

REPORT OF SELECT COMMITTEE

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

Mr. Speaker:—

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

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

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

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

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

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

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

J. A. MARA,
Chairman.

*House of Assembly,
April 17th, 1877.*

EVIDENCE.

Evidence of MR. P. O'REILLY:—

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

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

Ans.—No.

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

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

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

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

By Mr. Beaven—At the time you laid out the Indian Reserves in the district of Yale, were they surveyed?

Ans.—Yes.

By Mr. Mara—In what year were they surveyed?

Ans.—I think 1868.

By Mr. Beaven—Did you see a church on Little Creek, in the Osoyoos District?

Ans.—No; not at the crossing.

By Mr. Beaven—At Little Creek are there any buildings?

Ans.—None at the crossing. I have not been there since 1869. The creek comes in on the west side of the lake.

Evidence of Mr. Lowe:—

By Mr. Beaven—Are the boundaries of the piece of land near the head of Osoyoos Lake marked out by Mr. Haynes in 1871 the same as the Oh-com-eth Reserve, as described in the *Gazette* of the 10th February, 1877?

Ans.—Yes.

By Mr. Beaven—Did you assist in laying out the Reserve in question?

Ans.—Yes, in 1871. I filed in the office at Osoyoos a notice in 1862 of reserve made by Mr. Cox.

By Mr. Beaven—Were there any applications previous to Mr. Haynes laying off this Reserve?

Ans.—Yes, several which were refused. Applications were all verbal.

By Mr. Beaven—Do you recollect the dates of those applications?

Ans.—They extended over from 1862 to 1870.

By Mr. Beaven—Do you recollect what year the church was built in?

Ans.—I think they commenced about seven years ago, but I am not sure.

By Mr. Beaven—Is this Little Creek the only Reservation at Osoyoos Lake?

Ans.—Yes.

By Mr. Beaven—Are you acquainted with McConnell?

Ans.—Yes; for ten or twelve years.

By Mr. Beaven—If a pre-emptor acquired land in the vicinity of McConnell's application and brought cattle into the valley, would it affect injuriously the interests of Mr. J. C. Haynes or yourself, as cattle-raisers?

Ans.—The valley is sufficiently large to support more cattle than we have there.

By Mr. Smithe—Is your land under fence?

Ans.—No; except about seven acres.

By Mr. Mara—Have the Indians cattle or horses?

Ans.—Yes, all are well supplied with horses and many of them have cattle.

By Mr. Mara—How many Indians are there on the Reservation?

Ans.—About one hundred adult Indians there permanently.

By Mr. Beaven—Are there any Indian improvements on the Oh-com-eth Reserve? If so, in what year were they placed there?

Ans.—There were improvements on the place in 1862, and they have continued to make further improvements up to the time I left in 1875.

By Mr. Beaven—What distance up the Oh-com-eth do such improvements extend?

Ans.—The Indians cultivate land about one mile and a half up the creek. The portion at the mouth of the creek covered by McConnell and McCauley's applications was under cultivation for years; they still reside there, but cultivate land further up the creek.

By Mr. Beaven—What is the nature of the improvement, if any?

Ans.—Several houses and a church, fencing, corralls, and cultivated land; about two hundred acres under cultivation.

By Mr. Beaven—In reference to McConnell and McCauley's applications, do they cover any portion of the Oh-com-eth Reserve?

Ans.—Yes.

By Mr. Beaven—If so, what portion?

Ans.—Both sides of the creek.

By Mr. Smithe—Have the Indians ever abandoned the land applied for by McConnell and McCauley?

Ans.—Never; it is their head-quarters.

REPORT OF SELECT COMMITTEE

Appointed to take evidence and enquire into the manner in which lands within the Province have been dealt with during the past year.

To the Honourable the Speaker of the Legislative Assembly:—

SIR,—Your Committee appointed to take evidence and enquire into the manner in which lands within the Province have been dealt with during the past year, have the honour to submit the evidence taken, together with tracings of certain surveys made in Osoyoos District.

17th April, 1877.

ROBERT BEAVEN, *Chairman.*

EVIDENCE.

MARCH 16th, 1877.

Members Committee present:—Messrs. Beaven, Dickinson, Evans and Morrison.

Mr. Beaven appointed Chairman; Mr. Dickinson appointed Secretary.

Moved by Mr. Morrison, seconded by Mr. Evans,—

That an officer of the Land Department be requested to attend on Monday at 9:30 a. m., with the Departmental Index Books, inwards and outwards, and the Crown Grant Book. Carried.

The Committee then adjourned until 9.30 a. m. Monday next.

Minutes adopted.

ROBERT BEAVEN, *Chairman.*

MARCH 19th, 1877.

Members present:—Messrs. Beaven, Morrison, Evans, Dickinson and Smithe.

Mr. Evans called for names of parties that applied for portions of timber lands in possession of Moody & Co., Burrard Inlet.

On motion, application was made to the Chief Commissioner of Lands and Works for certain applications to purchase unsurveyed land.

On motion, application was made for the field notes and plans of surveys made by W. Ralph at Osoyoos, and W. Patterson at Dean's Canal.

Minutes adopted 21st March 1877.

ROBERT BEAVEN, *Chairman.*

MARCH 21st, 1877.

Members present:—Messrs. Morrison, Beaven, Dickinson, Evans and Smithe.

Papers and documents called for at last meeting laid before Committee.

October 4th, 1875.—Application from J. C. Haynes to purchase 1,000 acres unsurveyed, unoccupied and unreserved Crown lands.

October 4th, 1875.—Application from W. H. Lowe to purchase 1,000 acres unsurveyed, unoccupied and unreserved Crown lands.

Letter outwards, folio page 107, vol. 8,	} Wanted for consideration of Committee.
” ” ” 106, ” 8,	
” ” ” 78, ” 10,	
” ” ” 170, ” 9,	
” ” ” 218, ” 9,	