

SECOND 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.

CHAS. E. POOLEY,
Chairman.

8th March, 1886.

MINUTES AND EVIDENCE.

SEVENTH SITTING—SATURDAY, 6TH MARCH, 1886.

Present—Messrs. Chas. E. Pooley, R. Beaven, C. Semlin, Theo. Davie, G. B. Martin.
Minutes of previous meeting read and confirmed.

Mr. P. L. Prout, Granite Creek (brought before the Committee by Mr Semlin)—At Granite Creek last summer—I was a miner there. I located a land claim of 160 acres at mouth of Otter River. After I had been on it about two months the Government reserved it as a townsite. Produces Certificate of Pre-emption Record No. 416, District of Yale, dated 23rd November, 1885. Mr. Prout produced two letters from Mr. J. W. Rice stating that he had been on his land and represented it continuously from the 21st December, 1885. Date of letters, the 11th and 16th February, 1886, respectively. I am a British subject. I have not been notified to leave this land. I think the Government reserved this land about the 28th January, 1886. I have not received any official notification from the Government of this reservation. The Government has reserved the land exactly within my boundaries. My agent, Mr. Rice, informed me by letter of the 11th February, 1886, that Mr. Swan, the constable at Granite Creek, had been instructed by Mr. Tunstall, Government Agent at Kamloops, to stake off the 160 acres of land claimed by me as aforesaid. I have seen the Chief Commissioner, Mr. Smithe, about this matter, and he told me that my claim was not valid as an agent could not represent me. Mr. Smithe also stated that I had left my land before the 23rd November, the date of my record, and that instead of an agent going on to my land on the 21st December, I ought to have gone on myself. I went on this land about 7th November, and I occupied it for two weeks. I then went away and put an agent on in my place. The agent's name is J. W. Rice. I took Mr. Rice's property, consisting of two tents and general miner's outfit, on to the land just before I left. I left a house on the land in an unfinished state. Mr. Rice did not finish this house until the 21st December, when he went on the land. I understand that Rice left two men to occupy the place whilst he went to Hope. The Chief Commissioner also told me that I had recorded my land in the wrong District. Both Mr. Nicholson, the Recorder of Granite Creek, and Mr. Allison, informed me that that was the right District to record in; to record with Mr. Dewdney. Mr. Nicholson told me during the last two weeks that he had put up notices recording water and a mill site, on his own and partner's account. His partner, I believe, is another Government official. I think, Mr. Swan. I have no particular reason for thinking so. I saw the Chief Commissioner here, and he asked me where I was going to get timber for this mill I was going to put up. I told him I was going to lease it from the Government. He (Smithe) said I should not have it, and lectured me a little while on stealing timber, and dared me to take more, and treated me as a thief generally. I wanted to get out a Crown grant for the land and pay the whole amount, as I thought there could be no question about the improvements. The land is not surveyed, but I ran it out with a compass, and it is properly staked. I was not there when the land was staked off by Swan for the Government, but my agent was. I offered to make the Government a present of 8 acres if they wished it for any public purpose. J. W. Rice is my agent for the purpose of representation. I left the ground about 20th or 21st November last, leaving Rice in charge. About four or five days after this Rice went out to Hope, leaving two men, as I understand, in charge. He was away until 21st December. The way that I understand this is that Rice told me before I left that he was going out and would leave two men in charge. Before I left I saw two men, either employed by Rice or party, with him. Have had no letter or other advice, either written or verbal, on this subject. The names of the two men left were Archie Campbell and David Finlay. Don't know where those two men are now. Rice told me that he would have these two men with him all winter. They were his partners on Bear Creek. I know they were not partners in the land transaction. I know they were not on wages. Can't say what took Rice out to Hope, but think he was getting in supplies. He never apprised me of the reason he was going out there. That is, never told me any positive reason. Rice is not my partner in this transaction, but my agent. Following is a copy of my understanding with Rice; same was reduced into writing, and each of us has a duplicate:—

November 14th, 1885.

Memorandum of an agreement between P. L. Prout, of Granite Creek, of the first part, and James Rice, of Beaver Creek, Yale District, of the second part. In which the party of the first part agrees to give to the party of the second part, full and free possession of a log house situated on a land location, at the mouth of Otter River, and in consideration thereof, the party of the second part agrees to represent the party of the first part, on the said location, until the fifteenth day of June, 1886, and at any time after

that date will, if desired, quietly and peaceably vacate the said house without any charges whatever. To which we severally agree.

Signed in the presence of)
O. J. McCausland.)

PETER L. PROUT,
J. W. RICE.

On the evidence being read over, Mr. Prout says, referring to that portion of the evidence which states: "I took Mr. Rice's property, consisting of two tents and general miner's outfit, on to the land just before I left,"—what I wish to state is that Rice took the outfit there himself.

PETER L. PROUT.

PETER HOLMES appears before the Committee, and says:—I have a claim to lay before the Committee relating to a portion of Lot 570 C, on which I reside, situate on Dallas Road, Victoria City. The dimensions of the land I ask is about 100 feet along the street, 50 feet at one end and tapering off to about 8 feet at the other. I have lived there since the year 1859. For the first three years I resided there I paid to the Hudson Bay Company a monthly rental of \$6. Then I applied to Mr. Carey, the Attorney-General, to get a title after the land had fallen unto the Crown. He told me to hold on, I would not be disturbed. When I first lived on the land I wanted to purchase, and would have been willing to purchase if I could, but it was not for sale. I have my dwelling house on the place, put up by myself; also a shed in which I used to build my boats. Reckoning time, labour, and all I have put on the place far more than the value of it at the time I went on. I think I should either have a free grant of the land, or at least be allowed to purchase it for the same price as it would have brought in 1859, when the price would have been merely nominal. I have paid property tax to the Government, and the city also, for some years. I am a mariner; 64 years old.

P. HOLMES.

Meeting adjourned to 10:30 a.m., Wednesday the 10th March.

WOODWARD v. LINDLEY.

KAMLOOPS, January 20th, 1884.

SIR,—I have the honour to enclose the declaration and application of William Lindley to record 320 acres of unsurveyed Crown land; also Pre-emption Record, No. 1,182.

I have, &c.,

(Signed)

G. C. TUNSTALL,
Government Agent.

Hon. William Smythe, Minister of Lands and Works,
Victoria, B. C.

APPLICATION TO RECORD.

DISTRICT OF YALE, BRITISH COLUMBIA,

January 12th, 1884.

To the Land Commissioner, Kamloops District,

SIR,—I have the honour to request that you will record, in my name, as a Homestead Settler, under the "Land Act, 1875," three hundred and twenty acres of surveyed, unoccupied, and unreserved Crown land, within the meaning of the "Land Act, 1875," in the District of Nicola-Kamloops. The land is unsurveyed. I herewith enclose (in duplicate) Declaration Form 5 in the Schedule of the "Land Act, 1875," and the recording fee of two dollars.

Received 18th day of January, 1884,
(Signed) G. C. TUNSTALL, Commissioner.

I have, &c.,

(Signed)

WILLIAM LINDLEY.

The above land is situate about 500 or 600 yards to the north of Henry Woodward's Pre-emption claim; is bounded on north, south, east, and west by Crown lands, and extends from stake No. 1 to stake No. 2, 1,760 yards; from stake No. 2 to stake No. 3, 880 yards; thence to stake No. 4, 1,760 yards; and west to starting point, 1,760 yards.

(Signed)

WILLIAM LINDLEY.

Nicola Valley, January 12th, 1884.

DECLARATION.

DISTRICT OF YALE.

I, William Lindley, of Nicola Valley, do solemnly and sincerely declare that the land for the record of which I have made application, dated the 12th day of January, 1884, is unoccupied, unsurveyed, and unreserved Crown land, within the meaning of the "Land Act, 1875," and is not an Indian Settlement, or any portion thereof; that I have staked off and marked such land in accordance with the provisions of the "Land Act, 1875;" that such land has not, nor has any portion of it, been heretofore recorded, occupied, held, or pre-empted by me, nor has the same been abandoned by me or any other person for the purpose of my recording the same under the provisions of this Act, nor is my present application to record the same made in trust for, on behalf of, or in collusion with any other person or persons, but honestly on my own behalf for settlement and occupation; and I also declare that I am duly qualified under the said Act to record the said land; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

(Signed)

WILLIAM LINDLEY.

Declared and subscribed by the within named on the 12th day of January, 1884, before me.

(Signed)

JNO. CLAPPERTON, J. P.

KAMLOOPS, January 24th, 1884.

SIR,—I have the honour to enclose the application of Henry Woodward to purchase 320 acres of unsurveyed Crown land, situate in the Kamloops Division of Yale District.

I have, &c.,

(Signed)

G. C. TUNSTALL,

Government Agent.

*Hon. William Smithe, Minister of Lands and Works,
Victoria, B. C.*

APPLICATION TO PURCHASE.

DISTRICT OF YALE, BRITISH COLUMBIA,

January 21st, 1884.

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

SIR,—I have the honour to inform you that I desire to purchase, under clause I of the "Land Amendment Act, 1882," three hundred and twenty acres of unsurveyed, unoccupied, and unreserved Crown land, situate in the District of Yale, a sketch plan of which is drawn on the back of this application, and I propose employing Mr. ———, C. E., to survey the same, and request you to forward instructions to him in reference thereto, addressed to

Post Office.

I have, &c.,

(Signed)

HENRY WOODWARD.

KAMLOOPS, March 15th, 1884.

SIR,—I have the honour to inform you that the land situate at Nicola, for which Mr. H. Woodward filed an application to purchase, is undoubtedly the same as that recorded by Mr. W. Lindley on the 8th January last.

Three days later Mr. Woodward came to this office and filed his application to purchase, stating explicitly that the ground he required was not staked. I inferred from the latter fact that it was vacant, and accordingly received his application, a duplicate copy of which was forwarded to the Lands and Works Department.

Subsequently Mr. Lindley took possession of his pre-emption and began cutting timber for a house, but deferred staking the land until almost the beginning of this month, notwithstanding he made the usual declaration to that effect when he recorded. As both the parties are very anxious to secure the property, I preferred laying the matter before you for your decision.

I have, &c.,

(Signed)

G. C. TUNSTALL,

Government Agent.

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

VICTORIA, B. C., 3rd April, 1884.

SIR,—Referring to your communication of the 15th ultimo, concerning the conflicting claims of Mr. W. Lindley and Mr. H. Woodward, which you submit for my decision, I beg to state that as a decision in the matter may involve material interests to the parties in question, it will be necessary to obtain all reliable evidence possible, and then be guided by the law relating to the acquisition of Crown lands.

I have, &c.,

(Signed)

W. S. GORE,

Surveyor-General.

*G. C. Tunstall, Esq.,
Government Agent, Kamloops, B. C.*

NICOLA VALLEY, March 27th, 1884.

SIR,—Last January I pre-empted, according to law, 320 acres of Government land, near the residence of Henry Woodward, of Nicola. Mr. Woodward has, since date of my record, applied to buy my land, stating to Mr. Tunstall that on applying to pre-empt the land I did not drive corner stakes. Allow me to inform your Honour that on the date of my taking up the land it was an impossibility for me to drive stakes in the ground, every place being frozen to a great depth. I done the best I could, which was marking on four sides growing trees and putting on them my notice. Mr. Woodward knows he is misrepresenting matters, and I can prove all I say by some of the most respectable settlers in the valley. I am living on the land for which I hold a record of pre-emption; I mean to make it my home, and I am not going to leave the land until I am satisfied that my claim is not legal. Mr. Woodward wants my land for his son; that is where the trouble begins. It was unoccupied long enough, and why did he not buy it before I pre-empted it? His answer to that question is he did not think anyone would take it up until his son was old enough to pre-empt it. The land is by law mine, and I mean to keep it until the law puts me off.

And am, &c.,

(Signed)

WILLIAM LINDLEY.

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

VICTORIA, B. C., April 7th, 1884.

SIR,—I beg to acknowledge the receipt of your communication of the 27th inst., and to state that a copy of your letter has been forwarded to Mr. Tunstall, Government Agent for that district, requesting him to investigate the matter and report thereon to this office.

Mr. William Lindley,
Nicola Valley, B. C.

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

LANDS AND WORKS DEPARTMENT,
VICTORIA, B. C., April 7th, 1884.

SIR,—I enclose herewith for your information a copy of a letter received from Wm. Lindley relative to the land in dispute between himself and Mr. Woodward.

G. C. Tunstall, Esq.,
Government Agent, Kamloops.

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

KAMLOOPS, May 1st, 1884.

SIR,—I have the honour to enclose the within affidavits, made before J. Clapperton, J. P., containing the principal points in dispute between Messrs. Lindley and Woodward, necessary to arrive at a proper decision.

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

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

AFFIDAVITS.

I, William Emerson Woodward, of Nicola Valley, hereby make oath and say as follows :—

1st. On February 26th I went over the land pre-empted by Wm. Lindley and found that work had been done on it, but could not find any corner posts or other marks showing that the land had been taken up.

2nd. On March 3rd I rode round the land, could not find any posts, but saw Wm. Lindley and his brother at work on the place. I was there on March 6th and could not see any blazed trees or posts.

3rd. On March 11th found stake on S. E. corner marked "W. Lindley, No. 4;" also on S.W. and N. E. corners. Have not been on the land since that date.

(Signed) WILLIAM E. WOODWARD.

Sworn to before me at Nicola Lake, this 24th day
of April, 1884.

(Signed) JNO. CLAPPERTON,
J. P. and Commissioner of Affidavits.

I, Henry Woodward, farmer of Nicola Valley, hereby make oath and say as follows :—

1st. On January 21st, 1884, I applied to District Office, Kamloops, to purchase 320 acres of Crown land adjoining my present location at Nicola Valley.

2nd. On applying to purchase above land, I was not aware that William Lindley had previously pre-empted the same.

3rd. On my return from Kamloops I went on the land in question, but could not find any corner posts showing that William Lindley had pre-empted.

(Signed) HENRY WOODWARD.

Sworn to before me at Nicola Lake, this 24th day
of April, 1884.

(Signed) JNO. CLAPPERTON,
J. P. and Commissioner of Affidavits.

I, William Lindley, farmer of Nicola Valley, hereby make oath and say as follows :—

1st. On or about January 14th, 1884, I made application to District Land Office, Kamloops, to pre-empt 320 acres of Crown land, situate in Nicola Division, Yale District. Said claim is located about one mile north of residence of Henry Woodward.

2nd. On January 20th I received from Mr. Tunstall a record of the land applied for.

3rd. On laying off the land I could not drive corner posts in the ground, owing to frost, but opposite each corner blazed or marked growing trees, upon which I stuck my notices of having applied to pre-empt. Said trees or corner posts were easily seen by any person in search of the same.

4th. As soon as I could drive corner posts in the ground I done so, in conformity with Land Act.

5th. From February 13th to the present date I have been in personal occupation of said land. I have my house built on it, and am daily making further improvements.

6th. Before I pre-empted the land in question no person appeared to want it. The land was open to pre-emption, and I was eligible to pre-empt.

(Signed) WILLIAM LINDLEY.

Sworn to before me at Nicola Lake, this 24th day
of April, 1884.

(Signed) JNO. CLAPPERTON,
J. P. and Commissioner of Affidavits.

I, Henry Lindley, farmer of Nicola Valley, hereby make oath and say as follows:—

1st. I corroborate all that my son, William Lindley, has sworn to regarding his pre-emption and occupying 320 acres of land about one mile north of Henry Woodward's residence, Nicola Valley.

2nd. It was almost impossible to set corner posts in the ground (owing to its being frozen) when my son pre-empted.

3rd. When my son took up the land in question he nor I did not know that Mr. Woodward wanted it. The land had lain for years, and no person appeared to want it.

4th. My son was born in this Province and was eligible to pre-empt.

(Signed) HENRY LINDLEY.

Sworn to before me at Nicola Lake, this 24th day
of April, 1884.

(Signed) JNO. CLAPPERTON,
J. P. and Commissioner of Affidavits.

NICOLA, September 10th, 1884.

SIR,— * * * * Further information about the trouble between Mr. William Lindley and me. I find that *he is not an occupant of my piece of land that I made application to purchase*, and I wish to get it surveyed, as I wish to make improvements. Can you appoint a surveyor? I wish to fence it, as it is for pasture.

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

I am, &c.,
(Signed) HENRY WOODWARD.

VICTORIA, B. C., 8th October, 1884.

SIR,—In answer to your communication of the 10th ultimo, I beg to enclose herewith instructions to survey the tract of land applied for by you on the 21st January last.

I have omitted to write in the name of a surveyor, on account of the difficulty you may experience in getting a particular person in time. I would suggest, however, that you employ Mr. Allan, if he is in your vicinity. If not, there is a gentleman at Kamloops named Lee, whom you can get to make the survey.

It will be necessary for you to have the field-notes of the survey sent to this office before the 15th day of November next; otherwise your application will lapse.

Mr Henry Woodward,
Nicola, B. C.

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

LANDS AND WORKS DEPARTMENT,
VICTORIA, B. C., November 13th, 1884.

SIR,—I have the honour to enclose herewith copies of a correspondence between Wm. Lindley, Henry Woodward, and this department respecting the dispute between Lindley and Woodward about a piece of land at Nicola. May I ask you to investigate the matter, which must be judged strictly upon its merits.

At the time instructions for the survey of the land in question were forwarded it was not known that there was any dispute between the parties concerned.

Be good enough to report fully upon the facts of the case to this office.

G. C. Tunstall, Esq.,
Government Agent, Kamloops.

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

KAMLOOPS, November 21st, 1884.

SIR,—I have the honour to acknowledge the receipt of yours of the 13th inst., enclosing correspondence between Wm. Lindley and Henry Woodward in reference to some land in dispute between them.

I am very busy at present obtaining information for the assessment roll, and attending to other business; may I, therefore, ask for a delay of some two or three weeks before investigating the matter? The parties reside at a considerable distance from here, and the journey to Nicola and back will occupy four days, without taking into consideration the delay in obtaining the facts you require.

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

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

LANDS AND WORKS DEPARTMENT,
VICTORIA, B. C., November 28th, 1884.

SIR,—The Honourable the Chief Commissioner of Lands and Works desires me to state, in reply to your letter of the 21st, that the time asked for therein, before commencing the investigation of the dispute between Lindley and Woodward, will be allowed.

G. C. Tunstall, Esq.,
Government Agent, Kamloops, B. C.

I have, &c.,
(Signed) S. PHIPPS.

NICOLA, October 18th, 1884.

SIR,—Wishing to return to you my many thanks for your decision on the land in dispute between Mr. Lindley and me. I will do my very best to get it surveyed in time, although there is not any surveyor that I can hear of at present. Mr. Allan was here a short time ago, but I can't hear of him now. He left word that he would be here again, but I can't say when. I have only one chance to send for Mr. Lee at Kamloops. If I cannot get him I hope you will not mark me down in strict disobedience to your command, for I will perform the requirements of the law in the payments, as I have a family of boys that want land.

I feel almost afraid Mr. Lee will think the season is so far spent, and the job so small, that he will think it not worthy of notice. I will send for him

I am, &c.,

HENRY WOODWARD.

P. S.—Please address to me in full name, as there is two others of the same.—H. W.

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

NICOLA VALLEY B. C.,
8th November, 1884.

DEAR SIR,—Would you inform me, at your convenience, what your decision is as to the land in dispute between Henry Woodward and myself; and also if he has been instructed by the Government to have the land surveyed, and to pay for the same this month. I will here take the liberty of placing before you the facts of this case: Last winter I staked off a certain piece of land 600 yards north of H. Woodward's corner post, and measured 320 acres of unsurveyed land for a pre-emption. I sent my application to Kamloops and received by return my record for the land. Three days later Mr. Tunstall issued a deed of purchase in favour of Henry Woodward for the same piece of land, only that he, Woodward, started from the opposite post to where I did, thus making it appear in the sketch a different piece of land. I built a good house on the claim, and have resided on it ever since, although having been threatened by Woodward that I would lose the land, and not to improve it; and on the other hand I have been supported and told to remain on the land by Mr. John Clapperton, J. P., and who has assured me all along that the Government could not in justice decide against me.

My intention is to hold on to this land until I receive orders from you, or the Government, to leave it. Hoping that you will give this matter your kind consideration, and awaiting your answer,

I remain, &c.,

(Signed) WILLIAM LINDLEY.

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

NICOLA VALLEY, B. C.,
November 8th, 1884.

DEAR SIR,—Enclosed please find cheque for the sum of \$320 (three hundred and twenty dollars) to pay for 320 acres of land I made application to purchase on the 21st of January last, and which Mr. Allan has just surveyed, as per instructions received from your office lately.

I remain, &c.,

(Signed) HENRY WOODWARD.

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

NICOLA VALLEY, B. C.,
December 8th, 1884.

DEAR SIR,—On the 8th day of November last I remitted to you by letter a cheque of \$320 (three hundred and twenty) drawn on J. B. Greaves, payable at Bank of B. C., Victoria. I have had no receipt of it from you. It was to pay for land I made application to purchase on 21st of January last, and which W. Lindley claims. I received a letter and order from the Surveyor-General to get a surveyor to survey it. I got W. Allan to survey it, and then sent you a check above referred to, to pay for it, for I considered the matter settled between W. Lindley and me. Judge my surprise when Mr. Tunstall, of Kamloops, came a couple of days ago to see about it, and also to take sworn statements of both parties.

As he wanted the matter in few words, I (in the hurry) forgot to tell him that the reason my stakes were up three months before the 21st of January was, that immediately after I put up my stakes I made application to Mr. Tunstall, by letter, to purchase it, but he could not understand me. Then I thought I would go over and make application in person, which I did forthwith, and made it personally on the 21st of January last.

Hoping that you will consider this matter, and with a speedy decision,

I remain, &c.,

(Signed) HENRY WOODWARD.

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

VICTORIA, B. C.,
December 22nd, 1884.

SIR,—I have the honour to acknowledge the receipt of your letter of the 8th inst.; also, one dated the 8th of November last, enclosing a cheque for \$320 in payment for land now in dispute between yourself and Wm. Lindley.

I beg to state in reply that a decision in the matter has not yet been arrived at, but the evidence of the case is at present under consideration.

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

Mr. Henry Woodward,
Nicola Valley, B. C.

KAMLOOPS, December 11th, 1884.

SIR,—I have the honour to enclose the evidence adduced connected with the land in dispute between Messrs Lindley and Woodward. I walked over the property and saw the blazes made on the trees by the former.

Mr. Woodward claims the land on the ground that it was not staked off in accordance with the Land Act. In reply Mr. Lindley states that the soil was too much frozen to admit of proper stakes being used, and that, instead, he resorted to scoring trees at the extremities of the pre-emption, and marking his initials thereon, which were subsequently removed on staking the land in the month of March, when the ground was in such a condition as to allow of posts being used.

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

Honourable Wm. Smithe,
Minister of Lands and Works, Victoria.

WILLIAM LINDLEY, sworn—The land for which Mr. H. Woodward subsequently made application to purchase, dated the 21st January, is the same land pre-empted by me on the 18th January. It was staked off on the 16th of that month. The staking was affected by blazing trees situated as near as possible to the extremities of the pre-emption. I didn't use ordinary stakes, as the ground was frozen. I marked my initials on the blazes, from which they were subsequently removed when the ground was in a condition to permit of stakes being driven.

Question by Mr. Woodward:—Was there a name on the blazes? *Ans.*—My initials were marked on the blazes.

Ques.—How were your initials removed from the trees? *Ans.*—They were cut off with an axe.

Ques.—Did you erase any marks off the Government section posts. *Ans.*—I did not.

(Signed) WILLIAM LINDLEY.

LOUIS LINDLEY, sworn—I was present with my brother when he staked off the land in question. He blazed trees at the extremities of the pre-emption and marked his name on them.

Question by Mr. Woodward:—How many trees did he mark his name on? *Ans.*—He marked his name on four trees in lead pencil.

Ques.—Why did you subsequently remove the marks from the trees? *Ans.*—We thought they were not wanted when we drove the stakes in March.

(Signed) LOUIS LINDLEY.

HENRY WOODWARD, sworn:—I made application to purchase the land which Mr. Lindley claims on or about the 21st January. The ground was staked by me about three months before I forwarded my application. On my return from Kamloops I heard that Lindley had pre-empted the land. I went to examine the property. There were no stakes to be seen, but there were blazes without names. I and my son went around the land and saw no stakes until about the 10th March, when Mr. Lindley inserted some.

Question by Mr. Lindley—What sort of stakes did you put in prior to making your application? *Ans.*—They were the ordinary stakes required by law.

(Signed) HENRY WOODWARD.

EMERSON WOODWARD, sworn:—After my father made application to purchase the land in dispute, and had returned from Kamloops, and heard that Lindley had pre-empted it, my father requested me to examine the property and see whether there were any stakes. I went and examined the ground carefully. At the S. W. corner I saw a small blaze on a tree, but no name or writing of any description on it. I saw blazes on other trees, but without any writing. About a week after I and my father went to look again, and with the same result, in not finding any name on the trees which were blazed.

On the 10th of March I visited the property and saw some stakes which had been newly put in, and which were not there when I was on the ground some time before. The snow was just disappearing then, and the ground was as much frozen as in the month of January.

(Signed) EMERSON WOODWARD.

NICOLA VALLEY, B.C.,
2nd April, 1885.

DEAR SIR,—I would take it as a great kindness if you would briefly inform me, at your earliest convenience, whether the land I now occupy and have properly pre-empted, and which is claimed by Mr. Henry Woodward, is to be given to me or not. It is very unsatisfactory to me to be held in such suspense for so long a time, and until I hear definitely from you am unwilling to make any improvements. As I understand it, Mr. H. W. would never have been allowed to purchase said land had Mr. Tunstall had any idea it was the same piece I had already pre-empted now over a year ago. Mr. H. W. had ample opportunity to purchase said piece of land years ago, and thus avoid this dispute.

I remain yours truly,
(Signed) WILLIAM LINDLEY.

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

VICTORIA, B. C.,
April 24th, 1885.

SIR,—In reply to your communication of the 2nd instant, concerning the land in dispute between yourself and Henry Woodward, in Nicola Valley, I beg to say that as Mr. Woodward has had the land surveyed under instructions from this office, said instructions having been issued when it was not known that there was any dispute, it will be but just that you recoup Mr. Woodward the cost of the survey. Upon that being done your pre-emption will be confirmed.

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

*William Lindley, Esq.,
Nicola Valley, B. C.*

LANDS AND WORKS DEPARTMENT,
VICTORIA, B. C., April 25th, 1885.

Re Lindley-Woodward.

SIR,—Herewith I beg to enclose a copy of a letter addressed to Mr. Lindley, relative to the above land dispute.

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

*G. C. Tunstall, Esq.,
Government Agent, Kamloops.*

VICTORIA, B.C.,
April 25th, 1885.

SIR,—Herewith I beg to enclose a copy of a letter addressed to Mr. William Lindley, relative to the dispute between yourself and him of a tract of land in Nicola Valley, also the cheque for \$320 forwarded by you to this office 8th November last.

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

*Henry Woodward, Esq.,
Nicola Valley, B. C.*

NICOLA VALLEY, B.C.,
18th June, 1885.

DEAR SIR,—In reply to your communication of the 24th April, I find that the charge made by Mr. Allan, the surveyor, to Mr. Woodward, is \$55.50, besides the expense of bringing him from Cook's Ferry and taking him back, which in all probably will be close on \$75. This I object to pay; in fact I will have nothing to do with Woodward in the matter, but will pay to the Government whatever is reasonable for the survey. If the Government instructed Woodward to have the land surveyed and then take the land from him, it is their place to refund the cost of survey, providing the same is in reason, and then charge it to me.

The survey made by Woodward leaves out all my improvements, house, stables, &c., and does not start from point named in application. This is another matter for your consideration. Should I not be entitled to have the land surveyed according to my application, which would take in all my improvements?

I am sorry to have given you so much trouble in this matter, but have a troublesome man to deal with in H. Woodward.

Awaiting your reply, I remain, &c.,
(Signed) WILLIAM LINDLEY.

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

NICOLA VALLEY, B.C.,
July 3rd, 1885.

SIR,—I beg to inform you that Mr. Lindley has come to no settlement yet, and has moved all his things from his house, which was never on the place. He has made no improvements at all, and has now offered it for sale to a person named Johnston, whose wife informed me. Please let me know if this is lawful.

And oblige yours truly,
(Signed) HENRY WOODWARD.

Wm. Smithe, Esq., Victoria.

VICTORIA, B.C.,
July 11th, 1885.

SIR,—I am directed by the Honourable Chief Commissioner of Lands and Works to acknowledge the receipt of your letter of the 3rd instant, and in reply to inform you that Mr. Lindley cannot dispose of his interest in or claim to the land in question until he completes his title to the land and a Crown grant has been issued to him.

Should Mr. Lindley fail to comply with the requirements of section 13 of the "Land Act, 1884," his pre-emption record will be cancelled upon this office being furnished with the necessary declarations required by the Land Act.

*Mr. Henry Woodward,
Nicola Valley, B.C.*

I have, &c.,

(Signed) F. G. RICHARDS, JR.

LOWER NICOLA, B.C.,
August 31st, 1885.

DEAR SIR,—I beg your pardon for again calling your attention to the land dispute between Mr. W. Lindley and myself. You said in one of your letters that he would have to pay the expenses of survey. I am informed by Mr. John Clapperton, J.P., of Nicola Lake, that he (Mr. Lindley) has deposited the sum of \$65 (sixty-five dollars) for paying the expenses of survey. Such amount will not pay for what the surveying cost me. In the first place, Mr. Allan's fee was \$55.50, and I was to bring him from Spence's Bridge and take him back again; in the next place, it took three men two days to help with the surveying, and I had to board and lodge both men and surveyor, and of course I ought to be remunerated for that. Now, sir, the \$65 will not pay what it cost me for surveying that land, and I wish to know how I am to proceed to get my pay. Further, I would add that, while I thought the land was mine, I made some improvements upon the land, and Mr. Lindley has not done any. He has not even got a house upon the land even now, after he knows where the lines are, and he has not been living on the land, nor had any person living on the land, for the last two months back. He built a house some time after he pre-empted the land, but it is not within a hundred yards of the land I claim, and where the house is situated there is about one hundred and sixty acres of unoccupied, unsurveyed Crown land, of which a good portion is arable land, well watered. I contend that his land should be where his house is, and that when he found that he had got a piece of land beside him he put stakes on my land and claimed it. He never had any stakes up until after he found that I had made application to purchase a piece of land somewhere near where he thought his was. If you will look at his application, you will see that he don't definitely state where his land is, and it would be impossible for any person to find out or locate his land by the description he gives. It is evident to every person about here that Mr. Lindley pre-empted the land because he learnt I was going to make application to purchase it, and he wanted to make me give him some money to throw up his claim; and what is further evident, that Mr. Lindley did not pre-empt the land for his sole occupation, but that he only pre-empted it for speculation, is the fact that he has for some time made a bargain to dispose of his right as soon as he can effect a settlement with me. I am not averse to a settlement, as you have no doubt been informed that I am, but what I want is a definite settlement of affair and the whole matter sifted to the bottom; there has been so many had a hand in the affair that it is most likely you have not got an impartial account of the matter.

In conclusion, I would say that I have always been a strong supporter of your Government, and have full faith that nothing but strict justice will be dealt out (if you get a list of the true state of affairs) without respect of persons. You will greatly oblige me to have the aggravating dispute thoroughly sifted to the bottom, as I have no doubt it will save a great deal of inconvenience and trouble in the future. I would consider it a very equitable way to have the matter settled before a Court. Hoping you will not overlook this matter, and looking for an early reply,

I remain, &c.,

(Signed) HENRY WOODWARD.

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

NICOLA, September 2nd, 1885.

SIR,—* * * * * Regarding Henry Woodward and William Lindley. Your instructions are that on "Lindley paying Woodward amount of survey fee, the land belongs to Lindley." I have endeavoured to get Mr. Woodward to present his bill against Lindley for survey fees, but he (Woodward) will not do so, contends that the land is as much his as Lindley's, and that he will not relinquish his claim to it. Lindley has deposited in my hands the sum of \$65, amount of Mr. Allan's charges \$55, and \$10 for help in surveying. I have tendered the amount to Mr. Woodward, but he refuses to accept any such sum, and will not agree to take any sum, obstinately arguing that the Government sold him the land, &c., &c.

I should feel obliged by a little advice as to how I am to act. I uphold Lindley in his right to the land in having done all that the Government required him to do.

I have, &c.,

(Signed) JNO. CLAPPERTON,
Government Agent.

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

VICTORIA, B.C.,
September, 29th, 1885.

SIR,—I have the honour to acknowledge the receipt of your letter of the 2nd instant, and in reply I beg to say, that if Mr. Woodward will not present his account and will not accept the amount you have tendered him on behalf of Mr. Lindley, I do not see that you can do anything more.

You will be good enough to retain the \$65 deposited by Mr. Lindley in the meantime; possibly after a little more reflection Mr. Woodward may either agree to accept it or present his account.

I have written a private letter to Mr. Woodward, in which I have endeavoured to shew that he is in error; but whether it will have any effect or not I cannot, of course, say.

I have, &c.,

J. Clapperton, Esq., J.P.,
Government Agent, Nicola.

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

NICOLA, October 29th, 1885.

SIR,— * * * * * I have had several calls from Mr. Henry Woodward, over his dispute with Mr. Wm. Lindley. I am obliged to visit the land in dispute between them, to see if a settlement is possible. Mr. Woodward is certainly very stubborn over the matter, and I have got to be very firm and decided with him. I returned Lindley his \$65 survey fee, as Woodward would not look at it.

I have set the 4th proximo to meet both parties on the land.

I have, &c.,

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

(Signed) JNO. CLAPPERTON,
Government Agent.

NICOLA, November 6th, 1885.

SIR,— * * * * * I visited yesterday the land in dispute between Henry Woodward and William Lindley. Both parties were on the ground with me.

Lindley confines himself to his original stakes, which extend 360 yards in length by 880 in width, outside the survey lines run by Mr. Allan for Henry Woodward.

I learned from both particulars of this dispute; endeavoured to arrange matters, but Mr. Woodward would not agree to anything short of the land, which he claims Mr. Tunstall sold him.

I took a deal of trouble in explaining to him how the mistake originated (Mr. Tunstall not being aware that the land he sold Woodward was the land he had previously allowed Lindley to pre-empt), but it was no use. I suggested his giving Lindley a trifle to abandon the claim, but he would not do anything, and I can see nothing for it but to let him do as he thinks best. I told Lindley, in Woodward's presence, to go on improving his claim; told him if he left it Woodward would jump it.

I am, &c.,

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

(Signed) JNO. CLAPPERTON.

LOWER NICOLA, B.C.,
November 4th, 1885.

DEAR SIR,—Yours received in regard to survey of land in dispute between Mr. W. Lindley and myself. I beg to say that if the survey made by me (and sanctioned by your office) takes in land Mr. Lindley don't want and leaves out land Mr. Lindley does want, then why does Mr. Lindley dispute my right to said land which I have surveyed, for surely a man would pre-empt the piece of land he wanted if it was vacant.

You complain about the information being withheld from you; as to that I don't know anything about, but if you got the affidavit taken before Mr. J. Clapperton by Mr. Lindley, in which he owns he did not have any stakes up as provided in clause 5 of the "Land Act, 1884," but gives as a plea that the ground was frozen too hard that he couldn't put them in. Now, sir, if you got that affidavit, I don't see how you could give the land to Lindley, if you would conform with the land laws, for the land laws distinctly say that a person must have a stake at every angle of his pre-emption. Mr. Lindley says he blazed trees, but I have the law, and there is nothing there about the blazing of trees instead of a stake. The law provides that a stump of a tree, if squared, may be used in lieu of a stake, but a blazed tree and a squared tree are two different things.

Therefore, sir, I believe that if you had got that information you would not have decided the question as you did, and I contend that information has been withheld from you or else biased by the opinion of others. On the strength of this I demand another investigation and decision of the matter. I would propose by a jury, as provided by the law.

It is the point of law I want, and as a British subject I demand it, for I contend that strict justice has not been dealt out heretofore in this matter. I don't blame you, but somebody is to blame, and I am certain that if the whole truth had been known that affairs would have taken a different turn than they did.

In conclusion, I would add that neither Mr. Lindley nor his agent has been permanently settled or lived upon the land in dispute for upwards of twelve months back.

In conclusion, I beg to state that what I want is just the letter of the law. I am willing to be judged by other law, and wish to get the benefit of the law. Hoping to hear shortly.

I am, &c.,

Hon. Mr. Smithe, Victoria, B.C.

(Signed) HENRY WOODWARD.

VICTORIA, B.C., December 15th, 1885.

SIR,—I have the honour to acknowledge your letter of the 4th ultimo, and in reply to say that I endeavoured to do what was right in the dispute between you and W. Lindley, according to the evidence submitted to me. If the matter were brought before the Supreme Court and a Judge thereof should decide in your favour, I would be glad to obey any order of the Court made in the premises. In the meantime, however, I can do nothing more. Of course, if Lindley should not occupy the land by himself or agent, as is required by the law, and you submit conclusive evidence of the fact to the District Commissioner, his claim would be cancelled, and become open to be pre-empted or purchased by you or any one else.

I have, &c.,

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

Mr. Henry Woodward,
Lower Nicola B. C.

THIRD 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 taken on the 10th March instant.

CHAS. E. POOLEY,
Chairman.

Dated 13th March, 1886.

EIGHTH SITTING—WEDNESDAY, 10TH MARCH, 1886.

Present—Messrs. C. E. Pooley, R. Beaven, C. Semlin, G. B. Martin, Theo. Davie.

Mr. Gore attended and produced correspondence between Dougherty and Mundorf and the Lands and Works Department (not yet read).

Also correspondence between Dougherty and Department, *re* Dougherty's pre-emption claim (not yet read).

Also produced duplicates of all Crown grants issued for lands in Kootenay District since 1st May, 1883, viz:—

Crown grant No. 345, to William Fernie, 318 75-100 acres, lot 15, group 1, Kootenay District, 40x80 chains, dated 20th February, 1885.

Crown grant No. 375, to William Fernie, 320 acres, lot 14, group 1, Kootenay District, 40x80 chains, dated 15th October, 1885. Application to purchase dated 22nd September, 1883. Both these Crown grants are for lands situate on Wolf Creek.

Crown grant No. 376, to Peter C. Fernie, 160 acres, lot 16, group 1, Kootenay District, 20x90 chains, dated 15th October, 1885. This land situate on Wolf Creek. This land runs 90 chains along the valley and 20 chains north and south. The side lines run about N. E. and S. W. Date of pre-emption, 3rd December, 1883. The reason for the claim being surveyed in the manner it was, is that the valley is very narrow, and follows a N. E. and S. W. course. Had the side lines have been run due E. and W. the agricultural land would have been omitted from the claim. These three Crown grants were issued under Act of 1882.

Crown grant No. 50, to John Thompson Galbraith, 160 acres, lot 17, group 1, Kootenay District, 40x40 chains. Lines, N. and S., E. and W. Dated 12th March, 1885. Date of purchase of land, October 2nd, 1884. Price, \$2.50 per acre.

Crown grant No. 75, to John Thompson Galbraith, 160 acres, lot 18, group 1, Kootenay District, 40x40 chains. Lines, N. and S., E. and W. Dated the 25th August, 1885. Date of purchase, 1st July, 1885. Price per acre, \$1. Purchased under clause 59 of Land Act, 1884.

Crown grant No. 308, to J. C. Haynes, 198 acres, lot 9, group 1, Kootenay District. Situate at mouth of Kootenay and Columbia Rivers. Rear lines N. and S., E. and W., and the two sides are bounded by Kootenay and Columbia Rivers. Dated 17th December, 1884. Date of application to purchase, 16th April, 1883. Price, \$1 per acre. Purchased under Act of 1882. Date of payment for land, 17th November, 1884.

Crown grant No. 317, to Edmund Parker, 613 acres, lot 8, group 1, Kootenay District, 80x80 chains and broken water front. Dated 12th January, 1885. Situate on Lower Columbia Lake and Morigean Creek. Application to purchase by John Jane. Dated 8th October, 1883. Conveyed to E. Parker 17th November, 1884. Price, \$1 per acre. Money paid on 1st November, 1884.

Crown grant No. 320 to G. B. Wright, 214 acres, lot 7, group 1, Kootenay District. Dated 13th January, 1885. Rear line, 80 chains and front on Columbia River. Southern boundary about 30 chains. Price, \$1 per acre. Application to purchase, 19th October, 1883. Money received for in Land Office on 13th January, 1885, but money deposited prior to 17th November, 1884.

Mr. Beaven.—What do you do with money deposited in the Land Office on account of purchases prior to acceptance?

Mr. Gore.—I lock it up in my safe until a decision is arrived at whether the money shall be accepted or not, and then either account for it as revenue, or return it to the depositor.

Mr. Beaven.—Do you enter the money in your cash book?

Mr. Gore.—Not prior to acceptance.

Mr. Beaven.—Do you enter it in any book at all?

Mr. Gore.—No; I hold it entirely at the wish of the depositor. I do not consider it Provincial revenue at all.

Mr. Beaven.—Is there no book in the office which would show the receipt of this money and its payment out?

Mr. Gore.—No, nothing until it is accepted.

Mr. Beaven.—Is there much money received in this way?

Mr. Gore.—No. Money deposited in this way is usually, if not always, in the shape of a bank cheque. It is put in an envelope, which is endorsed with the name of depositor, purport of deposit, and date.

Crown grant No. 319, to A. S. Farwell, 1,175 acres, lot 6, group 1, Kootenay District. Lines run to the cardinal points. East boundary about 200 chains; south boundary about 40 chains; north boundary about 130 chains; west boundary, Columbia River. Dated 13th January, 1885. Price, \$1 per acre. Date of application to purchase, 20th October, 1883. Money received for on 13th January, 1885, but deposited prior to 17th November, 1884.

Crown grant No. 25, to Geo. J. Ainsworth, 166 acres, S. E. $\frac{1}{4}$ section 5, township 1, Kootenay District. Situate W. side of Kootenay Lake, and known as the Hot Springs. Date of purchase, 25th May, 1883. Date of Crown grant, 31st of May, 1883. Price per acre, \$1.

Crown grant No. 7, to Geo. J. Ainsworth, mineral claim, lot 11, group 1, Kootenay District. Known as Kootenay Chief Mine. Dated 9th December, 1884.

Crown grant No. 8, to Geo. J. Ainsworth, mineral claim, lot 12, group 1, Kootenay District. Known as Comfort Claim. Dated 9th December, 1884.

Crown grant No. 9, to Geo. J. Ainsworth, mineral claim, lot 13, group 1, Kootenay District. Known as Lulu Mine. Dated 9th December, 1884.

The three foregoing Crown grants, numbers 7, 8 and 9, were issued under the provisions of the Mineral Ordinance, 1884.

The foregoing Crown grants, numbered 345, 375, 376, 308, 317, 320, 319, and 25 were issued in pursuance of the Land Act of 1882.

And Crown grants Nos. 50 and 75 were issued under the provisions of Land Act, 1884.

Mr. Beaven.—Have the Columbia and Kootenay Railway and Transportation Company surveyed or obtained a Crown grant for any land in Kootenay District?

Mr. Gore.—They have surveyed the lands on Kootenay Lake which they propose to acquire under their Act of 1883. No Crown grants have been issued to them.

Mr. Beaven.—Have the Company surveyed the land in blocks six miles in width by six miles in depth, and in accordance with the now existing land laws of the Province?

Mr. Gore.—They have.

Mr. Beaven.—When were these surveys completed?

Mr. Gore.—A month or more before the time limited in the Act.

Mr. Martin.—When did they commence the surveys?

Mr. Gore.—Early in the season of 1884.

Mr. Martin.—How many acres did they survey altogether?

Mr. Gore.—From memory I should say about 42,000 acres.

Mr. Martin.—How many surveyors did the Company employ?

Mr. Gore.—I do not know. I only know their chief engineer, Mr. S. O. Brown.

Mr. Semlin.—Could the Company under their Act take any more land on Kootenay Lake.

Mr. Gore.—No.

Mr. Pooley.—Has the land on Kootenay Lake all been thrown open to settlement?

Mr. Gore.—Yes. The notice of cancellation of the reserve was published in the Government Gazette on the 10th December, 1884.

W. S. GORE.

Meeting adjourned to 10:30 on Friday, the 12th March.
Confirmed.

CHAS. E. POOLEY,
Chairman.

NINTH SITTING—FRIDAY, 12TH MARCH, 1886.

Present—Messrs. Pooley, Martin, and Semlin.

Minutes of previous meeting read and confirmed.

Correspondence *re* Ronald Campbell and Burns' land claim read. Also letter dated the 9th January, 1886, on the same subject from Mr. McKay Lambly to Mr. G. B. Martin.

Re PROUT'S CLAIM.

Hon. Mr. Smithe appeared before the Committee. Mr. Prout also present, at his own request. Evidence of Mr. Prout read over to Mr. Smithe.

Mr. Smithe states as follows:—

I received a telegram, dated Kamloops, 11th January, 1886, (read and put in) from Mr. Tunstall, Gold Commissioner, Granite Creek, asking me to reserve for a townsite 160 acres of land at foot of Otter Lake. At his request, a notice was put in Gazette reserving the land in question, about 28th January, 1886. At that time I was not aware there was any pre-emption covering that section of ground. About a week after notice appeared in Gazette, Mr. Prout called at the office and asked me the meaning of the notice, and stated that he had a pre-emption there. I explained to him that the reserve had been made at the instance of Mr. Tunstall, Gold Commissioner, that I had not been aware of his pre-emption covering the ground, and that I would enquire into the matter generally. On the 20th January I received a letter from Mr. Tunstall, dated the 14th January, enclosing a sketch of the proposed townsite and the location of the 160 acres. (Letter produced and read.) On February 26th I received another telegram from Mr. Tunstall (read and put in), asking me to sustain the right of Government to townsite. Mr. Prout was several times in my office, generally in connection with his efforts to induce the Government to adopt his pamphlet on the Granite Creek mines, and, so far as I remember, nothing was said about his pre-emption at these interviews. The Government did not think they would be justified in adopting the pamphlet for several reasons: It was badly written; construction was bad; orthography was bad; the statements were, in the opinion of the officer to whom the matter was referred, not altogether reliable. He referred intending visitors to Granite Creek, especially to one Capt. Sherborne, and there were facts connected with Capt. Sherborne, which had come to the knowledge of the Government, which made it impossible that the Government could endorse that gentleman in the way Mr. Prout had done as a reference in his pamphlet. Mr. Prout appeared to be very much annoyed that his pamphlet had not been taken, and that the Government had referred it to the Deputy Provincial Secretary, Mr. Elwyn, who, he said, was a personal enemy of his. Subsequently, Mr. Prout again brought the pre-emption question to my notice, and asked me what was going to be done about it. I told him that I had been making enquiries; that Mr. Nicholson, the Recorder of Granite Creek, had been down; that I had enquired of him about the matter, and that he had told me that Mr. Prout could have no legitimate claim to that land, as he had certainly not represented it. Mr. Prout said that Mr. Nicholson was an enemy of his, and particularly down on him, and that any statement made by him, in consequence, should not have any effect upon my mind. I then told him that I had learned that his pre-emption record had been made with Mr. Dewdney, who had no jurisdiction over the land in question, that the office at which the record should have been made was Kamloops. He then told me that he enquired of Mr. Allison as to where he should record, and Mr. Allison had told him at Dewdney's. I informed him that I had taken no action in the way of cancelling his record, nor had I in the way of cancelling the reserve, nor would I do so until I had more evidence and better information. Mr. Prout used very abusive language to me; accused the Government of wanting to swindle him out of his right and wanting to steal the land from him; that he had gone to considerable expense and said he would be a heavy loser if he did not get the land. I told him that if he had a legal claim to the land it would not be interfered with, but that he could not expect me to decide that matter on his simple statement, he being an interested party. He said it was very hard on him not having the matter settled at once, as he was having a saw-mill erected there, and expected to have it running by May. I then asked him where he was going to get his timber. I asked this question because when Mr. Prout came down in November, 1885, he applied to me for a lease of timber on Otter Lake, wishing, as he stated, to get a strip all round the shores of the lake, with a view of getting a monopoly of the timber there, stating, at the same time, that he had secured the only mill-site there was in the country, and that on the shores of the lake was the only timber in any quantity in the district, and unless he could get a monopoly of the timber he would not put up the mill. I told him that he could have a lease of timber commensurate in area with the capacity of the mill which he was about to erect, but that he could not get it in a narrow strip all round the lake. I told him there was a rule in the office which applied to such cases, that he would have to take it a half-mile back from the water—that is, from the water extending a half-mile back. He then explained to me that the good timber did not extend all the way round the lake, and that if he could get two patches of timber, one on each side the lake, that he thought he would be able to manage, and he asked me if he could get 320 acres on each side the lake. I told him if they were detached pieces he could not lease in that way, as the rule was that no smaller area than 640 acres could be leased in one block, and I explained to him that he could get 640 acres on each side, or if he could make them join at the end of the lake he could get the 640 acres in one block. He said he could not do the latter, and wished to know how much it would cost him to get the two blocks of 640 acres. I told him the price would be fifteen cents per acre, the usual price. He asked me how much that would amount to. I told him \$192 per annum for the 1,280 acres. He said he would pay no such amount as that, he would let the whole thing go, and distinctly intimated that he would not lease any land there. Remembering this conversation, when he informed me that he was erecting a mill and expected to have it running by May, I naturally asked him where he was going to get his timber. He told me he would risk that. I reminded him that there was an Act which prohibited any one cutting timber on any Crown lands without a licence, or lease.

WM. SMITHE.

Committee adjourned to 10:30 A. M. on Tuesday.