until after an injunction against the Chief Commissioner for issuing it had been refused. The applicants for the injunction were the Dominion Government.

Mr. Beaven.—What were the Dominion Government's grounds? *Ans.*—They claimed the land as part of the Railway reserve.

WM. SMITHE.

Mr. Taylor appeared in support of an application of Michael Clarke and Joseph Stephen Matthews to obtain a Crown grant to Lots 36, 49 and 51, Group 1, New Westminster District. Pre-emption January 3, 1878. Occupied to June or August, 1881. Made improvements. Last August applied to Land Agent at New Westminster, who granted certain improvements, and on that they applied for a Crown grant, but the Chief Commissioner refused and returned the application and fees.

Puts in affidavits which were prepared at request of Mr. Smithe.

Re PROUT'S PRE-EMPTION, TULAMEEN AND OTTER CREEKS.

KAMLOOPS, January 14th, 1886.

SIR,—I have the honour to enclose a rough sketch of the land which I considered advisable to have reserved for a townsite. It is six miles nearer to Champion and Slate Creeks—recently found to contain gold in paying quantities—than Granite Creek, and occupies a more central position in regard to the different mining sections of the district. It is located on the Tulameen River, six miles north of Granite, on a level flat, thinly timbered with lofty pine and fir trees, which give it a park-like appearance, and will greatly add to the beauty of the town. I have issued instructions to Mr. Swan to have it properly staked, and prevent the destruction of any of the standing timber.

I have, &c.,

(Signed) G. C. TUNSTALL,
Gold Commissioner.

Honourable Wm. Smithe,
Chief Commissioner of Lands and Works,
Victoria, B. C.

[TELEGRAM.]

KAMLOOPS, B. C., January 11, 1886.

Hon. Wm. Smithe, Victoria.—

If not pre-empted, please reserve for a townsite one hundred and sixty acres of land at foot of Otter Lake, within seven miles of Granite. Shall have it staked off on receipt of answer.

G. C. TUNSTALL.

[TELEGRAM.]

GRANITE CREEK, January 20, 1886.

Hon. Wm. Smithe, Victoria:—

Please sustain right of Government to townsite. No pre-emptions have ever been permitted in the vicinity of mining operations.

G. C. TUNSTALL,
Gold Commissioner.

GRANITE CITY, February 22nd, 1886.

SIR,—I have the honour to inform you that a Mr. Rice showed me a letter received from Mr. P. L. Prout, wherein the latter stated that his claims to the townsite in the vicinity of Otter Lake had been recognized by you, in consequence of a record in his favour filed last November.

I must object against Mr. Prout's right to the ground being sustained, as pre-emptions are never allowed in any locality or vicinity where mining speculations are carried on. Most of the trails leading to the various creeks centre here, and it is the most suitable place available for a townsite.

Should you think proper to retain the land for the use of the Government, I would like to have your permission for its immediate survey by Mr. Allan, who is residing here. Many persons intend to purchase lots, for which I expect a lively demand in a month or two.

The bridge across the Tulameen River at this point is finished, and has been accepted, the work having been done in a satisfactory manner. I am awaiting your instructions in regard to the trails which will be required throughout this district. The trail from the Nicola Valley will require some bridging before the spring freshet arrives, and will have to be improved in places, to avoid steep hills.

I would recommend the erection of the Government buildings for this district at Otter Flat, on the townsite. A suitable building can be rented here which will suffice for a Court-room and Recorder's office, until it would be considered necessary to remove to the former place.

I have, &c.,

(Signed) G. C. TUNSTALL,
Gold Commissioner.

Honourable Wm. Smithe,
Chief Commissioner of Lands and Works.

VICTORIA, B. C., March 4th, 1886.

SIR,—Respecting the pre-emption record issued by Mr. Dewdney on the 23rd November last to Mr. P. L. Prout, for 160 acres of land situated and described as follows, viz. :—

“Commencing at a stake about 60 yards west of the confluence of the Otter River with the Tulameen River; running thence west 880 yards; thence north 880 yards; thence east 880 yards; thence south 880 yards, to the place of commencement.”

I am instructed by the Honourable the Chief Commissioner of Lands and Works to state that Mr Prout has an equitable claim to the land if he has fulfilled all the requirements of the pre-emption law, notwithstanding that it is not situated within the boundaries of Mr. Dewdney's district. This pre-emption and the land which was reserved, by notice dated 28th January last, by your request, are apparently the same.

To enable the Minister to arrive at a proper decision in the matter, he desires you will fully report to him your reasons for wishing the land to be reserved, the smallest area that will be sufficient for the purpose you have in view, and the exact location of the same, illustrated by sketch plan. State upon what grounds you think Mr. Prout's claim could, with justice, be cancelled. Is there no other place which will answer your requirements equally as well?

I have, &c.,

(Signed) W. S. GORE,
Surveyor-General.

G. C. Tunstall, Esq.,
Gold Commissioner, Granite Creek.

RONALD CAMPBELL v. BURNS.

MEMO.—A Crown grant was issued to R. Campbell for the south half of Section 11, Township 7, Osoyoos District, on 22nd July, 1885.

GOVERNMENT AGENT'S OFFICE,
Spallumcheen, 10th Sept., 1883.

SIR,—I have the honour to draw your attention to the following case, and request your advice in the matter.

R. Campbell pre-empted the S. $\frac{1}{2}$ Sec. 11, T. 7, Osoyoos Division, Yale District, on the 17th November, 1880, No. 117. Afterwards he found he had made a mistake, and he intended to record S. E. $\frac{1}{4}$ Sec. 11 and S. W. $\frac{1}{4}$ Sec. 12. Since the date of his pre-emption he has been living on and occupying S. W. $\frac{1}{4}$ Sec. 12, which is vacant Crown land. Some time ago I saw Campbell and told him he should come to the office and bring his original certificate of pre-emption record and have it changed while the land (S. W. $\frac{1}{4}$ Sec. 12) was still vacant. He said he was no friend of mine, and would not do business with me, and *has applied to the Crown* to have his record changed.

Campbell *has* asked me to change the record so as to include the S. W. $\frac{1}{4}$ Sec. 12, but will not give me the original certificate.

He is an old man, and perhaps a bit “cranky,” and I would not like to see him lose his lands, but other parties want to pre-empt or purchase either the S. W. $\frac{1}{4}$ Sec. 12 or the S. W. $\frac{1}{4}$ Sec. 11, claiming that he cannot hold the three $\frac{1}{4}$ sections.

Will I change the certificate of record to suit him so that the S. W. $\frac{1}{4}$ Sec. 11 will be open to purchase or pre-emption?

I have, &c.,

(Signed) T. MCK. LAMBLY,
Assist. Commissioner of Lands & Works.

Hon. Wm. Smithe,
Chief Commissioner of Lands and Works,
Victoria, B. C.

LANDS AND WORKS DEPARTMENT,
VICTORIA, B. C., 24th September, 1883.

SIR,—Referring to Mr. R. Campbell's request to have his pre-emption record changed from S. $\frac{1}{2}$ of Sec. 11, T. 7, to S. E. $\frac{1}{4}$ Section 11 and S. W. $\frac{1}{4}$ Sec. 12, I have the honour to state that there can be no objection to your issuing a new record, as Mr. Campbell desires; this will itself cancel his first record. He should, however, deliver up his old record on receipt of the new, but you need not press the matter if he objects.

I have, &c.,

(Signed) W. S. GORE,
Surveyor-General

T. McK. Lambly, Esq.,
Government Agent, Spallumcheen, B. C.

OKANAGAN, Sept. 15th, 1883.

SIR,—In a polite request to your Honour I, Ronald Campbell, protest against one T. McK. Lambly, Acting Government Agent here, to have any more business done by the said T. McK. Lambly for me on the account of him denying justice to me long time ago. Part of my business has been done by Geo. Tunstall, Kamloops, the balance by Charles Semlin, M. P. P., Cache Creek. No more at present.

Yours, respectfully,

(Signed) RONALD CAMPBELL

Hon. Wm. Smithe,
Chief Commissioner of Lands and Works, Victoria, B. C.

SECTION 11-12, TOWNSHIP 7.

N. B. —Also protesting again any Crown grant of land to be given to any one in south-east half of section 11 or the south-west half of 12 adjoining the same, on the account of a long dispute with the old Government, until such time as the cause shall be properly examined by our superiors. All crooks and King's clicks and tricks of the old Government must be corrected by the new Government in the name of Her Majesty our Gracious Queen.

OKANAGAN, B. C., October 18th, 1883.

SIR,—Since I have wrote to you last I had the pleasure to seeing my superior, His Excellency Lieut. Governor Cornwall, at his ranch; also had a small interview with His Excellency. On hearing of my complaint against the blunder of Robert Beaven, His Excellency took hold on our cause at once, and sees that the claim will be thoroughly investigated in the name of the Crown. Our cause here are still growing worse on the account of the unholy hypocrite of a scrub of a robber in charge of the Public business. If justice was given to us, in place of having such a scrub in Her Majesty's parlour, he should been placed in Her Majesty's Corporation, fast with a shackle on each ankle, for certain violations of Her Majesty's Proclamation in refusing and robbing several privileges of the Crown from us. I told His Excellency the Governor no more transactions of mine can be done with T. McK. Lambly, for he trying to rob me the second time out of my house and home. I will send you my taxes, please return the balance.

I remain, &c.,

(Signed) RONALD CAMPBELL.

Hon. Wm. Smith,
Chief Commissioner of Lands and Works, Victoria.

GOVERNMENT AGENT'S OFFICE, SPALLUMCHEEN, B. C.,
24th October, 1883.

In re S. $\frac{1}{2}$ SECTION 11, TOWNSHIP 7.

SIR,—I have the honour to request your advice on the following case:—

On the 17th November, 1880, Mr. R. Campbell pre-empted the above piece of land—Record No. 117. Subsequently he desired to change his claim by abandoning the S. W. $\frac{1}{4}$ Section 11 and taking in the S. W. $\frac{1}{4}$ Section 12, Township 7. I got permission from you to make the desired change, and told Campbell so, but he then refused to have the change made, stating that he would have nothing to do with me or through me; that he would hold the three quarter-sections.

Campbell has never lived on his Pre-emption Claim, but on the adjoining $\frac{1}{4}$ section of 12.

On the 15th October, instant, Mr. James O. Short applied to pre-empt the S. $\frac{1}{2}$ Section 11, making the necessary declaration under the Land Act.

On the 20th inst. Mr. J. Croft applied to purchase the same half-section, depositing with me the sum of \$320, claiming that Campbell had never occupied the land and had no improvements on it.

No doubt Campbell has never occupied his pre-emption claim, always maintaining that he has a claim against the Government of the Province which entitles him to hold the three quarter-sections without occupation. If such is the case, I would like to be informed of it.

Mr. Campbell is a very eccentric man, to say the least, and it is sometimes hard to account for his strange actions. For instance, at the present time he will not even speak to me, nor will he listen to me when I attempt to explain to him the position in which he stands with regard to his land.

I would respectfully suggest that, in equity, Campbell be allowed to retain the S. W. quarter of section 12, which he has always occupied—that is if you decide that he cannot hold the south half of section 11, under his pre-emption record. I would also suggest that, in any case, you communicate your decision to him direct from the head office, as I feel sure he will pay no attention to any communication coming through me. I take the liberty of making these suggestions, as I consider this an exceptional case, and do not think that Campbell is altogether responsible for his actions.

I have, &c.,

(Signed) T. McK. LAMBLY,
Assistant Commissioner Lands and Works.

Honourable Wm. Smith,
Chief Commissioner of Lands & Works,
Victoria.

VICTORIA, B. C., 3rd November, 1883.

SIR,—Enclosed herewith are some papers forwarded to this office by Mr. Ronald Campbell, for the alleged purpose of paying his taxes.

If the certificate for work done on the Spallumcheen Road is correct, please pay in the usual manner, taking a voucher for the amount, deducting taxes, &c.

I have, &c.,

(Signed) W. S. GORE,
Surveyor-General.

T. McK. Lambly,
Government Agent, &c.,
Spallumcheen, B. C.

VICTORIA, B. C., 8th November, 1883.

DEAR SIR,—A difficulty existing as to the settlement of a misunderstanding between Mr. Ronald Campbell and Mr. T. McK. Lambly, relative to the position of the former's pre-emption, the Honourable the Chief Commissioner of Lands and Works has desired me to ask you to be kind enough to investigate the matter, and to try to definitely settle the question.

Will you be so good as to obtain particulars from Mr. Lambly and then see Mr. Campbell.

I am, &c.,

(Signed) W. S. GORE,
Surveyor-General.

Moses Lumby, Esq.,
Spallumcheen, B. C.

SPALLUMCHEEN, 24th November, 1883.

DEAR SIR,—According to your instructions, I have investigated and settled the misunderstanding between Mr. R. Campbell and Mr. Lambly.

Mr. R. Campbell, on 17th November, 1880, pre-empted S. $\frac{1}{2}$ of section 11, township 7, Osoyoos Division, but built a cabin on S.W. $\frac{3}{4}$ section 12. Mr. Lambly notified him that he was holding more land than he was entitled to, but Mr. Campbell did not take the necessary steps to rectify it, stating that he had some claim against the Government and was entitled to the extra one hundred and sixty acres.

Mr. Campbell now has his original pre-emption of S. $\frac{1}{2}$ of section 11, township 7; and as there has been a heavy fall of snow, with every prospect of winter having set in, I have given Mr. Campbell (who is an old man) permission to reside in the cabin he built on Government land during the coming winter, and that his pre-emption should not be forfeited thereby. Provided that in the event of any one purchasing or pre-empting the said land upon which the cabin is situated, Mr. Campbell will have to vacate it. I have notified Mr. Lambly accordingly.

Hoping the settlement is satisfactory,

I have, &c.

(Signed) M. LUMBY.

*The Honourable the Chief Commissioner of Lands and Works,
Victoria.*

VICTORIA, 21st December, 1883.

SIR,—I am directed by the Honourable the Chief Commissioner of Lands and Works to acknowledge the receipt of your letter of the 24th ult., and to thank you for the satisfactory settlement of the misunderstanding between Mr. R. Campbell and Mr. Lambly.

I beg to enclose herewith a cheque for twelve dollars and fifty cents (\$12.50) in payment of voucher forwarded for services in connection with this matter.

I have, &c.

(Signed) W. S. GORE,
Surveyor-General.

M. Lumby, Esq., Spallumcheen, B. C.

OKANAGAN, July 19th, 1884.

SIR,—Your Honour sees by the plan on the back of this, I demand one hundred and sixty acres of land, section 12, township 7.

My money was sent to W. S. Gore, Surveyor-General, acting Commissioner of Lands and Works Department, Victoria, B. C.

As I have stated before, my house, my well, also part of my fence, part of my little crop, a road cut in front of the same, a lot of chopping on the same.

Protest entered against T. McKay Lambly selling or recording the said land. No more at present.

Remain, &c.,

(Signed) RONALD CAMPBELL.

*Honourable Wm. Smithe,
Chief Commissioner of Lands and Works,
Victoria, B. C.*

MEMO.—Treasury receipt for \$160 sent to Lambly 31st July, 1884.

W. S. G.

OKANAGAN, April 30th, 1884.

Your Honour will judge by this old letter of M. Lumby this disputed piece of land is not worth fifteen dollars, \$15, about fifteen acres of land at the foot of a rough mountain. Mileolany for to say I happened to build a good house on the said land; also sunk a well and started three rock crushers, chop down a lot of timber, surveyed a water ditch. I made an application to Lieut.-Colonel Powell, Superintendent of Indian Affairs, for to get a permission to cut through the reserve, which was granted. I can get along very well with any but Tom Mack. Lambly or Robert Beaven, on the account of the Cherry Creek uncanceled lease of the old Company. The books of the Walkem-Beaven Government stood five long years out of order when Mr. Beaven was one of Her Majesty's British Columbia ministers. I was Her Majesty's poor subject of Great Britain robbed by my superior out of my labour 17 or 18 months, besides other property under a Free Miner's Licence at the same time. They will be no use to send this money back to Tom Mack Lambly for a reason him and I cannot agree.

(Signed) RONALD CAMPBELL.

*Honourable Wm. Smithe,
Chief Commissioner of Lands and Works,
Victoria, B. C.*

SPALLUMCHEEN, 10th December, 1880.

SIR,—In reference to the unsurveyed land you wish to purchase, I beg to call your attention to the Consolidated Laws, ch. 98, sec. 62, and amendment A. D. 1879, ch. 21, sec. 6, where you will see the proper course to take in order to secure unsurveyed land.

I remain, &c.,

(Signed) T. MCK. LAMBLY,
Per M. Lumby.

To Mr. R. Campbell.

MEMO. MADE BY R. CAMPBELL.—This must be kept with the money. This is a part of evidence.

VICTORIA, B. C., 31st July, 1884.

SIR,—Mr. Ronald Campbell has forwarded to this office the sum of one hundred and sixty dollars to be applied in payment of the first instalment on his pre-emption claim. The land he desires to hold is, I infer from his correspondence, the S. E. $\frac{1}{4}$ Sec. 11 and the S. W. $\frac{1}{4}$ Sec. 12, in Township No. 7. I enclose herewith a Treasury receipt for \$160, and beg you will issue a certificate of purchase in Mr. Campbell's name; forward the original and duplicate to me, and the former will be transmitted to Mr. Campbell with an explanatory letter.

I have, &c.,

(Signed) W. S. GORE,
Surveyor-General.

T. McK. Lambly, Esq.,
Government Agent, Spallumcheen B. C.

MEMO.—Certificate was not issued.—W. S. G.

SPALLUMCHEEN, 3rd January, 1885.

SIR,—I have the honour to report for your information that Mr. Ronald Campbell has paid his full purchase money on the S. $\frac{1}{4}$ Sec. (11) eleven, township (7) seven, and from what Mr. Michael Burns stated to me when I was at Okanagan it seems that he has made an application to pre-empt a portion of the land.

As Mr. Ronald Campbell is old and getting feeble, I think it would be an act of charity to let him remain unmolested. From what I saw of the land it is a very desirable location, and Mr. Campbell has put up a large cabin and fenced in a sufficient quantity of land for his actual wants.

When he paid the money in he requested me to issue a certificate of improvement, which I declined to do until I had written to you on the subject, at the same time advising him to get rails out this winter to put as much fencing on the land as possible.

From outside information I am inclined to think that Mr. Burns is really trying to secure the land for Mr. C. O'Keefe, whose land is adjoining, and Mr. Burns has been working for the last few months for him.

I am also informed that Mr. Campbell's cabin is not actually on the line of his pre-emption, but from what I could see when I was inspecting the Pleasant Valley waggon road, it must be very close to it, and very near the timbered land, which, I have no doubt, was the reason Mr. Campbell (who was alone) built a little off the line.

I have, &c.,

(Signed) W. DEWDNEY,
Government Agent, &c.

VICTORIA, B. C., January 19th, 1885.

SIR,—I have the honour to acknowledge the receipt of your letter of the 3rd inst., stating that Mr. Ronald Campbell has paid in full the purchase money on the S. $\frac{1}{4}$ of Section 11, Township 7, Osoyoos.

I beg to state in reply that a certificate of improvement can issue to Mr. Campbell to the land referred to, upon his producing the requisite declaration as to improvements.

The sum of \$160 stands to the credit of your office in the Treasury, on account of Mr. Campbell's application to purchase the S. W. $\frac{1}{4}$ of Sec. 12, township 7. (See my letter to Mr. Lambly dated 31st July last).

If this quarter-section is legally held by any other parties, you should make application to me for a refund of the sum to Mr. Campbell, and forward a voucher signed by him.

I have, &c., (Signed)

W. S. GORE,
Surveyor-General.

W. Dewdney, Esq.,
Government Agent, Spallumcheen.

OKANAGAN, January 1st, 1885.

SIR,—I have the honour to communicate with you respecting the validity of my land claim.

During the interview which you kindly gave me last fall, in regard to this matter, you promised to investigate the affair as soon as Mr. Lambly's (the then Government Agent) report reached you.

I therefore beg leave to draw your attention to the fact that I wish to enter on the land to make the necessary improvements, such as putting up buildings and getting out fencing timber this winter.

Last August I went to the place and prepared to build a house, but was told by Ronald Campbell that the land belonged to him, and that I must depart.

It is a well-known fact that Ronald Campbell never either settled on or in any way improved the land in question.

Under these circumstances I hope your Honour will now give your decision.

I am, &c.,

(Signed) MICHAEL BURNS.

Hon. W. Smithe,
Chief Commissioner of Lands and Works.

VICTORIA, B. C., January 20th, 1885.

SIR,—I have the honour to acknowledge the receipt of your communication of the 1st inst, in reference to a parcel of land in Osoyoos District you desire to pre-empt. In reply, I beg to refer you to Mr. Dewdney, Government Agent for the district, who has been communicated with respecting the matter.

I have, &c.,

(Signed) W. S. GORE,
Surveyor-General.

Mr. Michael Burns,
Okanagan, B. C.

KAMLOOPS, B. C., 28th January, 1885.

SIR,—I have the honour to acknowledge the receipt of your letter of the 20th inst. regarding a piece of land in Osoyoos District, in which you refer me to Mr. Dewdney, Government Agent, whom you have instructed to act in the matter. I am sorry to say that Mr. Dewdney has gone below, but I saw Mr. Dewdney a few days before his departure and I was speaking to him on the subject, but all the satisfaction that I could get from him was that he would have to get his instructions from you.

Now you tell me that he has been instructed, and what shall I do in the matter? I am anxious to have the matter settled so that I can go on the land and improve it, and get things in shape so that I can put in a little crop in the spring.

Honourable Wm. Smithe,
Chief Commissioner of Lands and Works,
Victoria, B. C.

I have, &c.,
(Signed) MICHAEL BURNS.
per J. T. E.

VICTORIA, B. C., February 12th, 1885.

SIR,—In reply to your communication of the 28th ultimo, respecting a portion of land in Osoyoos District you wish to pre-empt, I beg to state that Mr. Dewdney, who is now *en route* to Spallumcheen, will, upon his arrival there, enquire into the matter.

Mr. Michael Burns,
Kamloops, B. C.

I have, &c.,
(Signed) W. S. GORE,
Surveyor-General.

SPALLUMCHEEN, B. C., May 1st, 1885.

SIR,—I have the honour to acknowledge the receipt of your communication of last February, in which you inform me that Mr. W. Dewdney, Government Agent for this district, was on his way up and would, on his arrival here, make the necessary inquiries and finally decide in reference to a parcel of land in Osoyoos District, said land being in dispute between me and Mr. Ronald Campbell.

Trusting your information, I waited a good while, but finding that no inquiries were being made, I called at Mr. W. Dewdney's office. When speaking with Mr. Dewdney about this matter, that gentleman informed me that everything had been decided at Victoria in favour of Mr. R. Campbell. (This statement is contra to the contents of your communication of February last).

I told Mr. W. Dewdney that I considered I had been unfairly dealt with, but the gentleman was very reticent speaking about the matter, nor could I learn the reason why the decision had been thus made.

May I take the liberty of asking of you whether this is your final decision about this disputed land? and, if so, please give your reason for it.

The Honourable Wm. Smithe,
Chief Commissioner of Lands and Works.

I have, &c.,
(Signed) MICHAEL BURNS.

VICTORIA, B. C., May 19th, 1885.

SIR,—I have the honour to acknowledge the receipt of your communication of the 1st inst., respecting the piece of land in dispute between you and Mr. Campbell.

Mr. Dewdney was under a misapprehension in stating that the matter had been finally decided here. It was understood in this office that Mr. Campbell had a claim to the land, as he had paid the purchase money on it before any other person had made any application for it; but it was further understood here that Mr. Dewdney was to inquire into the particulars of the case on his return to Spallumcheen. Mr. Dewdney has again been directed to report on the subject.

M. Burns, Spallumcheen, B. C.

I have, &c.,
(Signed) W. S. GORE,
Surveyor-General.

VICTORIA, B. C., May 19th, 1885.

Re RONALD CAMPBELL.

SIR,—I beg to refer you to a communication from me, dated 19th January last, on the subject of improvements made upon the south half of section 11, township 7, and referring to the mode of procedure with respect to the S.W. $\frac{1}{4}$ of section 12, township 7.

I must request you to be good enough to report as to whether this quarter-section is in the legal possession of Alex. Maxwell, who recorded it in June last, or of any other person.

Mr. M. Burns writes that he has not been fairly treated in respect to his claim to this land. Also report the nature and extent of improvements on the south half of section 11, township 7.

I must also remind you that \$160 still remain in the Treasury to the credit of your office, as a payment made by Mr. Campbell on his land claim.

It is desired that a final adjustment of these matters should at once be arrived at.

W. Dewdney, Esq.,
Government Agent, Spallumcheen.

I have, &c.,
(Signed) W. S. GORE,
Surveyor-General.

SPALLUMCHEEN, 30th May, 1885.

SIR,—I have the honour to inform you that Mr. Ronald Campbell will be prepared in about two or three weeks to take out a certificate of improvement for his pre-emption for the south half of section 11, township 7, there being on the ground up to the present material for two miles of fence, and as soon as it is put up I will be in a position to issue the certificate.

Mr. Alexander Maxwell is in possession of the S.W. $\frac{1}{4}$ of section 12, township 7, pre-emption record No. 266, 28th June, 1884.

I cannot see what Mr. Burns has to complain of, unless he is very anxious to obtain property that justly belongs to another.

I am credibly informed that Mr. Burns hunted this section of the country to find witnesses to come forward to prove that Mr. Campbell was not in occupation of his land, but failed to carry his point.

I have taken great pains to investigate this land dispute, which has been going on for the last ten or twelve months, and came to the conclusion that Mr. Campbell had fully represented his claim from the time he took it up.

I have spoken to Mr. Campbell on two or three occasions that there is at the Treasury \$160 to his credit, but he seems anxious to make a purchase of some more land for pastoral purposes. Two or three days ago he made inquiries about a quarter-section, but on account of its being agricultural land I could not comply with his request.

W. S. Gore, Esq.,
Surveyor-General, Victoria.

I have, &c.,
(Signed) W. DEWDNEY,
Assistant Commissioner, &c.

SPALLUMCHEEN, June 6th, 1885.

SIR,—I have the honour to acknowledge the receipt of your communication of May 19th respecting the piece of land in dispute between me and Mr. R. Campbell.

In compliance with your information I called at Mr. W. Dewdney's office to have a day fixed on which to make inquiries into the particulars of the case, but was told that he (Mr. Dewdney) had inquired into the case and would not change his decision.

I beg to call your attention to the fact that if any inquiries were made at all they were made of Mr. R. Campbell, and possibly of the parties who intend to buy, or have already bought, Mr. Campbell's claim to the land in question. It is very strange indeed that Mr. Dewdney did not call for the testimony of disinterested parties, which know the facts of the case, and can swear to the truth of their statements.

Another matter I wish to bring to your attention: "About the same time I received your letter of February last informing me that Mr. Dewdney was on his way up, and would inquire into the case, Mr. Campbell claimed to have received a communication also," (the name of Mr. Campbell's correspondent I could not learn) in which he was told to go on making improvements on his land, and that he would get a Crown grant on the land whenever the required amount of improvements had been made. It is reasonable to believe that some such communication came to Mr. Campbell's hand, for the parties which intend to buy out Mr. Campbell started immediately to work making fencing and other improvements on the land in question.

The manner in which this inquiry has been conducted I must consider as very unfair and one-sided, therefore I respectfully request that this case be again inquired into, and in the presence of both parties and their witnesses, under oath. Whatever their decision then may be shall be final.

Very respectfully yours,
(Signed) MICHAEL BURNS.

Honourable Wm. Smithe,
Chief Commissioner of Lands and Works.

SPALLUMCHEEN, 27th June, 1885.

SIR,—I have the honour to forward Certificate of Improvement No. 39 in favour of Mr. Ronald Campbell.

I have, &c.,
(Signed) W. DEWDNEY,
Assistant Commissioner, &c.

The Honourable Chief Commissioner of Lands and Works,
Victoria.

DECLARATION.

District of Yale, Osoyoos Division.

We, Ronald Campbell, Thomas Clinton, and Thomas Murray, do solemnly and sincerely declare as follows:—

And firstly I, the said Ronald Campbell, for myself, declare that I have been in the occupation of my pre-emption claim from the date of the record thereof, and have made permanent improvements thereon amounting in the aggregate to two dollars and fifty cents per acre of the whole land:—

Cabin, 26x20, \$200; cabin, 18x20, \$150; dams for water, \$160; clearing, \$180; fencing, two miles, \$600; fencing half mile on ground, \$100.

And, secondly, we, Thomas Clinton and Thomas Murray, for ourselves, declare that the above named Ronald Campbell has made permanent improvements on his pre-emption claim amounting in the aggregate to two dollars and fifty cents per acre of the whole land, the details whereof are correctly set forth above by the said Ronald Campbell.

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within-named, on the }
27th day of June, A. D. 1885, before me, (Signed) RONALD CAMPBELL.
(Signed) W. DEWDNEY, J. P.

Declared and signed by the within-named, on the }
27th day of June, A. D. 1885, before me, (Signed) THOMAS CLINTON.
(Signed) W. DEWDNEY, J. P.

Declared and signed by the within-named, on the }
27th day of June, A. D. 1885, before me, (Signed) THOMAS MURRAY,
(Signed) W. DEWDNEY, J. P.

SPALLUMCHEEN, July 18th, 1885.

SIR,—I have the honour to inform you that I have sent you a communication in the first week of June last respecting a piece of land in Osoyoos District, which is in dispute between me and Mr. Ronald Campbell. As I have not received a reply to my last communication, I take the liberty with this, to bring this case again to your notice.

Permit me to remind you on the conversation you had with me about the land in question at the time of your visit to Okanagan last year, you were satisfied then that I had a just claim to this land, notwithstanding that Mr. R. Campbell has sent one hundred and sixty dollars (\$160) to the Land Office as part payment on three quarter-sections of land, for this money could not be received as part payment on three quarter-sections of land, because this would be a violation of the Land Act. As you had not the time to visit the disputed land yourself, you promised to have the matter inquired into before giving your decision. This inquiry has been going on a good time, has caused me a good deal of annoyance and loss of time, owing to the way in which it has been conducted. According to the statement of your Land Agent here an inquiry into the matter has been made, but it is a matter of surprise to me that not one of the neighbours of Mr. Campbell, who knew the circumstances of the case from their own observation, has been asked in reference to this case. If an inquiry was made at all, it must have been made among people which know of this dispute only from hearsay, or the inquiry has been made among parties which are interested with Mr. R. Campbell in the land in question. I am confident that you wished to have this inquiry conducted fairly; having told you in the foregoing how it has been conducted, I leave it to your own judgment to say whether it has been so conducted.

I also beg leave to inform you that ever since last spring Mr. R. Campbell has not been residing on his land at Okanagan Lake, but on a pre-emption at Okanagan Mission. Nor is the land at Okanagan Lake represented by anybody else living on it. As Mr. R. Campbell has not yet received a Crown grant for the land at Okanagan, and, under the Land Act, a person can not hold more than one claim at a time, I trust you will consider this as one more point in favour of my claim to the land in question.

In conclusion I beg respectfully that you will give the necessary instructions to give this case an impartial hearing, so that a final settlement can be arrived at. Should you have given already your decision please be kind enough to inform me of it by next mail.

Hon. William Smithe,
Chief Commissioner of Lands and Works,

I have, &c., (Signed) M. BURNS.

VICTORIA, B. C., July 28th, 1885.

SIR,—In reply to your communication of the 18th inst. upon the subject of the land dispute between yourself and Ronald Campbell, I beg to say that Mr. Dewdney has made an application to the Treasury for a refund of the \$160 paid by Mr. Campbell on the land in question, from which it is inferred that Mr. Campbell has abandoned his claim. I would suggest that you renew your application to Mr. Dewdney.

Mr. Michael Burns,
Spallumcheen, B. C.

I have, &c., (Signed) W. S. GORE,
Surveyor-General.

SPALLUMCHEEN, 25th July, 1885.

SIR,—I have the honour to forward the enclosed voucher for \$160, one hundred and sixty dollars, receipted by Mr. Ronald Campbell, which amount I have refunded to him.

Be good enough to pay the amount into the Treasury, and I will show it in my accounts for June as a remittance to same.

Mr. W. S. Gore, Surveyor General,
Victoria.

I have, &c., (Signed) W. DEWDNEY,
Assistant Commissioner of Lands and Works.

GOVERNMENT OF BRITISH COLUMBIA.

Ronald Campbell, creditor for the undermentioned, on account of Requisition No.—Warrant No.—
June 27th, 1885.—Refunded on the S. W. ¼ Sec. 12, Township 7. "Treasury receipt 2152," \$160.

Certified correct.

W. DEWDNEY,
Government Agent, &c.

SPALLUMCHEEN, B. C., 27th June, 1885.

Received from the Government of British Columbia, the above sum of one hundred and sixty dollars.
(Signed) RONALD CAMPELLE.

MEMO.—This document to be filed, merely as a receipt from Campbell for the money, and not to be brought to account in the Treasury as expenditure under *Refunds*. The money was merely on deposit, pending the issuance of a Crown deed of the land referred to, but as no deed has been issued the amount had not been brought to account under Land Sales. A cheque for the amount (\$160) has been forward to Mr. Dewdney from Treasury, as per letter of advice from Audit Office. See Audit Office Letter Book, Folio 565, dated July 21st, 1885.

(Signed) J. MCB. SMITH,
Auditor.

SPALLUMCHEEN, August 8th, 1885.

SIR,—I have the honour to state that in accordance with a letter from your department, dated July 28th, 1885, I made application to Mr. Dewdney, the Government Agent here, for a record of the S. E. $\frac{1}{4}$ section 11, township 7, Osoyoos District. Mr. Dewdney refused, saying he could not give me a record until the record of Ronald Campbell had been cancelled; also stating that a payment had been made on the land, and that a certificate of improvement had been issued on this land.

I beg to submit that this affair is assuming now very serious importance. Yes, I may say, it assumes the character of a conspiracy to defraud me of my rights to the land in question. When I made application for this piece of land on the 14th of July, 1884, the land was vacant, for Mr. Campbell never adhered to the agreement made with Mr. M. Lumby, who had been appointed by you to finally settle this matter with R. Campbell. Since then Campbell has sold this land to two men named Th. Clinton and W. Murray, as far as I can learn, for \$3,000, on condition that Campbell is to procure a Crown grant for the land. In March last, when I received a letter from your department informing me that Mr. Dewdney was on his way to Spallumcheen, and had instructions to inquire into the dispute between me and R. Campbell about this land, Messrs. Clinton & Murray and Campbell claimed to have also received a letter from somebody in Victoria, instructing them to go ahead and make the necessary improvements on the land, so that a Crown grant could be issued for the land. It stands to reason that some such communication was received by those parties, for Messrs. Clinton & Murray commenced to put some improvements on the land in the shape of a log fence, taking care, however, not to make any improvements on the quarter-section claimed by me. Now, as to the issuing a certificate of improvement on this land: The Land Act requires that improvements to the value of \$800 must be made on a claim of 320 acres before a certificate of improvement can be issued; and also, that two witnesses make oath and certify to the correctness of the value of the improvements. I have been over this land in company with good reliable men, and made an inspection of the improvements for which a certificate of improvement has been issued. The whole improvements on the land consist of one mile of a log fence, built of small logs, three logs high; value of this fence at a very high figure, say \$300; one small log cabin, five logs high, roofless, and otherwise not finished, and about five acres of land that had been ploughed last year, but laying idle this year. This makes the sum total of improvements on the land, for which a certificate of improvement has been made. It is needless for me to say that this certificate has been obtained fraudulently, for the real value of the improvements is hardly one-half of what is required by the Land Act.

I also wish to call your attention again to the fact that Mr. Dewdney has not carried out your instructions in regards to making an inquiry into this matter. I have taken the trouble and called on all the parties which have any knowledge of this matter, and everywhere I have received the answer that Mr. Dewdney has not inquired of them in reference to the disputed land. For some reason unknown to me, Mr. Dewdney is not kindly disposed toward me, for he does not even answer to my salutations when or where I meet him.

As to Mr. R. Campbell, it is a notorious fact that he simply tries to hold this land as a speculation. He is at present, and has been for the last four months, living on Mr. R. H. Hanna's pre-emption at Okanagan Mission. (During all this time no one has been living on the disputed land at Okanagan). Mr. Campbell has purchased Mr. Hanna's pre-emption, and is acting as Hanna's agent until Hanna can procure a Crown grant and make a transfer of the land to Campbell. It is easily seen that Campbell is simply trading in pre-emptions, contrary to the provisions of the Land Act, and the matter is creating a good deal of comment throughout this part of the country.

I have so far suffered a great injustice, but the matter is so plain I cannot but have confidence in eventually securing my rights.

I cannot but believe that Mr. Dewdney has not dealt with this affair in a spirit of fairness and impartiality; therefore, permit me to suggest that if a couple of disinterested men were appointed to look into this matter, you would find that I have all along only claimed my rights, have adhered strictly to facts in my communications, and you would bring this affair speedily to a final settlement.

I have, &c.,
(Signed) MICHAEL BURNS.

Honourable Wm. Smiſthe,
Chief Commissioner of Lands and Works.

GOVERNMENT OFFICE,
SPALLUMCHEEN, 8th August, 1885.

SIR,—I have the honour to inform you that Mr. M. Burns has called at my office, stating that he is instructed by you to call on me to make a record of the S. E. $\frac{1}{4}$ of section 11, township 7, a portion of Mr. Ronald Campbell's pre-emption No. 117.

I beg to state that Mr. Campbell has paid in full for his pre-emption, and for which a certificate of purchase was issued to him, No. 593, on the 3rd December, 1884, and on the 27th June, 1885, I issued a certificate of improvement, No. 39, about the same time making an application for a Crown grant for the same.

As I have stated before, I cannot perceive why Mr. Burns is so persistent in trying to take away from an old man like Mr. Campbell what I consider is all his just rights to the land. I have consulted with Mr. Lumby in regard to the matter, as the case was once tried before him, and he is of opinion that Mr. Campbell has done his best to hold his claim after being notified by him to live on his pre-emption, and who built a second cabin on it which was burnt down; slept in the open air under a tree until he had put up another dwelling, so that he should comply with the law.

My predecessor (Mr. Lambly) and Mr. Campbell did not get along very well together, and at one time Mr. Lambly had him bound over to keep the peace, for some remark he made about him *behind his back*, and which was told him by some one else. Since that time they have been bitter enemies.

Mr. Burns is getting different parties to write to you on the subject, without their knowing the first thing about it, and from his dictation. I think that he is now trying Mr. Lambly, as he brought him to my office, and who, of course, will give his opinion adverse to Mr. Campbell; and from the commencement of my inquiries into the matter I found that Lambly was prejudiced against the old man, and that is the reason why I have taken so much trouble in finding out the facts of the case.

On referring to Mr. Campbell's record, when Mr. Burns applied to me for a record of a portion of the land, I found a memorandum in Mr. Lambly's hand-writing, "not to record for another party until the dispute was settled." I, therefore, told Mr. Burns that I could not make a record of the land for him as the case stood, but would refer the matter to you, which I did in an explanatory letter to you, after making inquiries into the matter, urging you to keep Mr. Campbell in, what I considered, his just rights, on account of his age, and as he had done everything (situated as he was) to comply with the law.

During the time I was in Victoria I spoke to Mr. Gore in regard to it and other matters, and he told me to get Mr. Campbell to put on the necessary amount of improvements as soon as possible, and when satisfied that he had done so to issue a certificate of improvement to him. On my return from Victoria I notified Mr. Campbell to that effect, and he came to my office with some of his neighbours, who said they would undertake to help the old man out sooner than see him robbed of his land.

I told them it did not matter to me how or who put on the improvements, as long as they were put on, and he could satisfy me, with himself and two witnesses, that such was the case; then I would issue to him a certificate of improvement.

By referring to Mr. Gore's letter No. 123/85 you will find that I have acted in this matter according to his instructions, and also reported to him on his letter to me, No. 1027/85, May 19th, 1885.

My own opinion is that Mr. Campbell has been ill-used in this matter, and if anyone else had the land recorded there would have been no second application made for it, or at least the application would not have been entertained by Mr. Lambly. I am still of the opinion that Mr. Burns does not require the land for his own use, but as he was working for Mr. O'Keefe, and whose land, S. E. $\frac{1}{4}$ section 10, is joining on to Mr. Campbell's, I imagine that Mr. O'Keefe is very desirous to get hold of it. It is very singular that Mr. O'Keefe was the party that told Mr. Lambly what Campbell had said against him, which caused Mr. Lambly to be so much against him.

As for Mr. Burns, if reports are true (which I take no notice of), is raging just the same about me, and who has no kindly feeling towards me, on account of my having to punish him for assault during the time I was at Yale.

I have, &c.,

(Signed) W. DEWDNEY,
Assistant Commissioner Lands and Works.

*The Honourable Chief Commissioner of Lands & Works,
Victoria.*

VICTORIA, B. C., August 20th, 1885.

SIR,—I have the honour to acknowledge your letter of the 8th inst., respecting your application to pre-empt the S. E. $\frac{1}{4}$ of section 11, township 7, Osoyoos District.

In reply, I beg to inform you that on the 27th of June last a certificate of improvement was issued in favour of R. Campbell, upon declarations duly made, as provided by the Land Act, by R. Campbell himself and two other residents of the district.

The improvements, as represented, amount to \$1,390, and they are set forth in detail. After the certificate of improvement had been obtained by Campbell and the purchase money paid, the department had no option but to issue a Crown grant when asked to do so. If, however, the certificate has been obtained by false declarations, then it will be competent for you to prove the fact before the Supreme Court and secure a cancellation of the certificate and Crown grant, on the ground that they have been fraudulently obtained.

If you wish to pursue the matter further it will be useless to communicate with the Lands and Works Department, as it is entirely out of our hands. You can only now proceed against Campbell and those who with him made the statutory declarations upon which the certificate of improvement was issued.

I have, &c.,

(Signed) WM. SMITHE,
Chief Commissioner of Lands and Works

*Mr. Michael Burns,
Spallumcheen, B. C.*

SPALLUMCHEEN, B. C.,
9th January, 1886.

DEAR SIR,—Mr. Michael Burnes, of this place, has requested me to write you certain information in regard to a certain piece of land near the head of Okanagan Lake, to which he thinks he has a claim. This is a matter in which I am in nowise interested, but Mr. Burnes so urgently requested me to do as I am now doing, claiming that at the time he applied for the land I was Assistant Commissioner of Lands and Works for this district, and that I thought it best to comply with his wishes in the matter. The land referred to (320 acres) was originally pre-empted by one Ronald Campbell, who never improved or resided thereon, but lived on another 160 acres of adjoining land (Crown land), stating to me when I remonstrated with him about his conduct in the matter, that he could hold the 320 acres by pre-emption; and having a claim against the Government (an *imaginary* claim, remember), he intended to secure the extra 160 acres he was living upon and hold it by squatting thereon. Several parties applied to me to have the land recorded for them, and although not refusing to receive their applications, I pointed out to them that the man Campbell might some day come to his senses, and be both willing and anxious to occupy the land, and each one in turn gave up the idea of persevering in their endeavour to secure the land. Campbell persisted in fighting settlers off the 160 acres he occupied, and also in preventing them from taking up the 320 acres he had once pre-empted, but never occupied or improved. After several attempts had been made to pre-empt the land, the Government sent Mr. Lumby to enquire into and settle the matter. This was, I think, in the winter of 1883-84. Mr. Lumby's decision, as signified to Mr. Campbell and reported to the Government, was that Campbell be allowed to hold the 320 acres of land he had a pre-emption record for, without living on or improving it, until the snow left in the spring of 1884. Campbell never complied with the conditions upon which Mr. Lumby allowed him to hold the land, and the June of 1884 still found the 320 acres unoccupied, vacant Crown land. It was about this time, I think, that Mr. Burnes made application to me as Assistant Commissioner of Lands and Works for 160 acres only of the 320 acres pre-empted by Campbell. Although the land was at the time as much vacant Crown land as any in British Columbia, I referred Burnes' application to the Honourable the Chief Commissioner of Lands and Works. I did this because it was already so widely known that Campbell had been allowed to hold the land so long without occupation or improvement, and also hoped to escape any trouble with Campbell by having instructions direct from the head office. From that time forth Mr. Burnes could get no satisfaction about the matter until the Honourable the Chief Commissioner of Lands and Works was through this part of the country in the fall of 1885, in company with yourself and me. I laid the matter before him in Mr. Kirkpatrick's house at Grand Prairie (you were there at the time and heard the whole thing). He then stated to me he thought Mr. Burnes had a right to the whole 320 acres, and had acted very honestly and fairly by asking for only the 160 acres. I thought the matter was finally settled at that time, wherein it appears I was in error. After Burnes applied for permission to pre-empt the land, Campbell sent direct to the Victoria office the sum of \$160 in *part payment* for the whole 320 acres, thinking thereby to gain some hold on the land; but of course this he could not do, as to purchase it he had to pay down the full price, and part payment *without occupation or improvement* gave him no rights under the Act. The fact is simply this, as Campbell told me personally he would not live on or occupy the land, but would hold it in spite of Burnes, the Government or the D—l. Burnes went on to the 160 acres within 30 days, and Campbell for the first time went on also and drove him off by force. This is all I can tell you in regard to the matter. Burnes has got a good deal to say about it, but I tell you simply what I *know*.

I have, &c., (Signed) T. McK. LAMBLY.

G. B. Martin, Esq., M. P. P.,
Victoria, B. C.

ELEVENTH SITTING—THURSDAY, 25TH MARCH, 1886.

Present—Messrs. C. E. Pooley, R. Beaven, E. Allen (new member).

Mr. Taylor read evidence on the application—Pre-emption claim, Lots 36, 49, 51, Group 1, New Westminster District; Pre-emption Record No. 155.

Evidence *re* Dougherty's pre-emption claim, adjoining Lot 8, Group 1, Lillooet District, put in and read. Committee adjourned to Friday, at 10.30, a.m.

Re CLARKE AND MATTHEWS.

Declaration.

District of New Westminster.

We, Michael Clarke, Joseph Stephen Matthews, Geo. Wales, and Tillman Wallard Herring, of New Westminster, do solemnly and sincerely declare as follows:—

And firstly, we the said M. Clarke and Jos. Stephen Matthews, for ourselves declare that we have been in occupation of our pre-emption claim from the date of the record thereof, and have occupied the said claim for the space of two years, and have made permanent improvements thereon to the value of two dollars and fifty cents per acre—

Michael Clarke, house.....	\$150 00
Sheds	75 00
Fences.....	50 00
Joseph Stephen Matthews, house.....	350 00
Clearing 15 acres, @ \$20 per acre.....	300 00

\$925 00

And, secondly, we, George Wales and Tillman Wallard Herring, for ourselves, declare that the above-named Michael Clarke and Joseph Stephen Matthews have been in occupation of their pre-emption claim from the date of the record thereof, and have made permanent improvements thereon to the value of two dollars and fifty cents per acre, the details whereof are correctly set forth above by the said Michael Clarke and Joseph Stephen Matthews.

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within-named, on the } 10th day of August, A.D. 1885, before me, (Signed) Hy. MATHERS, J.P.	(Signed)	MICHAEL CLARKE, JOSEPH S. MATTHEWS.
	"	"

Declared and signed by the within-named, on the } 17th day of August, A.D. 1885, before me, (Signed) W. J. ARMSTRONG, J.P.	Signed)	GEORGE WALES.
	"	"

Declared and signed by the within-named, on the } 19th day of August, A.D. 1885, before me, (Signed) B. DOUGLAS, J.P.	(Signed)	T. W. HERRING.
	"	"

VICTORIA, B. C.,
5th September, 1885.

SIR,—I am directed to instruct you to make a careful and searching investigation relative to the occupation of Lots 36, 49, and 51, Group 1, by the pre-emptors, Messrs. Matthews & Clarke, or their agents, from the date of the record (No. 155) to the present time, and report the facts adduced.

Chas. Warwick Esq.,
Government Agent,
New Westminster, B.C.

I am, &c.,
(Signed) W. S. GORE,
Surveyor-General.

NEW WESTMINSTER, B.C.,
September 18th, 1885.

SIR,—I have the honour to state, in reply to your letter of the 8th inst., that the result of my investigation relative to the occupation of Lots 36, 49, and 51, Group 1, is as follows:—

Neither Matthews nor Clarke have been in occupation of the land in question, either by themselves or agents, for several years, until some few months ago.

Matthews has been about in the upper country, and only returned about March last, since which time all the improvements that are upon the place have been made.

Clarke has been living continuously down the North Arm for several years, and is there still.

Matthews' improvements consist of house, about 12x16, with door in centre, and 2 windows; shake roof; outside walls of rough lumber; outside value about \$100. About 9 acres elashed (no other clearing; estimated cost \$40; 1 hen-house (shake building); 1 well dug. There are no fences on the premises.

Clarke has no improvements whatever.

Both parties had shake cabins in the first place, which have since been consumed by fire. Clarke has also had a shed composed of shake roof stuck up on 4 poles, such as is used by shingle makers, which was burned.

I have, &c.,
(Signed) C. WARWICK,
Government Agent.

W. S. Gore, Esq., Surveyor-General,
Victoria, B. C.

VICTORIA, B. C., September 22nd, 1885.

SIR,—I have the honour to acknowledge the receipt of your communication of the 18th inst., relative to the occupation of lots 36, 49, and 51, group 1, New Westminster District, by Messrs. Matthews & Clarke, and have to request that you will be good enough to report fully the nature of your investigations, and upon what evidence your report is based; also, to give the fullest detailed information on the subject.

I have, &c.,
(Signed) WM. SMITHE,
Chief Commissioner of Lands and Works.

C. Warwick,
Government Agent, New Westminster.

NEW WESTMINSTER, B. C.,

September 28th, 1885.

SIR,—In reply to your letter of 22nd inst., I have the honour to state that my report relative to the occupation of lots 36, 49, and 51, group 1, is based principally upon the evidence of Mr. Miller, constable at Granville, and Mr. Sprott, both of whom have been upon the land in question and have carefully examined the improvements thereon.

Mr. Miller saw Matthews in Lytton in the fall of 1883, since which time Mr. Miller is prepared to prove he (Matthews) has been absent from the district until the month of March last.

Mr. Sprott and others inform me that Clarke is now a resident of Lulu Island, and has been so for some years. I may here state that on the 9th of May, 1884, he registered as a voter, giving his address "Lulu Island."

The improvements mentioned in my letter of the 18th inst. were Mr. Sprott's valuation, and I now enclose letter from Mr. Miller, giving the improvements as valued by him.

Mr. J. Manion, of Granville, is prepared to testify to the correctness of the above, and in Mr. Sprott's hearing told Mr. Miller that the land in question had not been occupied for some four or five years, and then only for the purpose of shingle making. Matthews has admitted to Mr. Sprott that the house and all improvements have been made within the last three months. I may also state that no taxes have been paid on these lots since 1880.

I have, &c.,

(Signed) C. WARWICK,

*Government Agent.**Hon. Wm. Smithe,**Chief Commissioner of Lands and Works.*

GRANVILLE, 24th September, 1885.

SIR,—By request of Mr. Sprott, to-day I have examined the improvements on lot 51, group 1, New Westminster District. They consist of a small house, 12x14, built of rough lumber, with upper and lower floor tongued and grooved; a small hen-house built of split shakes; a well about 30 feet deep; about eight acres of land partly cleared. I would say the following would be an outside valuation on improvements:—

House	\$ 75 00
Hen-house	10 00
Well	60 00
Partly clearing 8 acres, @ \$10 per acre.....	80 00
	<hr/>
	\$225 00

Two hundred and twenty-five dollars. All this work has been done this summer. On 49 and 36 there are no improvements.

C. Warwick, Esq.,
New Westminster.

I am, &c.,

(Signed) J. MILLER.

NEW WESTMINSTER, 2nd September, 1885.

SIR,—I have the honour to forward you enclosed Homestead Certificate No. 155, favour Joseph Stephen Matthews and Michael Clarke, for lots 36, 49, and 51, group 1, and Certificate of Improvement No. 266 for the same, and I will be obliged by you issuing a Crown grant for the same.

I enclose \$10 for homestead and Crown grant fees.

I have, &c.,

(Signed) J. G. JACQUES.

Honourable Chief Commissioner of Lands and Works,
Victoria.

VICTORIA, B. C., October 28th, 1885.

SIR,—In reply to your communication of the 26th inst., referring to your letter of the 2nd September last, wherein you make application for a Crown grant to lots 36, 49, and 51, group 1, New Westminster District, in favour of Joseph Stephen Matthews and Michael Clarke, and enclosing fees and documents in support thereof, I am directed by the Honourable the Chief Commissioner of Lands and Works to state that he has been furnished with conclusive evidence of such a nature as to preclude him from issuing a Crown grant, or in any manner recognizing the claim of your clients to the land in question, all rights as homestead settlers being forfeited for cessation of occupation, as required under the provisions of the "Land Act, 1875."

I beg to return herewith the \$10 enclosed with your letter of the 2nd September.

I have, &c.,

(Signed) W. S. GORE,

Surveyor-General.

J. G. Jacques, Esq.,
New Westminster, B. C.

LANDS AND WORKS DEPARTMENT,
VICTORIA, B. C., 16th November, 1885.

SIR,—I have the honour to request your opinion on an application made by Messrs. Matthews and Clarke for a Crown grant to lots 36, 49, and 51, Group 1, New Westminster District, under the "Land Act, 1875," the particulars of which are briefly as follows:—

June 3rd, 1878, Joseph Stephen Matthews and Michael Clarke applied to and obtained from the Assistant Commissioner of Lands and Works at New Westminster permission to pre-empt lots 36, 49, and 51, group 1, receiving therefor Pre-emption Record No. 155.

August 3rd, 1878, a railway reserve was placed over the lands on the Mainland for a distance of 20 miles on each side of the line of the railway.

May 10th, 1882, the above reserve was rescinded in so far as it applied to lands to the west of Mud Bay Road, the North Arm Road, and the North Arm of Burrard Inlet. Lots 36, 49, and 51 came within that portion of the reserve so rescinded.

August 7th, 1884, the lands released from the railway reserve May 10th, 1884, were by public notice withdrawn from pre-emption and purchases, and reserved until further notice. This reserve has not been rescinded.

During the years 1883 and 1884 it was known to this Department that Matthews and Clarke had ceased to occupy and therefore abandoned the lots in question, and from that time to the present the lands have been considered Crown lands.

The first intimation the Department had of Messrs. Matthews and Clarke having resumed occupation of said lots was in a letter from Mr. Warwick, Assistant Commissioner at New Westminster, dated August 21st, 1885, enclosing certificate of improvement in favour of Messrs. Matthews and Clarke, accompanied with the declaration form No. 8, "Land Act, 1875."

September 2nd, 1885, Mr. J. G. Jacques made application on behalf of Messrs. Matthews and Clarke for a Crown grant to the lots in question, and enclosed their original pre-emption record No. 155, dated June 3rd, 1878, and original certificate of improvement No. 266, dated August 20th, 1885, together with the sum of \$10 cost of Crown grant.

September 8th, 1885, Mr. Warwick was directed to make a searching investigation relative to the occupation of lots 36, 49, and 51, group 1, by the pre-emptors or their agents, from the date of record, and to report the result of such investigation.

September 8th, 1885, Mr. Warwick reported as the result of his investigation that neither Clarke nor Matthews have been in occupation of the lands in question, either by themselves or agents, for several years, until about March, 1885, since which time all the improvements now on the land have been made. Matthews has been absent in the Upper Country, and Clarke has for several years been living continuously down the North Arm of Fraser River, and is there still.

May 9th, 1884, Clarke registered as a voter, giving his address Lulu Island. September 22nd Mr. Warwick was requested to report fully the nature of his investigation, and upon what evidence he based his report of September 18th.

September 28th, 1885, Mr. Warwick replied, enclosing a written statement made by Mr. J. Miller, of Granville, estimating the improvements at \$225, and stating that all the improvements were made during the summer of 1885.

October 28th Mr. Jacques was returned the \$10 enclosed in his letter of September 2nd, and informed that the claim of Messrs. Matthews and Clarke could not in any manner be recognized, as their rights to the lands had been forfeited for cessation of occupation.

Mr. C. Wilson now renews the application of Messrs. Matthews and Clarke for a Crown grant to the said lots, 36, 49, and 51.

Section 29, "Land Act, 1875," requires a continuous bona fide personal residence of the homestead settler, his agent or family. Should the land have been unoccupied by the homestead settler, his agent or family for more than four months in the aggregate of one year, or for more than two months consecutively, the same shall be deemed to be abandoned,—vide Section 31, "Land Act, 1875."

It has been shown that neither of the pre-emptors occupied the land for the space of 2 or 3 years consecutively, and there can be no doubt that the declaration form No. 8, dated August 10th, 1885, made by Matthews and Clarke and others, for the purpose of getting their certificate of improvement, is not in accord with the facts.

I have, therefore, to request that you will favour me with your opinion whether the applicants, Matthews and Clarke, are entitled to receive a Crown grant under the "Land Act, 1875."

I enclose herewith all the correspondence, and the original records in connection with the case, which you will be good enough to return after perusal.

I have, &c.,

(Signed) Wm. SMITHE,
Chief Commissioner of Lands and Works.

To Hon. A. E. B. Davie, Esq.,
Attorney-General.

I am clearly of opinion that the applicants are not entitled to the grant—22nd December, 1885.

(Signed) ALEX. E. B. DAVIE.

I, Joseph Stephen Matthews, of the District of New Westminster, in the Province of British Columbia, farmer, make oath and say:—

1. I pre-empted lots 36, 49, and 51, group 1, New Westminster District, in partnership with Michael Clarke, on the 3rd of January, 1878, for agricultural purposes.

2. I remained on the land from the time of pre-emption till June, 1881, when I went up to the mines. I returned in August or September, and the same fall I went to work on the railway.

3. I built a frame house on the south-east corner of lot 36, which was destroyed by fire in 1884. I also slashed and cleared a large piece of land.

4. I was down four different times from 1882 to 1884, inclusive, and each time went down to my claim, but could do but little work, as I had not the means to remain permanently on the place.

5. I returned to my claim in the spring of 1885, and went to work with my partner's agent. I have rebuilt my house, sunk a well, brushed a large piece of land, and done considerable other improvements, and am still on the claim.

6. I consider that there was sufficient improvements on the land prior to my leaving the first time to entitle me to my certificate of improvement.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within-named on the }
(no date) day of January, A. D. 1886, before me, } (Signed) JOSEPH S. MATTHEWS.
(Signed) B. DOUGLAS, J. P. }

I, Michael Clarke, of the District of New Westminster, Province of British Columbia, farmer, make oath as follows:--

1. I pre-empted lots 36, 49, and 51, group 1, New Westminster District, on 3rd June, 1878, in partnership with Joseph Stephen Matthews, for agricultural purposes.

2. In the years 1878 and 1879 I remained about six months on the claim. I cleared up and fenced a small patch of land, and planted vegetables, and put up a shake cabin.

3. In the years 1879 and 1880 I was on the claim about eleven months, built a frame house, cleared up and fenced two more patches of ground, planted potatoes and fourteen apple trees in one, and in the other patch I planted potatoes, onions, and currant cuttings. I also sowed clover seed over considerable land when the timber was burnt off.

4. In the year 1880 I put in a crop and worked on the place till the middle of July. A short time after leaving, my house and other improvements were accidentally destroyed by fire.

5. At the time said fire occurred there was sufficient improvements on the claim to entitle me to a certificate of improvement.

6. After the fire I was compelled to seek work elsewhere so as to obtain means to rebuild, and as the trail to the claim at that time was almost impassable, it was very expensive getting material moved out there.

7. I secured employment on Lulu Island, and in the year 1885 placed an agent on the land to represent my interest.

8. I paid the taxes up to 31st December, 1880, since then I have been willing to pay my half, but I could not make any satisfactory arrangements with my partner.

9. I never had any idea of abandoning my interest in the claim, and, in fact, always considered that I was entitled to a Crown grant.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within-named on the }
25th day of January, A. D. 1886, before me, } (Signed) MICHAEL CLARKE.
(Signed) R. DICKINSON, J. P. }

I, George Wales, of the District of New Westminster, in the Province of British Columbia, farmer, make oath and say as follows:--

1. I am the owner of lot 50, group 1, New Westminster District, adjoining the claim of Messrs. Matthews and Clarke.

2. I have read the affidavits of Joseph Stephen Matthews and Michael Clarke relating to their occupation and improvements, and to the best of my knowledge and belief the same is true.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within-named on the }
day of January, A. D. 1886, before me, } (Signed) GEORGE WALES.
(Signed) B. DOUGLAS, J. P. }

I, David McBroom, of the City of New Westminster, Province of British Columbia, make oath and say as follows:--

1. In the year 1879 I worked hauling lumber from Armstrong's saw-mill, in this city, to the pre-emption claim of Michael Clarke on False Creek Trail, and afterwards did see a frame house on the pre-emption claim aforesaid.

2. The False Creek Trail at that time was in bad repair, and it was very difficult moving timber over it.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within-named, on the }
23rd day of January, A.D. 1886, before me, } (Signed) DAVID MCBROOM.
(Signed) R. DICKINSON, J.P. }

I, Archibald Burns, of the City of New Westminster, in the Province of British Columbia, teamster, solemnly and sincerely declare and say as follows:--

In the year of 1879 I hauled lumber from Armstrong's saw-mill, in this city, to the pre-emption claim of Joseph Stephen Matthews, on the False Creek Trail.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within-named, on the }
25th day of January, A. D. 1886, before me, } (Signed) A. BURNS.
(Signed) W. N. BOLE, J. P. }

IN THE SUPREME COURT OF BRITISH COLUMBIA.

I, Charles Wilson, of the City of Victoria, solicitor, make oath and say:—That on the 3rd day of June, 1878, Joseph Stephen Matthews and Michael Clarke pre-empted about 320 acres of land in the District of New Westminster, such pre-emption being recorded as Homestead Record No. 155. A certificate of improvement was issued on the 21st day of August, 1885, upon the statutory declaration of the said Michael Clarke and Joseph Stephen Matthews, and George Wales and T. W. Herring.

On the 2nd day of September last Mr. G. Jacques, of New Westminster, on behalf of the said Joseph Stephen Matthews and Michael Clarke, applied by letter to the Honourable William Smithe, Chief Commissioner of Lands and Works, for a Crown grant of the lands comprised in the said homestead record, said lands being known as lots 36, 49, and 51, group 1, New Westminster District, and received in reply the letter now shown to me at the time of swearing this my affidavit, and marked A.

In the beginning of November last, pursuant to instructions from the said Mr. Jacques, I proceeded to impress upon the Hon. William Smithe, Chief Commissioner of Lands and Works, the applicants' right to a Crown grant, and after several interviews the said William Smithe, Chief Commissioner of Lands and Works, informed me that if I could show that the applicants had fairly complied with the spirit of the "Land Act, 1875," he would favourably consider the application. Thereupon the said Joseph Stephen Matthews and Michael Clarke made statutory declarations showing that in 1881 sufficient improvements had been put upon the land to entitle them to the said certificate of improvement, and that the result of their labours had been destroyed by fire; that they had never abandoned their claim, but that, owing to the destruction of their property they had not since 1881 continuously resided on the land. These statutory declarations I laid before the said William Smithe, Chief Commissioner of Lands and Works, in the beginning of the present month, and asked him to issue the Crown grant to the said Joseph Stephen Matthews and William Clarke, and the said William Smithe refused to issue the same.

Sworn at the City of Victoria, this 20th day of February, }
A. D. 1886, before me, } (Signed) GEORGE BYRNES, } (Signed) CHARLES WILSON.
A Commissioner for taking affidavits in the Supreme Court of }
British Columbia. }

"A."

[Letter from Surveyor-General to J. G. Jacques, dated 23th October, 1885, set out in full on page xlvi.]

FIFTH REPORT.

To the Honourable the Speaker of the Legislative Assembly:—

Your Committee appointed to enquire into all matters relating to lands, have the honour to report the evidence and documents produced to the present time.

26th March, 1886.

CHAS. E. POOLEY,
Chairman.

Re DOUGHERTY'S PRE-EMPTION CLAIM.

GOVERNMENT OFFICE,
CLINTON, B. C., April 3, 1883.

SIR,—I have the honour to enclose herewith application to record, declaration, and certificate of pre-emption record of 360 acres of land situated on Grave Creek, by and in favour of Mr. E. Dougherty. Duplicates of all forms on file in this office.

I have, &c.,
(Signed) F. SOUES,
Government Agent.

Honourable Wm. Smithe,
Chief Commissioner of Lands and Works, Victoria

CERTIFICATE OF PRE-EMPTION RECORD.

District of Lillooet.

Name of settler (in full)—Edward Dougherty.

Date of record—April 3rd, 1883.

Number of acres (in words)—Three hundred and sixty.

Where situated—Grave Creek.

Description of boundaries of land—Situated on Grave Creek, adjoining on two sides the purchased land of Edward Dougherty, as shown on rough sketch hereto, the boundaries of which are posts No. 1, 2, 3, 4, and 5.

Signature of Commissioner—

(Signed) F. SOUES.

PUBLIC HIGHWAY—LILLOOET DISTRICT.

Notice is hereby given that the following highway, forty feet in width, is hereby established, viz. —

Commencing at the north-west corner of Mr. E. Dougherty's pre-emption claim, known as lot 8, group 1, Lillooet District, thence in a southerly direction along the western boundary of the said claim to its south-west corner, and forty feet in width, measured to the west of said line.

GEO. A. WALKEM,

*Chief Commissioner of Lands and Works.**Lands and Works Department,**Victoria, B. C., 18th February, 1881.*

PUBLIC HIGHWAY—LILLOOET DISTRICT.

Notice is hereby given that the highway which was established along the western boundary of Mr. Edward Dougherty's pre-emption claim, known as lot 8, group 1, Lillooet District, by Gazette notice, dated 18th February, 1881, is hereby declared to be varied and altered, and in lieu thereof the following highway is established, viz. —

Commencing at the north-east corner of lot 8, group 1, Lillooet District; thence in a southerly direction, along the eastern boundary of said lot, to its south-east corner, and having a width of forty feet, measured to the east of said line.

WM. SMITHE,

*Chief Commissioner of Lands and Works.**Lands and Works Department,**Victoria, B. C., August 18th, 1883.*

[Received October 1st, 1883.]

DEAR SIR,—I see by a notice in the Government Gazette that you have removed the side road from the west end of my farm and placed it in the centre of one of my fields, and have taken into it the foundation of my new house. Will you kindly inform me why it is done, there being a first-class trail twenty rods further east, and on Government lands? The road, where you have put it, destroys one of the best cultivated fields on the Mainland, and without any object other than to destroy, and I am quite sure that it is neither a teamster or a packer that proposed putting where you have done. But I trust that you have been misled, and supposed you were moving it off my land altogether when you made the change. Where the road was before it was useful to teamsters, packers, and Indians. Where it is now it is a very serious damage to me and of no use to any one, as it will lead to the same place the trail twenty rods east of it, and running parallel with it, does. For the truth of what I state to you I will refer you to Mr. Thadeus Harper, who, I believe, is in Victoria now, as he knows the land intimately. I wish to state also that by moving the road from where it was you are closing the pastoral lands west of Maiden Creek for six miles, as fences and lakes keep stock from the mountain for that distance. Enclosed please find rough sketch of land, and it will show you that there must be a mistake somewhere.

I have, &c.,

(Signed) E. DOUGHERTY

*Honourable Wm. Smithe,**Chief Commissioner of Lands and Works,
Victoria.*

VICTORIA, 5th October, 1883.

SIR,—I have the honour to acknowledge receipt of yours, without date, relative to the removal of the side road to the east end of your property. I could not, of course, be expected to know that you had made a field and laid the foundation of a new house outside of the only land I had any knowledge of your possessing in the locality. I have since learned that you pre-empted a further tract of land; but if it be in the shape of the sketch you have sent me, you ought to know that it is not in accordance with the provisions of the Land Act, which requires the lines to be true north and south and east and west, and to be rectangular or square shaped, measuring 80 chains by 40 chains.

I had no intention of doing anything that would in any way injure your land or interfere with your improvements. If parties resident in the district should represent to me that the trail, which you say is a good one and only twenty rods from that lately gazetted, is sufficient for the requirements of the locality, I should have no objection to carry their wishes and views into effect. I have not seen Mr. Thadeus Harper yet, but will take an early opportunity to consult him upon the subject of your letter.

I have &c.,

(Signed) WM. SMITHE,

*Chief Commissioner of Lands and Works.**Mr. E. Dougherty, Clinton.*

VICTORIA, February 23rd, 1885.

SIR,—I have the honour to call your attention, and herewith submit a letter from Jacob Mundorf, Esq., dated February 10th, 1885, respecting a strip of land at the east side of E. Dougherty's purchased land on Maiden Creek.

I also beg to enclose a letter and a diagram from F. Soues, Esq., Government Agent, to said Jacob Mundorf, dated February 9th.

I beg respectfully to call your attention to the fact that the land claimed by E. Dougherty is not in accordance with the land laws, and therefore cannot be allowed, and as said E. Dougherty has threatened to charge said Jacob Mundorf \$10 per tree if removed from said land, I think it may prevent a breach of the peace by your seeing the Land Act strictly carried out.

Allow me to suggest that should you find that the land claimed by E. Dougherty is not in keeping with the Land Act, that you will be pleased to at once notify F. Soues, Government Agent, that the land so claimed cannot be allowed, and thus put an end to litigation, and perhaps trouble.

You will greatly oblige by looking into this matter at once, before spring sets in and all building purposes stopped for the season.

I have, &c.,

(Signed) EDWARD ALLEN.

*The Chief Commissioner of Lands and Works,
Victoria, B. C.*

124-MILE HOUSE, BONAPARTE,

February 10th, 1885.

MY DEAR FRIEND,—Last Sunday, Mr. Peters and myself went up the road to see about some saw logs, when Dougherty came down and wanted to know what I was going to do with them logs which McDonald cut down. I told him I was going to haul them away. He said that that was his land, and if I was going to haul them away he would make me pay \$10 a tree, and that he claimed it since April, 1883. I don't see why Dougherty did not say something when I put up my stakes and applied for the land and paid \$15 for having it advertised. He says he knows the day and date when I made application for the land. Now, will you be so kind and let me know whether he has this lower piece pre-empted or not. If he has, then I will not trouble myself with the logs; if not then I am bound to haul them away. He says he is paying taxes on 400 acres. I hope you get along all right in the House. We are all well at home and we hope you are the same. My wife and children send their kind regards to you, and the same from your old friend.

Very truly,

(Signed) JACOB MUNDORF.

Mr. Edward Allen.

Enclosed I send you a letter and a map of Dougherty's land, which Mr. Soues sent to me to-day.—J.M.

GOVERNMENT OFFICE, CLINTON,

February 9th, 1885.

SIR,—Complaint is made to me to-day, by Mr. E. Dougherty, that you have cut down timber on his pre-emption, and that you intend cutting more on the same ground.

I hereby give you notice that you must not cut any timber inside the lines claimed by the said Mr. Dougherty, or any other pre-emptor.

Mr. Dougherty informs me that he has pointed out to you the stakes placed by him on the 3rd April, 1883, so that you cannot claim ignorance of his lines, and for your information I append a sketch of his pre-emption.

The "Timber Act, 1884," gives you the privilege of cutting timber on *Crown lands* for your own use, without licence. I trust therefore, you will see the advisability of refraining from trespassing on lands legally occupied by others.

I have, &c.,

(Signed) F. SOUES,
Government Agent.

*Jacob Mundorf, Esq.,
Bonaparte.*

VICTORIA, B. C., March 6th, 1885.

SIR,—I have the honour to draw your attention to pre-emption record No. 514, dated April 3rd, 1883, and issued by you in favour of Edward Dougherty, for 320 acres of land adjoining his former pre-emption claim at Grave Creek, which must be cancelled, the same being irregular and not in accordance with the provisions of the Land Act, which requires that a pre-emption claim of 320 acres of land must measure 40 chains by 80 chains, except where such land is in whole or in part bounded by any surveyed land; then such surveyed land may be adopted as the boundary of the land sought to be acquired, all other lines being true north and south and east and west.

Mr. Dougherty applies for a piece of land adjoining a surveyed lot. He can, therefore, adopt the south boundary of said lot as the base for his new pre-emption, but the remainder of the boundaries must be to the cardinal points of the compass, having a length of not more than 80 chains, and a sufficient depth to make 320 acres, as shown by the sketch below.

I have, &c.,

(Signed) WM. SMITHE,
Chief Commissioner of Lands and Works

*F. Soues, Esq.,
Government Agent, Clinton.*

MAIDEN CREEK, March 17th, 1885.

SIR.—I have the honour to inform you that I have some land pre-empted on Maiden Creek, adjoining my purchased land. It is a strip of not more than 25 acres, and not more than 10 of that fit for cultivation. I have been to a great expense to improve it; I have had most of it under fence for twelve years, and the arable part of it cropped for eight years; I have paid taxes and pre-emption fee; no one has ever disputed my right to it, and I am prepared to pay for it when ever called on to do so, for the land is of no use to any one else. There is about 20 pines growing on one corner of it that I have been saving as a winter shelter to my building and farm for the last 15 years. I found Mundorf's man cutting them, and asked him to desist; he said the Chief Commissioner gave him permission to do so. Now sir, is it a fact that you did send him to destroy what is, and has always been, considered mine; and is Crown lands getting scarce? Was it not enough for you to give him 12 miles of Bonaparte Valley, including the lands that I bought from you in 1883, and have been shut off from for the last 15 months. You are well aware that an alley 240 feet long, 4 feet wide, with 3 gates on it, is no highway, nor yet a trail. Why sir you cannot lead a pack-horse through it, yet that is the road you gave me to my property. And Soues says to me in his letter of September 5th, 1883, that you say usage made the Bonaparte trail a public highway, and that Mundorf had been informed to in no way impede it. The smiles of Ned Allen must have something to do with it.

In your letter to Soues last mail you say I can take my pre-emption on the south side of my purchased land; why not take it on the east end in Government, or rather *Dominion*, land? Why do you send a man to cut timber without giving me a chance to start from what ever stake I like, when the land is not occupied on the east or north? By answering the above queries you will greatly oblige, for I consider that I am badly used by your rule, and it is a small thing for a Government to help one man to injure and annoy another.

I have, &c.,

(Signed) E. DOUGHERTY.

Hon. William Smithe,
Chief Commissioner of Lands and Works, Victoria.

VICTORIA, B.C., March 28th, 1885.

SIR.—I have the honour to acknowledge the receipt of your communication of the 17th instant, respecting a pre-emption claim recorded by you adjacent to your purchased land, and having reference to the narrow outlet through Mr. Mundorf's farm.

Your pre-emption was ordered to be cancelled for non-conformity with the requirements of the Land Act, but in re-recording it was not intended that you should be restricted to the exact position indicated by the sketch sent to Mr. Soues, which was merely suggestive and explanatory.

You can make application to pre-empt any vacant Crown land, but your application must conform to, and be governed by, the provisions of the Act. * * * * *

Mr. Soues will be directed to have one of the roads at Mundorf's opened for public traffic.

I have, &c.,

(Signed) WM. SMITHE,
Chief Commissioner of Lands and Works.

Mr. E Dougherty,
Maiden Creek, Lillooet.

GOVERNMENT OFFICE, CLINTON,
March 18th, 1885.

SIR.—I have the honour to acknowledge the receipt of your letter of the 6th instant, with instructions for the cancellation of pre-emption No. 514, dated April 3rd, 1883, issued by me in favour of Edward Dougherty, for 320 acres of land. In reply, I have the honour to state, that I saw Mr. Dougherty to-day and informed him of my instructions. He replies that he will pre-empt anew, as per sketch plan in your letter.

I have to request that you will instruct me if I can post-date his new pre-emption record to the date of cancelled record, viz., April 3rd, 1883, otherwise Mr. Dougherty informs me that he will apply for a refund of the taxes he has paid on it for two years, and also the pre-emption record fee.

I have, &c.,

(Signed) F. SOUES,
Government Agent.

The Honourable Wm. Smithe,
Chief Commissioner of Lands and Works.

VICTORIA, B. C., March 30th, 1885.

SIR.—In reply to your communication of the 18th instant, respecting the issuance of a new pre-emption record in favour of Mr. Dougherty, I beg to say that the record in question cannot be post-dated. Mr. Dougherty has been in occupation of the place, and had the use and benefit of it for the period referred to, and consequently neither taxes nor record fee should be refunded. He has possibly kept others from pre-empting or purchasing the land, and it was his own fault in that he made an improper record requiring rectification.

I have, &c.,

(Signed) WM. SMITHE,
Chief Commissioner of Lands and Works.

F. Soues, Esq.,
Government Agent, Clinton.

MAIDEN CREEK, April 8th, 1885.

DEAR SIR,—I acknowledge the receipt of your letter of 28th March. T. C. Clark's timber lease did not affect me, it is the narrow strip at the east end of my farm that I complain of being taken.

Mundorf comes and cuts the timber on the land; you cancel my claim to it; and before I can hear from you that I can take my pre-emption at the east end of purchased land, Soues pre-empts for Mandorf.

Please inform me has Soues a right to pre-empt land for another, that he knows that I occupy and am ready to pay for it any time? Or has Mundorf a right to come and cut timber and pre-empt land that he knows is mine and has cost me hundreds of dollars to improve? On this 320 acres there is only 20 acres of tillable land, and that is the narrow strip fenced at the east end of my farm—that 20 acres is all I want. The land on the south side is unfit for anything but pasture, and poor at that. I hope you will rectify this trouble, for you are well aware that it is all done to get this few pines off without paying for them.

Honourable Wm. Smithe,
Chief Commissioner of Lands and Works, Victoria.

I have, &c.,
(Signed) E. DOUGHERTY.

VICTORIA, B. C., June 6th, 1885.

SIR,—Referring to your letter of the 8th April, I beg to say that if I understand the state of the case aright—that you have been in occupation of land to the east of your pre-emption claim for a number of years, and have made extensive improvements thereon—it would not be right for another person to pre-empt the land so improved by you. In fact clause 6 of the "Land Act, 1884," would indicate that any such pre-emption would be invalid.

I have, &c.,
(Signed) WM. SMITHE,
Chief Commissioner of Lands and Works.

Mr. E. Dougherty, Maiden Creek.

Re NEWCASTLE RESERVE.

NANAIMO, August 22nd, 1883.

DEAR SIR,—Our member, Mr. Raybould, showed you an agreement of sale of the land I have been occupying previous to the lock-up. I desire to know (the railway question is settled) whether I can pay for the land, according to the former agreement, and obtain my Crown grant.

Yours, respectfully,
(Signed) S. WADDINGTON.

To the Honourable
the Chief Commissioner of Lands and Works.

VICTORIA, B. C.,
27th August, 1885.

SIR,—In reply to yours of 22nd inst., I have the honour to state, by direction of the Chief Commissioner of Lands and Works, that at the next meeting of the Provincial Legislature a Bill will be introduced to deal with the lands now reserved for railway purposes, and until that time you can only continue as a squatter.

I have, &c.,
(Signed) T. H. WILLIAMS.

S. Waddington, Esq.,
Nanaimo, B. C.