PAPERS

RELATING TO

DOMINION LANDS WITHIN THE PROVINCE.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor the 17th December, 1883.

On a Memorandum from the Honourable the Provincial Secretary, dated the 15th December, 1883, recommending approval of the following Address to His Honour the Lieutenant-Governor, which has been passed by the Legislative Assembly, viz.:—

"That His Honour will be pleased to bring to the attention of the Dominion Government the importance of at once making the Dominion timber lands within the Province available to the use of mill-owners and others."

The Committee advise that the recommendation be approved.

Certified,

(Signed) JNO. ROBSON,
Clerk Executive Council.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor the 28th May, 1885.

The Committee of Council have had under consideration the "Regulations for the disposal of Dominion lands within the railway belt in the Province of British Columbia," adopted by Order in Council dated the 20th April, 1885.

The Committee regret to observe that these "Regulations," by reason of cumbersome and vexatious provisions and excessive imposts, are altogether unsuited to the wants and conditions of this Province; that they are in some respects inconsistent with the spirit, if not a violation of the letter, of the agreement arrived at between the two Governments, and it is believed that any attempt to enfore them would be prejudicial to the best interests, if not dangerous to the peace, of the community.

The privilege of homestead entry is confined to such lands as shall have been surveyed, and the survey thereof formally confirmed by the Department of the Interior. This limitation is calculated to operate prejudicially to settlement, especially in view of the delay which has occurred and, to all appearance, is likely to occur in placing these lands in a position to be homesteaded conformably with this provision.

It was agreed *(inter alia)* by the Dominion Government that agricultural lands within the railway belt in British Columbia would be thrown open with all convenient speed to actual settlers, at the price of one dollar an acre—an agreement not qualified by limitation as to time or survey. Assuming that section 9 provides for regulating the price of these lands by Order in Council conformably with said agreement, the Committee would point out the serious hindrance to settlement caused in the past by the uncertainty as to right and conditions of homestead entry—a state of things which it is feared will only be intensified by the Regulations now under review.

The exemptions from homestead entry in section 13, sub-section 3, are of a character to deter the conscientious immigrant from availing himself of the so-called privileges thereunder. It might, indeed, be difficult to find a quarter-section of which the settler could not be deprived by a rigid application of these provisions.

The extent of improvements exacted under section 20, sub-section 4, is altogether beyond the capacity of a single settler, especially when it is considered that much of the land within the railway belt on the Lower Fraser is heavily timbered and very difficult to clear.

Section 12 provides that the homesteading regulations shall not apply to lands settled upon after the first day of July, 1885. Inasmuch as the right of homestead entry is confined to surveyed lands, and little or no land can be surveyed before the above-mentioned date, this regulation would appear practically to take away with one hand what it professes to give with the other—to mock the intending settler. This unreasonable limitation is, moreover, a violation of the agreement made between the two Governments, according to which agricultural lands within the railway belt in British Columbia were to be open to actual settlers at one dollar an acre, without limitation as to time.

Those sections of the Regulations relating to timber lands are equally, if not even more, objectionable. Generally, the provisions and restrictions are so cumbersome as to become vexatious, if not absolutely impracticable, when applied to the scattered and remote timber lands of this Province.

When it is considered that our lumbering industry is only in its infancy, struggling at enormous disadvantage against the gigantic establishments and heavy customs tariffs of a powerful neighbour, it is submitted that to still farther handicap it by imposing the cumbersome and vexatious regulations and restrictions already adverted to, and to add to these the heavy imposts provided for in sections 44, 47, and 63, would be to paralize, if not absolutely crush out, this important industry.

Section 27 declares "that no grant from the Crown of lands in freehold or for any less "estate has operated, or will operate, as a conveyance of the minerals therein, unless the same "are expressly conveyed in such grant."

Crown patents issued in this Province for lands within the railway belt, as elsewhere, have, by intendment of law, though not "expressly," conveyed everything on and under the land, except gold and silver; and if the words above quoted are intended or calculated to disturb the patentee in the enjoyment of his accustomed rights, or if they are intended or calculated to interfere with the acquirement of similar rights by settlers within the said belt who may be entitled hereafter to receive patents from the Provincial Government, the Committee desire respectfully, but most emphatically, to protest against an innovation so inconsistent with the principles of justice and constitutional law.

It is respectfully submitted that the people of British Columbia are the best judges of what is calculated to promote internal prosperity and well-being, and the simple circumstance of their own Legislature in dealing with the Provincial Lands, imposing regulations immeasurably less onerous and charges less than one-fourth of those under review may fairly be accepted as a very conclusive argument in support of the contention that the Dominion Land Regulations are illiberal and burdensome.

The Committee desire to call special attention to the following: The effort of saddling the Dominion timber lands with regulations so much more onerous, and imposts so very much heavier than those imposed upon contiguous Provincial timber lands, must obviously be to confine lumbering operations almost entirely to the latter, with the still more serious result of destruction of the former by fire as settlement penetrates the forest. Thus not only would an important industry be seriously crippled meanwhile, and Federal and Provincial revenues thereby depleted, but enormous forest wealth would be completely destroyed.

The Committee most respectfully submit that the true interests of the country, both Dominion and Provincial, would be best promoted by having the lands within the railway belt administered on terms similar or appoximating to those governing contiguous Provincial lands.

The Committee advise that this Minute be approved and a copy forwarded to the Honourable the Secretary of State for Canada.

Certified,

(Signed) JNO. ROBSON,
Clerk Executive Council.

(The "Regulations" referred to in the above Minute are to be found in the British Columbia *Gazette*, 11th June to 2nd July, 1885, inclusive.)

Receipt of the above was acknowledged by the Honourable the Secretary of State for Canada in a despatch to His Honour the Lieutenant-Governor, dated 12th June, 1885.

The Secretary of State to the Lieutenant-Governor.

OTTAWA, Sept. 8th, 1885.

SIR,—I have the honour to acquaint you, for the information of your Government, that His Excellency the Governor-General has had under his consideration in Council, your despatch dated the 19th December, 1883, transmitting a report of your Executive Council calling the attention of His Excellency's advisers to the importance of making the Dominion Timber Lands in British Columbia available to the use of mill-owners and others.

His Excellency is advised that Regulations similar to those in force in that portion of British Columbia, the public lands in which are under the jurisdiction of your Government, have been adopted to govern the disposal of timber on Dominion Lands situate between the sea coast and Yale in that Provance.

From Yale to where the 120th meridian of longitude intersects the line of the Canadian Pacific Railway, which point of intersection is about fifteen miles east of Kamloops, the Regulations which were originally passed by His Excellency in Council on the 20th April, 1885, to govern the disposal of timber lands west of the 120th meridian apply, and the Regulations now in force in Manitoba and the Northwest Territories, govern from the 120th meridian to the summit of the Rocky Mountains.

I have, &c.,

(Signed) H. L. LANGEVIN,
For Secretary of State.