

CORRESPONDENCE

With the Dominion Government, referred to in His Excellency the Lieutenant-Governor's Speech, relating to the application made by the Dominion for a Reservation of Land for Railway purposes, between Esquimalt and Seymour Narrows; to the action of the Provincial Government in making the Reserve in question; and to its protests against the non-commencement of the Railway in accordance with the Terms of Union.

By Command.

JOHN ASH,
Provincial Secretary.

*Provincial Secretary's Office,
22nd December, 1873.*

The Secretary of State to the Lieutenant-Governor.

COPY.

No. 58.

OTTAWA, 10th June, 1873.

SIR,—I have the honor to enclose, for the information of your Government, a copy of an Order of His Excellency the Governor-General in Council, fixing Esquimalt, in Vancouver Island, as the Terminus of the Canadian Pacific Railway, and further deciding that a line of Railway be located between the Harbour of Esquimalt and Seymour Narrows on the said Island.

I have further the honor to apply to you to bring the subject under the notice of your Government, with a view to the conveyance, in the manner and for the purposes stated in the said Order, of a strip of land Twenty Miles in width, along the Eastern Coast of Vancouver Island, between Seymour Narrows and the Harbour of Esquimalt.

I have, &c.,
(Signed)

E. A. MEREDITH,
Under Secretary of State.

*Copy of a Report of a Committee of the Honorable the Privy Council, approved by
His Excellency the Governor-General in Council on the 7th June, 1873.*

The Committee of Council having had before them the memorandum of the 29th May last, from the Chief Engineer of the Canadian Pacific Railway, and the Minute of Council thereupon of the 30th May, beg leave to recommend to Your Excellency that Esquimalt, in Vancouver Island, be fixed as the Terminus of the Canadian Pacific Railway; and that a line of Railway be located between the Harbour of Esquimalt and Seymour Narrows, on the said Island.

The Committee further recommend that application immediately be made, by Despatch to the Lieutenant-Governor of British Columbia, for the conveyance to the Dominion Government, in trust, according to the 11th paragraph of the Terms of Agreement of Union, of a strip of land, Twenty Miles in width, along the Eastern Coast of Vancouver Island, between Seymour Narrows and the Harbour of Esquimalt.

An Order of the Lieutenant-Governor of British Columbia in Council appropriating this tract of land, in furtherance of the construction of the said Railway, will be necessary, in order to operate as a sufficient conveyance and reservation of the said land to and for the Dominion Government.

(Certified)

W. A. HIMSWORTH,
Clerk, Privy Council.

The Lieutenant-Governor to the Secretary of State for Canada.

COPY.
No. 67.

GOVERNMENT HOUSE,
26th July, 1873.

SIR,—I have the honor to state that the Under Secretary of State for the Provinces' Despatch No. 58, of the 10th ultimo, and the copy therewith enclosed of an Order of His Excellency the Governor-General in Council, fixing Esquimalt, on Vancouver Island, as the Terminus for the Canadian Pacific Railway, and further deciding that a line of Railway be located between Esquimalt Harbour and Seymour Narrows, was duly received and submitted by me for consideration in my Executive Council, and that the strip of land Twenty Miles in width along the Eastern Coast of Vancouver Island, between Seymour Narrows and the Harbour of Esquimalt, specified in the said Order in Council, was accordingly reserved on the 1st July, instant, under the powers and provisions of the 42nd Section of the Land Ordinance of 1870 of British Columbia, and notice of such reservation duly published in the Government Gazette, as appears in the copy thereof herewith enclosed.

With further reference to the Under Secretary of the Provinces' Despatch, I have also the honor to enclose herewith, and to request that you will lay before His Excellency the Governor-General, a Minute of my Executive Council conveying the conclusion of this Government that it is not advisable to make, at present, the conveyance applied for in the said Despatch and accompanying Order in Council of the land therein specified and now held under reservation, and setting forth the grounds upon which that conclusion is based.

I have, &c.,

(Signed)

JOSEPH W. TRUTCH

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor on the 30th day of June, 1873.

On a Memorandum dated 30th June, 1873, from the Honorable the Attorney-General, recommending that, for the present, a bare reservation of the Twenty Mile belt lying between Esquimalt Harbour and Seymour Narrows be made, to protect the Government of the Dominion, until the question raised by the Order in Council of the Privy Council of Canada, dated the 7th instant, with its covering Despatch on the subject of the 10th instant, be more fully discussed and determined, and that the conveyance, in trust, of the said land asked for by the Ottawa Government be for the present deferred, and that the enclosed Notice of Reservation be adopted and published in a Gazette Extraordinary.

(Certified)

W. J. ARMSTRONG,

Clerk of the Executive Council.

Notice.

Whereas by an Order in Council dated the 7th day of June, 1873, of the Honorable the Privy Council of Canada, it has been decided "that Esquimalt, in Vancouver Island, be fixed as the Terminus of the Canadian Pacific Railway, and that a line of Railway be located between the Harbour of Esquimalt and Seymour Narrows, on the said Island;" and whereas in accordance with the Terms of the said Order in Council, application has been made to His Excellency "the Lieutenant-Governor of British Columbia, for a reservation and for the conveyance to the Dominion Government, in trust, according to the 11th Paragraph of the Terms of the Agreement of Union, of a strip of land Twenty Miles in width along the Eastern Coast of Vancouver Island, between Seymour Narrows and the Harbour of Esquimalt, in furtherance of the construction of the said Railway."

And whereas it has been deemed advisable that the land within the limits aforesaid should be Reserved, prior to any conveyance aforesaid being made thereof. Public notice is therefore hereby given that from and after this date a strip of Land Twenty Miles in width along the Eastern Coast of Vancouver Island, between Seymour Narrows and the Harbour of Esquimalt, is hereby Reserved.

Provincial Secretary's Office,
1st July, 1873.

By Command.

JOHN ASH,
Provincial Secretary.

The Lieutenant-Governor to the Secretary of State.

COPY.
No. 68.

GOVERNMENT HOUSE,
26th July, 1873.

SIR,—I have the honor to enclose at the request of my Ministers, for submission to His Excellency the Governor-General, a Minute of my Executive Council, representing the non-fulfilment by the Dominion of the 11th Section of the Terms of Union of British Columbia with Canada, expressing regret that the Railway has not been commenced, and strongly protesting against the breach of a condition of the Terms so highly important to this Province.

I have, &c.,
(Signed) JOSEPH W. TRUTCH.

Copy of an Order in Council of this Province, dated July 25th, 1873.

The Committee of Council have had under consideration the non-fulfilment by the Dominion Government of the 11th Section of the Terms of Union.

The Committee regret that the construction of the Railway has not been commenced, and therefore strongly protest against the breach by the Dominion Government of a condition of the Terms so highly important to the Province.

The Committee recommend the above for the approval of your Excellency, and, if sanctioned, respectfully request that a copy thereof be at once forwarded to the Dominion Government.

(Certified) W. J. ARMSTRONG,
Clerk, Executive Council.

Copy of a Report approved by His Excellency the Lieutenant-Governor in Council, on the 25th July, 1873.

The Committee of Council have had under consideration a memorandum of the 23rd July, 1873, from the Honorable the Attorney-General, reporting upon a despatch, dated the 10th June last, from the Honorable the Secretary of State for the Provinces to your Excellency, covering an Order of the Honorable the Privy Council of Canada, of the 7th of the same month, which states that the Privy Council had decided as follows: "That Esquimalt in Vancouver Island be fixed as the terminus of the Canadian Pacific Railway, and that a line of Railway be located between the Harbour of Esquimalt and Seymour Narrows on the said Island."

In pursuance of this decision, Your Excellency is requested to convey by Order in Council "to the Dominion Government in trust, according to the 11th paragraph of the Terms of the Agreement of Union, a strip of land 20 miles in width along the Eastern Coast of Vancouver Island, between Seymour Narrows and the Harbour of Esquimalt."

Upon the Despatch and Order in Council the Honorable the Attorney-General reports as follows :

“The agreement of Union is embodied in a Statute. Its language must therefore be measured by the ordinary and well known rules of interpretation as applied to Statutes. The language must not be construed too narrowly, but a fair and liberal construction—and one in accordance with the spirit and true meaning of the agreement—should be placed upon the wording of the ‘Terms.’ Allowing, however, the greatest latitude of interpretation, and applying the broadest and most liberal construction to the eleventh Section of the Agreement, nothing appears which would seem to warrant the Dominion Government in claiming, or justify Your Excellency in granting, a conveyance of the Twenty mile belt of land mentioned, until the line of Railway be defined.

“It is admitted that the Dominion Government is entitled to the greatest consideration for the energy it has hitherto displayed in its desire to faithfully carry out the Railway provisions contained in the Agreement.

“Hence the Government of this Province, holding these views and anxious to render all the assistance in its power to the Dominion Government, assumed the responsibility of reserving the belt of land mentioned almost immediately after the receipt of the Despatch, which is the subject of this report. It was, however, expressly understood that the Order in Council creating the reserve should *not operate as a conveyance of the lands* within its limits, and that the reserve itself should not be of a *permanent character*.

“The 11th Section of the Terms of Union reads as follows :

‘The Government of the Dominion undertake to secure the commencement, * * * within two years from the date of the Union, of the construction of a Railway from the Pacific towards the Rocky Mountains,’ thence Eastward, &c.

“The Government of British Columbia agree to convey to the Dominion Government in trust, to be appropriated in such manner as the Dominion Government ‘may deem advisable, in furtherance of the construction of the *said Railway*, an extent of public lands *along the line of Railway* throughout its entire length in British Columbia, not to exceed, however, Twenty miles on each side of *said line* * * * and provided further that until the commencement, within two years, as aforesaid, from the date of the Union, of the construction of the *said Railway*, the Government of British Columbia shall not sell or alienate any further portion of the public lands of British Columbia in any other way than under right of pre-emption ‘requiring actual residence of the pre-emptor on the land claimed by him.’

“Under this agreement the Dominion Government undertook ‘to secure the commencement of ‘the construction of a Railway from the Pacific’ eastward on the 20th July, 1873, and the Province in consideration thereof agreed to convey to the Dominion Government ‘in furtherance of the construction of the *said Railway*,’ certain ‘public lands *along the line of Railway*’ not exceeding in extent Twenty miles ‘*on each side of said line*.’

“As far as the Government of this Province has been informed, no line of Railway has been surveyed between Esquimalt and Seymour Narrows. A conveyance cannot therefore be made of public lands ‘along a line of Railway’ and ‘on each side of said line’ where no such ‘line of Railway’ exists. The demand made is for a conveyance of ‘a strip of land’ Twenty miles in width along the ‘Eastern Coast of Vancouver Island,’ or in other words in the absence of a survey for a strip of the public lands along the sea coast, but not along any defined line of Railway.

“It is respectfully submitted that had a ‘line of Railway’ been defined by a location survey, the Government of this Province would have been notified thereof, and the language of the Despatch and of the Order of the Privy Council would have been materially different from that used in the present instance. Instead of asking for a conveyance of land along a sea coast, a demand would have been made for a conveyance of certain lands ‘along a line of Railway’ adopted and laid out accord-

ing to an accompanying plan, such a demand, it is humbly conceived, would have been in accordance with the spirit and the language of the 11th Section.

"The term of two years mentioned in the first and second paragraphs of the Section was inserted by the framers of the terms as a period amply sufficient to enable the Dominion Government to complete the preliminary surveys necessary to determine 'the line of Railway,' and the Provincial Government agreed to withdraw all its public lands from sale for the like period in order that the first opportunity should be afforded to the Dominion Government of acquiring *within the two years* and before the work of construction should commence, the land contiguous to its line of Railway, as defined from time to time.

"The two years have expired, and as the claim for the reserve mentioned is not established, it becomes the duty of the Government of British Columbia in the interests of the Province to respectfully press upon the Dominion Government, the necessity of some immediate action being taken to render the valuable belt of land containing an area of some 3,500 square miles of service to the Province.

"The undersigned therefore suggests that, as no line of Railway has been defined, Your Excellency be respectfully recommended, for the above reasons, to withhold the conveyance to the Dominion Government of the land mentioned in the Despatch; and that the Reserve of the said land be continued until a fair opportunity shall have been afforded to the Dominion Government to consider the subject, and inform the Government of this Province of its views thereon."

The Committee concur in the above Report of the Attorney-General, and submit the same for Your Excellency's approval, and if sanctioned, they suggest that a copy of this Order in Council be transmitted to His Excellency the Governor-General.

(Certified)

W. J. ARMSTRONG,
Clerk *Executive Council*.

Secretary of State to the Lieutenant-Governor.

COPY.
No. 72.

Ottawa,
23rd August, 1873.

Sir,—I have the honor to acknowledge the receipt of your Despatch, No. 68, 26th ultimo, covering a copy of a Minute of your Executive Council, complaining of the non-fulfilment by the Dominion Government, of the 11th Section of the Terms of Union of British Columbia with Canada.

Your Despatch and its enclosures will be at once laid before His Excellency the Governor-General in Council.

I have, &c.,
(Signed) E. J. LANGEVIN,
Under Secretary of State.

Secretary of State to the Lieutenant-Governor.

COPY.
No. 74.

Ottawa,
26th August, 1873.

Sir,—I have the honor to acknowledge the receipt of your Despatch, No. 67, of the 26th ultimo, referring to the Order of His Excellency the Governor-General in Council, communicated to you on the 10th June last, applying for the conveyance to the Dominion Government of a strip of land Twenty miles in width along the Eastern Coast of Vancouver Island, between Seymour Narrows and the Harbour of Esquimalt, and enclosing a copy of a Minute of your Executive Council on the subject of the said application.

Your Despatch and its enclosures, will be laid before His Excellency the Governor-General in Council.

I have, &c.,
(Signed) E. J. LANGEVIN,
Under Secretary of State.

The Secretary of State to the Lieutenant-Governor.

DEPARTMENT OF THE SECRETARY OF STATE FOR CANADA,
Ottawa,
11th September, 1873.

Sir,—I have the honour to transmit to you herewith, for the information of your Government, a copy of an Order of His Excellency the Governor-General in Council, on your Despatch, No. 67, of the 26th July last, enclosing a Minute of your Executive Council, conveying their conclusion that it is not advisable to make at present the conveyance applied for in the letter to you of the 10th of June last.

I have, &c.,
(Signed) J. C. AIKINS,
Secretary of State for Canada.

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 3rd September, 1873.

The Committee of the Privy Council have had under consideration, a Despatch from the Lieutenant-Governor of British Columbia, of the 26th July, 1873, enclosing a Minute of his Executive Council, conveying the conclusion of the Government of British Columbia, that it is not advisable to make at present the conveyance applied for in a Despatch of the Under Secretary of State for the Provinces, of the 10th of June.

The Committee of the Privy Council have read with great attention, the report of the Executive Council of British Columbia, enclosed in the Lieutenant-Governor's Despatch, and beg to submit, that so long as the land which is referred to is not alienated from the Crown, but held under reservation, as stated in the Lieutenant-Governor's Despatch, the object of the Government of the Dominion will be obtained, that object being simply that when the Railway shall come to be constructed, the land in question shall be at the disposition of the Government of the Dominion, for the purposes laid down in the 11th Section of the Terms of Union with British Columbia.

(Certified) W. A. HIMSWORTH,
Clerk Executive, Council.

The Lieutenant-Governor to the Secretary of State.

COPY.
No. 86.

GOVERNMENT HOUSE,
22nd September, 1873.

SIR,—With reference to my Despatch, No. 67, of the 26th July last, I have the honor to enclose for the information of His Excellency the Governor-General, a Minute of my Executive Council, urging that the boundaries of the land on Vancouver Island, proposed to be claimed by the Government of the Dominion in trust, to aid the construction of the Railroad, under the Terms of Union of British Columbia

with Canada, may be at once defined, and that a competent person in this Province may be appointed to dispose of said lands, on such terms as will admit of settlement, and authorizing the Honorable A. DeCosmos, President of the Executive Council and Premier of my Ministry, to confer with the Government of Canada on this subject.

A duplicate of this Despatch and enclosure will be handed to you by Mr. DeCosmos, who starts to-morrow for Ottawa.

I have, &c.,
(Signed)

JOSEPH W. TRUTCH.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor on the 20th day of September, 1873.

On a Memorandum, dated 18th September, 1873, from the Honorable Chief Commissioner of Lands and Works, reporting that the Order in Council of the 30th June, 1873, reserving Crown Lands of the East Coast of Vancouver Island, is seriously retarding the settlement of that portion of the Province; and recommending that, in view of the fact that the Despatch from His Excellency the Lieutenant-Governor to the Secretary of State, transmitting the Minute of this Executive Council, dated 25th July, 1873, upon the subject of this reservation, has not as yet been replied to, and as the matter requires immediate settlement, that the Dominion Government be respectfully urged to at once define, by survey, the land they propose claiming on the East Coast of Vancouver Island: and that they appoint, also, a competent person in this Province to dispose of said lands on such terms as will admit of settlement; and that the Honorable Amor DeCosmos, as Special Delegate, about to proceed to Ottawa, be authorized to confer with the Dominion Government upon the subject.

(Certified)

W. J. ARMSTRONG,
Clerk, Executive Council.

The Secretary of State to the Lieutenant-Governor.

COPY.

OTTAWA, 8th October, 1873.

SIR,—I have the honor to acknowledge the receipt of your Despatch of the 22nd ultimo, on the subject of the occupation of lands reserved by the Dominion Government, and to state that the same will receive due consideration.

I have, &c.,
(Signed)

EDWARD J. LANGEVIN
Under Secretary of State.

The Lieutenant-Governor to the Secretary of State.

COPY.
No. 96.

GOVERNMENT HOUSE,
24th November, 1873.

SIR,—I have the honor to enclose a further Minute of my Executive Council, referring to the non-fulfilment by the Dominion Government of the 11th Article of the Terms of Union of this Province with Canada.

In accordance with the advice of my Ministers, expressed in this Minute, I beg you to be pleased to lay before His Excellency the Governor-General, and to be good enough to bring to His Excellency's attention the previous Minutes of my Execu-

tive Council on the same subject, which were forwarded for his consideration in my Despatches, Nos. 67 and 68, 26th July last, the latter of which conveying a protest from this Government on the failure of the Dominion Government to secure the commencement, within two years from the date of Union, of the construction of a Railroad from the Pacific towards the Rocky Mountains, as provided in the 11th Article of the Terms of Union, is yet unanswered; and to move His Excellency to communicate to this Government, in whatever manner he may deem advisable, in time to meet the requirement of the desire indicated by my Ministers, the course intended to be taken by the Dominion in fulfilment of the 11th Article of the Terms of Union of this Province with Canada.

I have, &c.,
(Signed)

JOSEPH W. TRUTCH.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor on the 22nd day of November, 1873.

The Committee of Council having had under consideration a memorandum from the Honorable the Provincial Secretary, dated 19th November, 1873, setting forth the facts—

That the Government of British Columbia has protested against the non-fulfilment by the Dominion Government of the 11th Article of the Terms of Union.

That beyond the acknowledgment of the receipt, no reply has been made by the Dominion Government to the Despatch conveying the protest.

That the Government of British Columbia looking at the actual condition of affairs felt compelled to await the action of the Parliament of Canada, expected shortly to meet, and which did meet at Ottawa on the 23rd of October last past.

That the Parliament of Canada has been prorogued not to meet until February next, without making provision for the construction of the Pacific Railway.

That the Legislative Assembly of the Province stands called to meet at Victoria on the 18th day of December next, and

That the non-fulfilment by the Dominion Government of the Terms of Union has caused a strong feeling of anxiety and discouragement to exist throughout the Province.

The Committee advise your Honor to ask the Dominion Government through the proper channel, for a decided expression of its policy with regard to the fulfilment of the 11th Article of the Terms of Union, in order that the information may be given to the Legislature at the opening of the coming Session.

And they request that the decision arrived at be communicated to Your Honor by telegram at the earliest moment possible; and the Committee respectfully suggest that, if the present report be sanctioned, Your Honor will be pleased to forward the same to His Excellency the Governor-General; and also to draw his attention to the Minutes of Council, each bearing date the 25th day of July last, on the same subject, one being a protest against the breach of Article 11, and the other a denial of the right of the Dominion Government to a conveyance or reserve of any of the public lands for Railway purposes until the line of Railway should be defined.

(Certified)

W. J. ARMSTRONG,
Clerk, Executive Council.

CORRESPONDENCE

With the Dominion Government, referred to in His Excellency the Lieutenant-Governor's Speech, relative to an advance of money by the Dominion to British Columbia, for local improvements, and to a proposal made by the Province for exchanging the guarantee of interest in aid of the construction of a Graving Dock at Esquimalt, as set forth in the Terms of Union, for a cash advance of £50,000, and to the appointment of the Honorable Mr. *De Cosmos* as a Special Agent and Delegate of British Columbia to carry out the negotiations in question.

By Command.

JOHN ASH,
Provincial Secretary.

Provincial Secretary's Office.
Victoria, 22nd December, 1873.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by his Excellency the Lieutenant-Governor on the 20th day of September, 1873.

On a memorandum, dated 18th September, 1873, from the Honorable the Provincial Secretary, reporting that it is necessary to make preliminary arrangements in Ottawa and London, with the Dominion and Imperial Governments, for securing the means to carry out certain Public Works, for which the sanction of the Legislature will be asked during the coming Session,

The Committee recommend that your Excellency do authorize and empower the Honorable A. DeCosmos, President of the Executive Council, to be the Special Agent and Delegate of this Government to negotiate such arrangements with the Dominion and Imperial Governments, and that Your Excellency be requested to inform the Secretary of State for Canada and, through proper channel, Her Majesty's Principal Secretary of State for the Colonies, that the Honorable A. DeCosmos, President of your Executive Council, is empowered by the Government of this Province to act as its Special Agent and Delegate in all negotiations which have for their object the construction of a first class Graving Dock at Esquimalt, and the obtaining of a loan on the security of the Consolidated Revenue of the Province.

(Certified) W. J. ARMSTRONG,
Clerk Executive Council.

The Lieutenant-Governor to the Secretary of State.

COPY.
No. 79.

GOVERNMENT HOUSE, VICTORIA,
22nd September, 1873.

SIR,—I have the honour to request that you will lay before His Excellency the Governor General, the enclosed Minute of my Executive Council, authorizing and empowering the Hon. Amor DeCosmos, President of the Executive Council and Premier of my Ministry, to be the Special Agent and Delegate of this Government, to negotiate with the Dominion and Imperial Governments preliminary arrangements for securing the means to carry out certain Public Works in this Province, for which it is proposed to ask the sanction of the Legislature at its next Session; and, in accordance with the desire of my Ministers expressed in this Minute, I beg to request that His Excellency may be moved to inform Her Majesty's Principal Secretary of State for the Colonies, that Mr. DeCosmos is duly accredited by the Government of this Province to act as its Special Agent and Delegate in all negotiations having for their object the construction of a first class Graving Dock at Esquimalt; and the obtaining of a Loan on the security of the Consolidated Revenue of the Province.

Mr. DeCosmos starts to-morrow for Ottawa, and takes with him a duplicate of this Despatch and its enclosure.

I have, &c.,
(Signed) JOSEPH. W. TRUTCH.

The Secretary of State to the Lieutenant-Governor.

OTTAWA,

8th October, 1873.

SIR,—I have the honour to acknowledge the receipt of your Despatch, of the 22nd ultimo, respecting the construction of a first class Graving Dock at Esquimalt, and to state that the same will receive due consideration.

I have, &c.,
(Signed) E. J. LANGEVIN,
Under Secretary of State.

The Honorable Mr. DeCosmos to the Provincial Secretary, B. C.

COPY.

OTTAWA,

14th November, 1873.

SIR,—I have the honour to transmit herewith for the information of His Excellency the Lieutenant-Governor, a copy of a letter addressed to me by the Honorable A. Mackenzie, Premier of the Dominion Government, in answer to an application made by me on behalf of the Government of British Columbia, to the Dominion Government, for the advance of a sum of money equal to the difference between its actual and its allowed debt, the interest at the rate of five per centum per annum to be deducted annually from the subsidies payable by the Dominion to the Province, and the Province to be credited with any sum it may pay back.

I may remark that the actual debt at the time of Union was \$1,000,405 03. The allowed debt then was \$1,666,200. The allowed debt increased by the Act of 1873 is \$1,946,284. The sum, then, proposed to be advanced to the Province, is the difference between the actual debt and the present allowed debt, viz., \$945,878 07.

The letter of the Honorable Mr. Mackenzie will be confirmed by an Order in Council, and a measure will be submitted to Parliament to carry it into effect.

The sanction of the Legislature of British Columbia will also be required to the arrangement, and ought to be secured at its next Session.

It is difficult to imagine how the Province could have raised money on more favourable terms.

It is but proper that I should state that the late Administration of the Dominion had consented to make the advances on the same terms as those agreed to by the Honorable Mr. Mackenzie.

(Signed) A. DECOSMOS,
Special Agent and Delegate of British Columbia.

The Honorable Mr. Mackenzie to the Honorable Mr. DeCosmos.

COPY.

OTTAWA,

14th November, 1873.

MY DEAR SIR,—Your proposal to the Dominion Government, respecting the payment to the Local Government of British Columbia of such sums as may be applied for, from time to time, to be expended on local improvements, to be charged against the debt of the Province until the sums so advanced will with the existing debt reach the amount of the debt allowed by the Terms of Union, is one that will require the sanction of Parliament. This being the case, no absolute promise can be given till Parliament meets.

I see no serious objection, however, to the proposal, and we will submit a measure to enable the Government to carry it into effect. I have, &c.,

(Signed) A. MACKENZIE.

The Honorable Mr. DeCosmos to the Provincial Secretary, B. C.

COPY.

OTTAWA,

15th November, 1873.

SIR,—I have the honor to transmit herewith for the information of His Excellency the Lieutenant-Governor, a copy of a letter marked B. addressed to me by the Honor-

able Mr. Mackenzie, Premier of the Dominion Government, in reply to a proposal made by me on behalf of the Government of British Columbia, respecting a grant to the Province of \$250,000 in lieu of the guarantee of interest in the Terms of Union, in aid of the construction of the proposed Graving Dock at Esquimalt.

The pledge given by the Honorable Mr. Mackenzie in his letter, to submit a measure to carry out my proposal places the negotiations with the Dominion Government respecting the Dock on a most satisfactory basis.

It is due to the late administration to state that they were prepared to submit a similar measure to Parliament respecting the Dock to that agreed to by the Hon. Mr. Mackenzie.

I have, &c.,
(Signed) A. DE COSMOS,
Special Agent and Delegate of British Columbia.

B.

The Honorable Mr. Mackenzie to the Honorable Mr. De Cosmos.

COPY.

OTTAWA,
14th November, 1873.

MY DEAR SIR,—With reference to the proposal you submitted on behalf of the Government of British Columbia, viz: to advance £50,000 to aid in the construction of a Graving Dock at Esquimalt in lieu of the guarantee of interest at 5 per cent. on £100,000 for ten years provided by the terms of Union, I have to say that any change in the mode of aiding in the construction of this work from that agreed to will require the sanction of Parliament.

I can only say at present that the Government will submit a measure to Parliament to carry out your proposal, or some scheme equivalent thereto.

I am, &c.,
(Signed) A. MACKENZIE.

The Secretary of State to the Lieutenant-Governor.

COPY.

OTTAWA,
18th November, 1873.

SIR,—I have the honour to inform you that His Excellency the Governor-General has had before him, in Council, your Despatch of 22nd September last, covering a copy of a Minute of your Executive Council authorizing the Hon. Amor DeCosmos, President of the Council and Premier of your Ministry, to be Special Agent and Delegate of the Government of British Columbia, to negotiate with the Dominion and Imperial Governments preliminary arrangements for securing the means to carry out certain Public Works in the Province, and requesting His Excellency to inform Her Majesty's Principal Secretary of State for the Colonies that Mr. DeCosmos is duly accredited by the Government of that Province, to act as its Special Agent and Delegate in all negotiations having for their object the construction of a Graving Dock at Esquimalt, and the obtaining of a loan on the consolidated Revenue of the Province.

I have now to acquaint you, for the information of your Government, that His Excellency has been pleased to notify the Right Honorable the Secretary of State for the Colonies as requested in the Minute of Council.

I have, &c.,
(Signed) E. J. LANGEVIN.
Under Secretary of State.

FURTHER CORRESPONDENCE

Respecting the Construction of the Graving Dock.

By Command.

JOHN ASH,

Provincial Secretary.

*Provincial Secretary's Office,
5th January, 1874.*

The Lieutenant-Governor to the Secretary of State.

COPY.
No. 15.

GOVERNMENT HOUSE,
10th February, 1873.

SIR,—I have the honour to enclose herewith a copy of an Address to me from the Legislative Assembly of this Province, conveying their views expressed in certain Resolutions embodied in the same Address, to the effect that the provision for the construction of a Graving Dock at Esquimalt, which is contained in Article 12 of the Terms of Union of British Columbia with Canada, is insufficient to secure that object: and therefore requesting me to move the Dominion Government to increase the said provision in one of three suggested modes, so as to ensure the work being carried into execution without delay. In reference to those Resolutions, I also enclose a Minute of my Executive Council, and in accordance with their advice, I beg to recommend the suggestions contained in the said Address to the favourable consideration of His Excellency the Governor-General.

I have, &c.,

(Signed)

JOSEPH W. TRUTCH.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor on the 7th day of February, 1873.

On a Memorandum dated 7th February, 1873, from the Honorable the President, reporting that certain Resolutions respecting the proposed Graving Dock at Esquimalt passed the Honorable the Legislative Assembly on February 4th, 1873, and have, in the form of an address, been transmitted to His Excellency the Lieutenant-Governor, and recommending that His Excellency the Lieutenant-Governor be respectfully requested to transmit them to the Dominion Government and recommend the same for their consideration and adoption.

(Certified)

W. J. ARMSTRONG.

Clerk, Executive Council.

The Secretary of State to the Lieutenant-Governor.

COPY.
No. 18.

OTTAWA,
28th February, 1873.

SIR,—I have the honour to acknowledge the receipt of your Despatch, No. 15, of the 10th instant, enclosing a copy of an Address from the Legislative Assembly of British Columbia, on the subject of the construction of a Graving Dock at Esquimalt, together with a copy of a Minute of your Executive Council on the subject, and recommending, in accordance with the advice of your Ministers, the suggestions contained in the said Address, to the favourable consideration of His Excellency the Governor-General.

Your Despatch and enclosure will be submitted for the early consideration of His Excellency in Council.

I have, &c.,

(Signed)

JOSEPH HOWE.

RETURN

To an Address to His Excellency the Lieutenant-Governor praying His Excellency to cause to be laid before the House a Return of all Correspondence, between the Government and the Board of Education, relating to the selection of a site for a Central Boarding School.

By Command.

JOHN ASH,
Provincial Secretary.

*Provincial Secretary's Office,
January 8th, 1874.*

The Superintendent of Education to the Provincial Secretary.

COPY.

EDUCATION OFFICE,
18th February, 1873.

SIR,—I have the honor to forward you a copy of a Resolution passed by the Board of Education at their 25th Meeting, held yesterday, as follows:—

Moved by Mr. Drake, seconded by Dr. Tolmie,—“That, in the opinion of the Board of Education, it is indispensable that the efficiency of the Schools now in existence should not be impaired by curtailing the needful expenses, such as fuel, cleaning of school rooms, and stationery, &c.; and in order to do this, the Board protest against the expenditure of the large sum of \$5,500 for the erection of a Teacher's House and School at Kamloops; feeling that for this year, at all events, there will only be sufficient funds to meet the requirements of the Schools now in operation, and the arrears of last year's liabilities which must be paid out of this year's grant.” Carried unanimously.

I have, &c., (Signed) JOHN JESSOP,
Superintendent of Education.

Provincial Secretary to Superintendent of Education.

PROVINCIAL SECRETARY'S OFFICE,
20th February, 1873.

SIR,—The Lieutenant-Governor in Council has had under consideration the Resolution of the Board of Education, submitted in your letter of the 18th instant, and I am to request you will acquaint the Board that the erection of a Boarding School at Kamloops has already been determined on by the Government, and that the Estimate for the year, for contingent expenses connected with Education, cannot be increased.

I have, &c., (Signed) JOHN ASH,
Provincial Secretary.

Provincial Secretary to Superintendent of Education.

COPY.

PROVINCIAL SECRETARY'S OFFICE,
March 6th, 1873.

SIR,—As it will soon become necessary to take steps for the location of a site for the Mainland Boarding School, I am to request you will furnish me with a Report on the subject, embodying your views and those of the Board of Education.

The Government do not, however, desire you should determine anything in this matter without the express sanction of the Lieutenant-Governor in Council.

I have, &c., (Signed) JOHN ASH,
Provincial Secretary.

Superintendent of Education to Provincial Secretary.

COPY.

EDUCATION OFFICE,
March 13th, 1873.

SIR,—I have the honor to acknowledge the receipt of your communication of 6th March, asking me for a Report on the "location of a site for the Mainland Boarding School," said Report to embody the views of the Board of Education.

In my first Annual Report on the Public Schools of British Columbia (page 29) I recommended the erection of two of these Schools "one at or about Soda Creek, and the other in the vicinity of Kamloops." As the School Grant for the current year will only admit of the erection of one School House and Teacher's Residence, Kamloops is undoubtedly the proper location.

1. Because there are three Schools already established along the waggon road, namely, at Lytton, Lillooet, and Clinton, Lytton being 57 miles North of Yale and about 90 South-west of Kamloops. Lillooet is 45 miles North of Lytton, and about 75 due West from Kamloops. Clinton is 47 miles North-north-east of Lillooet, and 73 from Kamloops. A circle, having a radius of 40 miles from the latter place, would include Kamloops Lake and Thompson River, nearly as far as Cache Creek, the greater portion of Nicola River Valley, the South branch of Thompson, to Shuswap Lake and Spalumcheen, and the North branch two-thirds of the distance to Clearwater. A School at Kamloops would be conveniently located for the whole of this extensive grazing and agricultural region, containing 70 children of school age, and 35 under school age, while that point would be easily accessible from the Okanagan, Osoyoos, and Similkameen Districts, which are all still further removed from any of the above mentioned School Districts, and contain a school-going population of 45 children, with 15 under age; thus making a total of 115 between the ages of 5 and 16, and 50 under 5, whose nearest School would be the one at Kamloops should it be established there.

2. Building material at Kamloops is at least twenty per cent. lower than at any point on the waggon road from Lytton to Cache Creek; while provisions are nearly, if not altogether, as cheap as in Victoria. These are items of importance, not only in lessening the cost of building, but that of board after the establishment shall be in operation.

3. Kamloops is fast becoming a place of considerable trade as a distributing point through the country to Clearwater North, to Shuswap and Spalumcheen East, and to Nicola Valley and Okanagan South and South-east; so that a rapid increase of population may be reasonably looked for—hence a School located there will soon have a large attendance of day scholars.

Should this experimental School prove a success, it may be considered advisable hereafter to establish other Schools, of the same class, elsewhere; when some of the existing day Schools might become the nucleus of another institution of the same description.

I have the honor to submit the following Resolutions for the consideration of His Excellency the Lieutenant-Governor in Council, which, after mature deliberation, were unanimously passed at a Meeting of the Board of Education held yesterday afternoon:—

1. "The Board adhere to their Resolution forwarded on the 18th ultimo; but as the Government have determined to erect the Boarding School, and now request the opinion of the Board as to the locality, the Board consider that Kamloops is a suitable position."

2. "The Board are of opinion that in dealing with the question of a Boarding School at Kamloops, or elsewhere, that the management of such School should not be left to the control of Local Trustees; but should be retained in the hands of the Board of Education until the experiment has been tried by the test of time."

I have, &c., (Signed) JOHN JESSOP,
Superintendent of Education.

The Provincial Secretary to the Board of Education.

COPY.

PROVINCIAL SECRETARY'S OFFICE,
15th April, 1873.

GENTLEMEN,—The Government having decided that the Mainland Boarding School shall be erected on some site at Cache Creek, I am to request that you will furnish the Chief Commissioner, on whom will devolve the duty of building the school in question, with a ground plan, showing what in your opinion should be the nature of the accommodation afforded by such building, the same to be accompanied by any remarks you may have to offer, in writing, which would serve to throw light upon the requirements as expressed in the plan.

When the school is completed, its conduct will for some time at least be placed in your hands.

I have, &c.,

(Signed)

JOHN ASH,

Provincial Secretary.

The Superintendent of Education to the Provincial Secretary.

COPY.

EDUCATION OFFICE,
19th April, 1873.

SIR,—I have the honor to acknowledge the receipt of your communication of 15th instant, addressed to the Board of Education.

In compliance therewith, I called a meeting yesterday afternoon. Members present Messrs. Polmie, Drake, Munro, Williams, and Langley, when it was moved, seconded, and carried unanimously:—

“That the Board of Education do not consider themselves competent to make any suggestions to the Chief Commissioner of Lands and Works with regard to the ground plan of a school building to be erected at Cache Creek.

“The Board learn with surprise that the Government have changed the location of such school from Kamloops to Cache Creek. In accordance with a communication from the Hon. the Provincial Secretary, dated 20th February last, the Board acquiesced with the Government in the selection of the former site in consequence of the great advantages which that locality possesses. On a subsequent occasion, when asked for their opinion, they were unanimous that should such school be erected, Kamloops was still the proper place for it.”

I have, &c.,

(Signed)

JOHN JESSOP,

Chairman Board of Education.

Provincial Secretary to Superintendent of Education.

COPY.

PROVINCIAL SECRETARY'S OFFICE,
29th April, 1873.

SIR,—In a communication from you, dated the 19th instant, a Resolution of the Board of Education is submitted, in which the following words occur:—

“The Board learns with surprise that the Government have changed the location of such school from Kamloops to Cache Creek. In accordance with a communication from the Hon. the Provincial Secretary, dated 20th February last, the Board acquiesced with the Government in the selection of the former site.”

I am to request you will take the earliest opportunity of bringing the following facts to the notice of the Board in reference to the use of the word Kamloops in my letter above quoted.

The first mention of Kamloops as the site of the proposed school was made in a Resolution of the Board, dated 17th February (forwarded for the information of the Government) on an entirely different subject, viz., the expenses (incidental) of the schools throughout the Province, in the following words:

“The Board protest against the expenditure of the large sum of \$5,500 for the erection of a teacher’s house and school at Kamloops.”

In replying to this Resolution, the Government expressed their determination of adhering to their plan of building a Boarding School on the Mainland, and without desiring to convey any special decision as to the site of such school, the words appearing in the Resolution of the Board—viz., “the School at Kamloops”—were used generically, as a natural substitution for the Mainland Boarding School.

It is a matter of surprise to the Government that the Board, after protesting so energetically against the erection of the school at all, should be found immediately afterwards trying to bind down the Government to a particular site, in consequence of the casual use of the words “School at Kamloops,” particularly when the term, as conveniently describing the Mainland school, was initiated by the Board itself.

I have, &c., (Signed) JOHN ASH,
Provincial Secretary.

The Superintendent of Education to the Provincial Secretary.

COPY.

EDUCATION OFFICE,
15th May, 1873.

SIR,—I have the honor to acknowledge the receipt of your communication of 29th ult., and in accordance with the request therein contained I called a meeting of the Board of Education on the 5th inst., but for various reasons a quorum was not obtained.

At a meeting held yesterday afternoon—present: Messrs. Tolmie, Munro, Williams, and the Superintendent—the following Resolution was passed, which I beg to submit:—

“The Board having duly considered the Hon. Provincial Secretary’s letter of 29th April, wish it to be understood that it is not their object to raise any controversy with the Government in the matter to which it refers; and, further, that they do not claim the power to bind the Government by deciding where the Boarding School shall be built, although they cannot but think it natural that the Government should have consulted them on so important a matter.”

“The protest to which reference is made in the Hon. Provincial Secretary’s letter, was based on the inadequacy of the grant for educational purposes this year to meet such a costly experiment as the proposed Boarding School; and this the Board felt to be their duty—in the interest of education alone—to represent strongly, although at the time they were themselves in the belief that Kamloops was the site contemplated by the Government.”

“The Board cannot suppress their conviction that no part of this year’s grant should be devoted to the building in question.”

“With these explanations, the Board disclaims any desire whatever to oppose or embarrass the Government, on whom alone rests the responsibility of the scheme.”

“The Board are, besides, on general principles, far from unanimous as to the desirability of the Boarding School project.”

I have, &c., (Signed) JOHN JESSOP,
Superintendent of Education.

RETURN

To an Address to His Excellency the Lieutenant-Governor, praying His Excellency to cause to be laid before the House a Return of all Correspondence between the Government and the late Gold Commissioner at Kootenay relating to the dismissal of the Gold Commissioner and the Constables.

By Command.

JOHN ASH,
Provincial Secretary.

*Provincial Secretary's Office,
Victoria, B.C., 8th January, 1874.*

Attorney-General to A. W. Vowell, Esq.

COPY.

ATTORNEY-GENERAL'S OFFICE,
21st October, 1872.

SIR,—The Government have decided to remove Constable Fernie from Kootenay, and have given him the option of accepting a like situation at Lytton. I enclose a copy of the letter written to him for your guidance.

I have, &c.,
(Signed) J. F. McCREIGHT,
Attorney-General.

(ENCLOSURE.)

The Attorney-General to Wm. Fernie.

COPY.

ATTORNEY-GENERAL'S OFFICE,
21st October, 1873.

SIR,—The Government no longer require your services as a Constable at Kootenay, but are willing to offer you the appointment as Constable at Lytton at the salary of \$1,008 per annum, as passed in the Estimates last year, but cannot undertake to defray your travelling expenses from Kootenay to Lytton.

If you do not accept the latter appointment, your present pay will cease one month from the date of this letter.

I have, &c.,
(Signed) J. F. McCREIGHT,
Attorney-General.

A. W. Vowell to the Attorney-General.

COPY.

KOOTENAY,
25th January, 1873.

SIR,—I have the honor to acknowledge the receipt, on the 23d instant, of your letter of the 21st of October, in reference to the removal of Constable Fernie, who states that it is not practicable for him to proceed to Lytton at this season of the year, the amount of snow at present on the ground, and the length of journey proposed, rendering it impossible for him to find any means of transporting his baggage, &c., horses not being able to travel during the winter.

I consider that the Government in removing Mr. Fernie have not acted with that consideration towards me to which I am entitled as officer in charge of this

district. As such I am accountable to the Government for the manner in which its interests are attended to, and should be the best judge as to the efficiency, &c., of those upon whom I have got to depend.

In my report, written July the 15th, with a view to lessen the expenses of the district, I suggested "that one of the Constables might be removed," naming "Mr. Milne" as the officer whose services could most conveniently be dispensed with, as I did not then, nor do I now, consider Mr. Milne as well qualified for the position of Constable at Kootenay as is Mr. Fernie.

Mr. Fernie having been on duty at Perry Creek, from date of Mr Carrington's removal to present time, has drawn his salary up to the 31st December, and is, I consider, for services rendered, entitled to his salary for this month.

I have, &c.,
(Signed) **A. W. VOWELL,**
Gold Commissioner and Stipendiary Magistrate.

Provincial Secretary to A. W. Vowell, Esq.

COPY.

PROVINCIAL SECRETARY'S OFFICE,
17th January, 1873.

SIR,—I am directed by the Lieutenant-Governor to acquaint you that the Government does not consider it advisable, in view of the necessity for curtailing the public expenses, to recommend the continuation of a Stipendiary Magistrate at Kootenay.

I am therefore to notify you that your services in that capacity will not be required for a longer period than one month from the date of this intimation reaching you.

The services of two of the Constables—viz., those at Wild Horse Creek and Perry Creek—will also be dispensed with, and you will give the officers occupying those positions a month's notice of their services being dispensed with.

You will hand over the charge of your District to Mr. Booth, and see that your accounts are properly closed, forwarding to me a balance sheet attested by your own and Mr. Booth's signature.

I have, &c.,
(Signed) **JOHN ASH,**
Provincial Secretary.

A. W. Vowell to the Provincial Secretary.

COPY.

KOOTENAY,
31st March, 1873.

SIR,—In compliance with the wishes of the Government as expressed in your letter of the 17th January, I have the honor to inform you that I have this day handed over the Kootenay District to Mr. C. Booth.

Not having received any advice as to my future movements, I will as soon as practicable proceed to Victoria, there to await further instructions from the Government.

I have, &c.,
(Signed) **A. W. VOWELL,**
Stipendiary Magistrate.

RETURN

To an Address of the Legislative Assembly for Returns of all expenses incurred by the Government Printing Establishment, from the 1st January to 31st December, 1873, stating the nature and class of all and every description of work that has and may be done by said plant.

By Command.

*Provincial Secretary's Office,
January 9th, 1874.*

JOHN ASH,
Provincial Secretary.
