

RETURN

To an Address of the Legislative Assembly for copies of all correspondence, Orders in Council, maps, and papers, between the Crown Colony Government, or the Provincial Government and the Admiralty, the Dominion Government, or any person in their behalf, in respect to the Government or Naval Reserve at English Bay, together with a copy of the lease or license granted to Jeremiah Rogers for the purpose of cutting timber on said reserve.

By Command.

JNO. ROBSON,

Provincial Secretary.

*Provincial Secretary's Office,
23rd February, 1886.*

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor the 10th June, 1878.

On a Memorandum from the Honourable the Chief Commissioner of Lands and Works, dated the 10th day of June, 1878, reporting that on the 30th November, 1868, an agreement was entered into between the Government of British Columbia of the first part, and Jeremiah Rogers of the other part, whereby full power, licence and authority was granted, under certain conditions, to the said Jeremiah Rogers to enter upon the lot or section of land set apart as the Naval Reserve at English Bay, for admiralty purposes at Burrard Inlet, and to cultivate the open portion of the said land, and from such or any part of said land at pleasure to cut, sell, and dispose of, and manufacture spars, wood and lumber at pleasure, with licence to carry away the same spars, lumber and wood, and for that or any of such purposes, with carts, waggons, workmen and servants, and with other appliances in, to, and for the said premises, to enter, go, remain, or return, and full power to make and construct any roads necessary or advisable for carrying on such business, and also to make and erect any fences, buildings and improvements whatsoever, subject to all such naval or military requirements in that or any other respect.

That the lease expired on the 30th November, 1873, and that the said Jeremiah Rogers has been in undisturbed occupation of the land since that time, and has effected considerable improvements upon the said land.

That the improvements effected have been the building of substantial houses and clearing and cultivating a portion of the said land, and recommending that Mr. Rogers be allowed to purchase ten acres at one dollar per acre, to be surveyed at his own expense in a rectangular block, to include his improvements on English Bay.

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 22nd June, 1878.

On a Memorandum from the Honourable the Chief Commissioner of Lands and Works, dated the 20th June, 1878, reporting that by actual survey it has been found impossible to include all Mr. Jeremiah Rogers' improvements in a rectangle containing ten acres, as referred to in a copy of a Report of a Committee of the Honourable the Executive Council, dated 10th June, 1878, and that sixteen acres will be required to include said improvements, and recommending that Mr. Rogers be allowed to purchase the additional six acres at the same rate, namely, at one dollar per acre.

The Committee advise that the recommendation be approved.

Certified,

(Signed) JNO. ROBSON,
Clerk Executive Council.

The Honourable Mr. Trutch to the Chief Commissioner of Lands and Works.

VICTORIA, B. C., 5th June, 1880.

SIR,—I am directed by the Right Honourable the Secretary of the Interior, to request that you will be good enough to have prepared and handed to me for transmission to Ottawa, a statement of all the several tracts of land in this Province which have been at any time since the organization of the former Colonies of Vancouver Island and British Columbia placed under reservation for naval or military purposes, or otherwise conveyed to the Imperial Government for such purposes; such statement to show, as far as practicable, the date of the establishment of such reservation or conveyance; the special purpose for which it was reserved or conveyed, where situated, its extent, its description, and what disposition has been made of it between the date when it was reserved or conveyed, and the present time; and to be accompanied by a general map on which all such reservations shall be delineated, together with plans of each separate reservation defining the metes and bounds thereof.

The cost of any extra labour required for the preparation of these returns will be defrayed by the Dominion Government; or a draughtsman will be placed under your direction to aid in the necessary work if more convenient to you.

I have, &c.

(Signed) JOSEPH W. TRUTCH.

Rear-Admiral Sterling to the Lieutenant-Governor.

“TRIUMPH,” AT ESQUIMALT,
13th June, 1880.

SIR,—It having been brought to my notice that by an Order in Council of the Provincial Government of British Columbia, dated 22nd June, 1878, a conveyance of sixteen acres of the Naval Reserve land at Burrard Inlet, officially recorded as Lot 448, Group 1, New Westminster District, was made to one Jeremiah Rogers, with full right to fell trees and remove timber upon the said reserve, I shall be glad to know by what authority this was done, as the land in question belongs to the Lords Commissioners of the Admiralty, and I cannot find that any permission was granted by the Naval authorities.

I have, &c.,

(Signed) J. H. STERLING,
Rear-Admiral and Commander-in-Chief.

The Lieutenant-Governor to Rear-Admiral Sterling.

VICTORIA, June 15th, 1880.

SIR,—I have the honour to acknowledge the receipt of your favour of the 13th instant, asking by what authority the Provincial Government made a conveyance of Lot 448, Group 1, New Westminster District, to one Jeremiah Rogers; and I have further to inform you that I have referred your letter to my Executive Council.

I have, &c.,

(Signed) A. N. RICHARDS,
Lieutenant-Governor.

The Honourable Mr. Trutch to the Chief Commissioner of Lands and Works.

VICTORIA, B. C., 11th August, 1880.

SIR,—I shall be obliged if you will let me know, for the information of the Right Honourable the Minister of the Interior, when I may expect to receive the statement of particulars in relation to the Naval and Military Reserves in this Province, for which application was made by my letter to you of the 5th June last.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.

The Chief Commissioner of Lands and Works to the Honourable Mr. Trutch.

VICTORIA, B. C., 12th August, 1880.

SIR,—In reply to your letter of 11th inst., I have the honour to state that the old records of the department have, as far as time has permitted, been examined, but no satisfactory information has been obtained as to the number of reserves, or as to how or by whom they were made.

Records in early days seem to have been considered of less importance than now, in consequence, no doubt, of the small value then attached to public lands in unexplored sections of the country.

I shall be glad to give you all the information that can be gathered as soon as possible.

I have, &c.,

(Signed) GEO. A. WALKEM,
Chief Commissioner of Lands and Works.

Rear-Admiral Sterling to the Lieutenant-Governor.

“TRIUMPH,” AT ESQUIMALT,
29th September, 1880.

SIR,—I have the honour to inform you that I have received instructions from the Lords Commissioners of the Admiralty to make application to Your Honour for the title deeds and plans of the property belonging to the Imperial Government and used for naval purposes in Vancouver Island, and I shall be glad if you will give instructions for my being furnished with the same. The property in question is:—

1. Esquimalt Naval Yard;
2. Esquimalt R. N. sick quarters;
3. Admiralty Reserve, Burrard Inlet.

And I have been informed by their Lordships that it appears a communication was made on the 7th April, 1858, by the Governor of Vancouver Island to the War Office, stating that this property has been purchased from the Puget Sound Company for army service.

I would take this opportunity to request Your Honour for a reply to my letter of 13th June last.

I have, &c.,

(Signed) J. H. STERLING,
Rear-Admiral and Commander-in-Chief.

The Lieutenant-Governor to Rear-Admiral Sterling.

VICTORIA, B. C., 12th October, 1880.

SIR,—I have the honour to acknowledge the receipt of your letter of the 29th ultimo, stating that you had received instructions from the Lords Commissioners of the Admiralty to make application for the title deeds and plans of the property belonging to the Imperial Government and used for naval purposes in Vancouver Island, and requesting me to give instructions for your being furnished with the same. I have further the honour to inform you that I have caused a copy of your letter to be referred to my Ministers.

I have, &c.,

(Signed) A. N. RICHARDS.

The Honourable Mr. Trutch to the Chief Commissioner of Lands and Works.

VICTORIA, B. C., 23rd October, 1880.

SIR,—Referring to your letter of the 12th August last, in relation to naval and military reservations in this Province, for returns of which I applied, on behalf of the Right Honourable the Minister of the Interior, by letter to you of 5th June last, I beg to inquire if it will be convenient for you to furnish me at an early date with any information on the points mentioned in my said letter to you, in order to my transmitting the same to the Minister.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.

The Surveyor-General to the Honourable Mr. Trutch.

VICTORIA, B. C., October 25th, 1880.

SIR,—I have the honour to inform you, by direction of the Honourable Chief Commissioner of Lands and Works, that in the course of a few days you will be furnished with such information as has been obtained in reference to naval and military reservations in the Province, considerable difficulty in procuring which must be the excuse for such continued delay.

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

The Honourable Mr. Trutch to the Chief Commissioner of Lands and Works.

VICTORIA, B. C., 18th November, 1880.

SIR,—I beg to acquaint you that I have lately received a further communication from the Right Honourable the Minister of the Interior, in relation to naval and military reservations in this Province, for returns of which I had the honour to make application to you by letter of 5th June last.

The Right Honourable the Minister states that His Excellency the Governor-General has recently asked for this information, which I then applied to you for, and I am directed to transmit the same to Ottawa as speedily as possible.

I beg accordingly to bring this matter again to your attention, and to express the hope that you may find it convenient to have the information (which, by letter from your department of the 25th ultimo, I was apprised would be furnished to me within a few days from that date) communicated to me this week in time for transmission by the mail of the 22nd instant, as I have to leave for Yale on the 23rd, for a fortnight's absence.

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

The Chief Commissioner of Lands and Works to the Honourable Mr. Trutch.

VICTORIA, B. C., 20th Nov., 1880.

SIR,—In reply to your letter received yesterday, I have the honour to enclose a copy of a report made by the Surveyor-General with its annexes.

The report shows that no definite record is to be found here as to the naval or military reserves made in the early period of British Columbia's existence. There is no record of the acceptance by the Colonial Office of any lands, even of those at Esquimalt; and the evidence of acceptance of the latter would seem to rest solely on the occupation of the naval authorities.

The reserves at Burrard Inlet are marked "Government Reserves," and not *naval reserves*, though the tract numbered (2) on the accompanying plan is referred to in timber leases issued in former years as a "naval reserve." The tract marked (3) is the site of the small town of Granville; tracts 4 and 5 have not been dealt with.

No trace of any Executive or other Minute relating to the question can be found. The Colonial Office or the Admiralty may, however, be able to throw some further light on the subject.

Although the Surveyor-General's Report was made on the 29th ultimo, action upon it was deferred, on account of the importance of its statements, until its accuracy could be verified.

I have, &c.,
(Signed) GEO. A. WALKEM,
Chief Commissioner of Lands and Works.

The Surveyor-General to the Chief Commissioner of Lands and Works.

VICTORIA, B. C., 29th October, 1880.

SIR,—With reference to a communication from the Honourable Joseph W. Trutch, making application to this Department, on behalf of the Right Honourable the Secretary of the Interior, for a statement of all tracts of land in this Province which have at any time been placed under reservation for naval or military purposes, &c.,

I have the honour to report that, having made diligent search through the old records of the department, I have only been able to find evidence of intention to reserve five tracts for the above purpose, viz:—

1st. In a letter from the late Sir James Douglas to the Duke of Newcastle (an extract of which is enclosed) mention is made of a tract of "about" 20 acres at Esquimalt having been reserved. A portion of this is probably the site of the present Naval Yard.

2nd. Correspondence (copies enclosed) between Sir James Douglas, Colonel Moody and Rear-Admiral Baynes, show clearly the intention of the former to reserve certain lands at Burrard Inlet, as indicated by a tracing forwarded by the Admiral. For your information I enclose a lithograph on which the position of these tracts is shown in red. As far as I can ascertain these reserves have not been gazetted.

I have, &c.,

(Signed)

W. S. GORE,

Surveyor-General.

[ENCLOSURES.]

Extract from letter of Sir James Douglas, to the Duke of Newcastle, Secretary of State for the Colonies

VICTORIA, VANCOUVER ISLAND,

28th February, 1854.

MY LORD DUKE :—

* * * * *

I also observe that Your Grace has caused the suggestion offered in my letter for the erection of store-houses in the harbour of Esquimalt, for the use of the Navy, to be submitted for the consideration and decision of the Lords Commissioners of the Admiralty. I trust their Lordships will take that suggestion into favourable consideration; and in order that nothing may be wanting on my part towards carrying it into effect, I have caused a reserve to be made of a valuable lot, containing about 20 acres of land, situated in that part of the harbour which Her Majesty's naval officers have recommended on account of its security from storms and the convenience it affords in all other respects for shipping, and which is, moreover, well adapted in point of surface for the proposed erections.

* * * * *

I have, &c.,

(Signed)

JAMES DOUGLAS,

Governor Vancouver's Island.

*His Grace the Right Honourable
The Duke of Newcastle, &c., &c.*

NEW WESTMINSTER, 13th December, 1859.

SIR,—Persons are now beginning to apply for lands on Burrard Inlet, and as that port has been deemed by naval authorities to be of considerable naval importance, partly in consequence of its close proximity to this city and the river Fraser, I have the honour to submit it is of immediate consequence to communicate with the Admiral Commanding-in-Chief, fortunately now at Esquimalt, that he may be pleased to express his opinion as to the portions it is desirable shall be reserved for naval requirements.

I shall feel obliged by your causing the enclosed copy of this letter to be forwarded for the information of the Secretary of State.

I have, &c.,

(Signed)

R. C. MOODY,

*Colonel Commanding.**His Excellency the Governor.*

[Duplicate of the above letter forwarded direct to the Secretary of State.]

COLONIAL SECRETARY'S OFFICE,
VICTORIA, V. I., 23rd December, 1859.

SIR,—I have the honour to forward you herewith copy of a letter from Colonel Moody on the subject of making reserves of land for naval purposes at Burrard's Inlet, and I should be obliged if you would, at an early period, communicate to me your opinion as to the nature and extent of such reserves.

I have, &c.,
(Signed) JAMES DOUGLAS.

Rear-Admiral R. L. Baynes, C. B.

“GANGES,” IN ESQUIMALT HARBOUR,
9th January, 1860.

SIR,—In reply to Your Excellency's letter of the 23rd December last, and with reference to its enclosure from Colonel Moody on the subject of making reserves of land for naval purposes at Burrard Inlet, I have the honour to forward herewith a tracing* in which I have marked the land which I shall strongly urge the Lords Commissioners of the Admiralty to secure for naval purposes, and I shall be obliged by Your Excellency directing Colonel Moody to reserve the sections so marked.

I have, &c.,
(Signed) R. LAMB'T. BAYNES,
Rear-Admiral and Commander-in-Chief.

His Excellency James Douglas, Esq., C. B.

VICTORIA, V. I., January 11th, 1860.

SIR,—I have duly received your letter of the 9th inst., enclosing a tracing on which the portions of land you recommend should be reserved for naval purposes in Burrard Inlet are exhibited, and I beg to acquaint you that the land so described will be reserved as requested by you until the wishes of Her Majesty's Government can be ascertained.

I have, &c.,
(Signed) JAMES DOUGLAS.

Rear Admiral R. L. Baynes, C. B.

COLONIAL SECRETARY'S OFFICE,
VICTORIA, VANCOUVER'S ISLAND,
11th January, 1860.

SIR,—I am directed by His Excellency the Governor to forward herewith for your information a tracing received from Admiral Baynes, in which the reserves of land which he deemed necessary to be made in Burrard's Inlet for naval purposes are laid down, and to request you in reference thereto to reserve the said lands accordingly, and to return the tracing to this office when you have made the necessary notation therefrom.

I have, &c.,
(Signed) WM. A. G. YOUNG,
Assistant Colonial Secretary.

To the Chief Commissioner of Lands and Works.

NEW WESTMINSTER, 1st February, 1860.

SIR,—I have the honour to return herewith the tracing showing the naval reserves in Burrard Inlet, transmitted with your letter of the 11th ult.

I have, &c.,
(Signed) R. C. MOODY,
Colonel Commanding,

His Excellency the Governor.

* A copy of this tracing can be seen at the Lands and Works Office.

The Honourable Mr. Trutch to the Chief Commissioner of Lands and Works.

VICTORIA, B. C., 24th November, 1880.

SIR,—I have the honour to acknowledge the receipt of your letter of 20th inst., enclosing copy of a report from the Surveyor-General on the military and naval reservations in this Province.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.

Captain East, R. N., to the Lieutenant-Governor.

“COMUS,” AT ESQUIMALT,
30th November, 1882.

SIR,—I have the honour to inform you that in the preparation by the naval department of a return of all Admiralty property at this station which has been called for by the Admiralty, it has been ascertained that four (4) tracts of land at Burrard Inlet were reserved for naval requirements when British Columbia was a Crown Colony, pursuant to directions given by Governor Douglas on the 11th January, 1860.

By a Proclamation promulgated prior to the foregoing date, issued under the Seal of the Colony on the 14th February, 1859, His Excellency the Governor declared that all the lands in British Columbia, and all the mines and minerals therein, belonged to the Crown in fee, and that it was competent for the Executive at any time to reserve such portions of the unoccupied lands and for such purposes as the Executive should deem desirable.

From information obtained recently at the Government Lands and Works Office in Victoria, it appears that the Provincial Government have already disposed of a portion in one case, and the whole of another of these reserves.

Thus at English Bay a grant of 16 acres of the naval reserve was made on the 22nd of June, 1878, to one Jeremiah Rogers, and the existing site of the present small town of Granville, which constitutes another naval reserve, about 80 acres, has been disposed of to various private individuals.

The remaining two reserves do not, however, appear to have as yet been interfered with.

As a full report upon this subject is about to be transmitted to the Admiralty, through the Commander-in-Chief, in the meantime, and until their Lordships' pleasure is signified, I have the honour to request that you will be pleased to move your ministers to suspend any further disposition of the reserves in question upon which the Admiralty have undoubtedly a prior and legal claim as naval property absolutely.

I have, &c.,

(Signed) J. W. EAST,
Captain and Senior Officer.

[TELEGRAM.]

OTTAWA, 9th January, 1886.

Lieutenant-Governor, British Columbia.

Please notify your Government that portion of land proposed to be sold by them on eighteenth instant forms part of a naval reserve, and does not belong to Government of British Columbia. Answer.

(Signed) J. A. CHAPLEAU,
Secretary of State.

[TELEGRAM.]

VICTORIA, B. C., January 11th, 1886.

Secretary of State, Ottawa.

The land my Government propose to sell is not, nor ever has been, part of a naval reserve. A reserve in its immediate neighbourhood of 155 acres, applied for by Admiral Baynes in 1860, is still held as a Government reserve, and will not be encroached upon.

(Signed) C. F. CORNWALL.

Rear-Admiral Seymour to the Lieutenant-Governor.

“TRIUMPH,” AT ESQUIMALT,
25th January, 1886.

SIR,—With reference to a letter of 15th January, 1885, from the Secretary to the Admiralty to the Under Secretary of State for the Colonies—a copy of which is enclosed—I have the honour to request you will inform me whether I may consider the two plots of land therein referred to are reserved for the Navy, and I should be glad if I could be supplied with a plan showing accurately the plots in question.

I have, &c.,
(Signed) M. CULME-SEYMOUR,
Rear-Admiral, &c.

[ENCLOSURE.]

ADMIRALTY, 15th January, 1885.

SIR,—With reference to my letter of the 29th July, last (D. W. 2,912), on the subject of the reserves in British Columbia, I am commanded by the Lords Commissioners of the Admiralty to acquaint you that at the time they consented to relinquish certain of these reserves, retaining only a plot of one hundred and ten acres at Port Moody, they were under the impression that the terminus of the Canadian Pacific Railway would be close to the reserve in question.

2. They have now received a report from the Commander-in-Chief on the station, stating that the terminus is likely to be at English Bay; and if this is the case, the reserve plot at the entrance of Burrard Inlet, marked (A) on the plan, which they consented to resign, would be of far greater value to the Navy than the one they retained.

3. Under the altered circumstances, I am to express their Lordships' hope that it is not too late for them to resume possession of the reserve at English Bay, and, if so, I am to suggest it would, perhaps, be better that both the reserves referred to should be retained by them until such time as the position of the terminus is definitely settled, when they would be better able to decide which should be retained by them in the interests of Her Majesty's Navy.

I am, &c.,
(Signed) EVAN MACGREGOR.
*Under Secretary of State,
Colonial Office.*

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor the 4th February, 1886.

On a Memorandum from the Honourable the Chief Commissioner of Lands and Works, dated 3rd day of February, 1886, reporting—

That he has had under consideration a copy of a communication addressed to His Honour the Lieutenant-Governor by Rear-Admiral Sir Michael Culme-Seymour, dated 25th January, 1886, enclosing a copy of a letter from the Secretary of the Admiralty to the Under Secretary of State for the Colonies, upon the subject of naval reserves at Burrard Inlet, and asking to be informed whether he might consider the two plots of land referred to as being reserved for the Navy, and expressing a wish to be supplied with a plan showing the lands in question.

The letters are enclosed with this Memorandum.

And recommending that Admiral Seymour be furnished with a copy of the tracing which was forwarded by Rear-Admiral Baynes to His Excellency Governor Douglas, with a letter dated 9th January, 1860, conveying a request that the sections marked thereon be reserved; and that he be informed—

1st. That although the plots of land referred to are not considered by the Government to be naval property, yet they are being withheld from sale or settlement, pending the wishes of the Admiralty with respect to them being made known.

2nd. That the Provincial Government are ready to grant the reserves in question to the Imperial Government for naval purposes, when required.

3rd. That out of the reserve on the south side of English Bay, 16 acres were conveyed by Crown grant to one Jeremiah Rogers, by authority of Orders of the Honourable Executive Council, approved on the 10th and 22nd June, 1878.

4th. That the remainder of this reserve has not been encroached upon, and that the reserve at Port Moody is intact.

The Committee advise the approval of the recommendation.

Certified,

(Signed) JNO. ROBSON,
Clerk Executive Council.

The Lieutenant-Governor to Rear-Admiral Seymour.

GOVERNMENT HOUSE, VICTORIA,
February 5th, 1886.

SIR,—In response to your letter of the 25th of January last, enclosing a copy of one from the Secretary of the Admiralty to the Under Secretary of State for the Colonies, dated the 15th of January, 1885, and referring to the question of lands reserved at Burrard Inlet by the Government of British Columbia for the use of the Navy, I have the honour to state that I referred the matter at once to my Executive Council, and that I yesterday approved of a report of the Honourable the Executive Council, which, after reciting the subject of your communication above referred to, goes on to state:—

1. That although the plots of land referred to are not considered by the Government to be naval property, yet they are being withheld from sale or settlement, pending the wishes of the Admiralty with respect to them being made known.

2. That the Provincial Government are ready to grant the reserves in question to the Imperial Government for naval purposes, when required.

3. That out of the reserve on the south side of English Bay sixteen (16) acres were conveyed by Crown grant to one Jeremiah Rogers, by authority of Orders of the Honourable the Executive Council, approved on the 10th and 22nd June, 1878.

4. That the remainder of the reserve has not been encroached upon, and that the reserve at Port Moody is intact.

I enclose a copy from the nautical survey by Captain Richards, H. M. S. "Plumper," wherein the reserves proposed by him are marked. I am glad thus to be able to point out that, notwithstanding the length of time which has elapsed since the application by Captain Richards, during which time no further step has been taken on the part of the Lords of the Admiralty, this Government has reserved intact, with the one slight exception referred to above, the plots of land then applied for, and hold them now subject to the wishes of Her Majesty's Government

I have, &c.,

(Signed) CLEMENT F. CORNWALL,
Lieutenant-Governor.

Timber Lease granted to Mr. Rogers.

This indenture made the 30th day of November, 1868, between Henry Maynard Ball, Assistant Commissioner of Lands and Works, acting on behalf of the Government of British Columbia of the first part, and Jeremiah Rogers, lumberer of the other part. Witnesseth that in consideration of the rents, covenants, payments and stipulations on the part of the said Jeremiah Rogers, his executors, administrators and assigns, hereinafter contained, and on his and their part to be respectively paid and observed, the said Henry Maynard Ball so acting as aforesaid, doth hereby grant unto the said Jeremiah Rogers, his executors, administrators and assigns, hereinafter called the said lessee, all that full power, licence and authority, into and upon the lot or section of land set apart as the Naval Reserve at English Bay, for admiralty purposes in Burrard Inlet, and on the sketch hereunto annexed more particularly delineated, to enter and cultivate the open portion of the same land, and from such or any part of such lands at pleasure to cut, sell, and dispose of, and manufacture spars, wood and lumber at

pleasure (save and except all such as shall be necessary for naval or admiralty purposes), with licence to carry away the same spars, lumber and wood, and for that or any of such purposes, with carts, waggons, workmen and servants, and with other appliances in, to, and for the said premises, to enter, go, remain on, return, and full power to make and construct any roads necessary or advisable for carrying on such business, and also to make and erect any fences, buildings and improvements whatsoever (subject to all such naval or admiralty requirements in that or any other respect), to hold the privileges, licence, and authority unto the said Jeremiah Rogers, his executors, administrators and assigns (save and except as hereinbefore excepted, and subject as aforesaid), for and during the term of five years from the date of the execution of these presents; yielding and paying yearly, and every year during the said term, in advance, clear of all deductions, taxes and assessments, and impositions whatsoever, the clear annual rent of payment of forty dollars, at the Court House, New Westminster, to the said Government. And the said Jeremiah Rogers doth hereby for himself, his heirs, executors and administrators, covenant with the said Henry Maynard Ball, and his successors in the office of Assistant Commissioner of Lands for New Westminster District, in manner following, that is to say: that the said Jeremiah Rogers, his executors, administrators and assigns, will well and truly pay the rent hereinafter reserved, free and clear and as aforesaid, on the 1st day of December in each successive year during the said term, and shall not nor will cut any trees or woods necessary or requisite for naval or admiralty purposes, and shall not assign the said premises and privileges, and authorities hereby granted, without the consent in writing of the said Assistant Commissioner of Lands for the New Westminster District, for the time being, first had and obtained; and shall and will pay all taxes and assessments, as well of landlord or of tenant, which shall or may be levied or assessed upon or in respect of the premises hereby granted. And upon the termination of this licence, whether by effluxion of time or otherwise however, shall and will yield up quiet possession of the said premises to the said Government, or their appointee: Provided that upon the termination of this licence, by effluxion of time or forfeiture, all buildings, fences and improvements made thereon shall be and remain the property of the Government without compensation: Provided also that upon the termination of this licence by the exercise of re-purchase hereinafter contained, but not otherwise, the Government shall pay to the said lessee or his assigns such sums of money as compensation for the improvements, buildings and fences erected or made by the said lessee or his assigns, after the execution of these presents, on the said lands or naval reserves, not exceeding in the whole the amount of rent at the time of such re-purchase, actually paid by the said lessee, or his executors, administrators or assigns, to the Government, as the Chief Commissioner of Lands and Works for the time being shall have, as final judge therein, without appeal, by any writing under his hand indicated as the proper amount to be paid as such compensation: Provided that in case of any default in any payment of the rent hereby reserved, it shall be lawful at any time or times for the Chief Commissioner of Lands and Works and Surveyor-General, or his successors in the office, into and upon the said land to enter, and all things and chattles there found to distrain and sell for the payment of all such rent due, or not paid in advance (which shall be deemed rent in arrear), and all expenses therewith connected: Provided also, and these presents are on this express condition, that if the said Jeremiah Rogers, his executors, administrators or assigns, shall fail to pay, observe, fulfil, and keep all or any of the rents, payments, or stipulations herein contained, or any part thereof respectively, then and in that case, notwithstanding any previous breach of condition or covenant may have been condoned, it shall be lawful for the said Joseph William Trutch, the said Chief Commissioner of Lands and Works and Surveyor-General, or other the Chief Commissioner of Lands and Works, or the Assistant Commissioner of Lands for New Westminster, for the time being, into and upon the lands and premises to re-enter in the name of Her Majesty, her heirs and successors, and the same to have and re-possess and enjoy, to her and them, as on her and their own first estate and interest, and without compensation, but without prejudice to any action for damages or claims therefor, which may have accrued to her or them in the interim, and thereupon these presents, and all authority hereby created, shall at once (save as to such damages) instantly cease and be void: Provided always, and it is hereby further declared, and these presents are upon this further and express condition, that it shall be lawful for the said Government at any time during said term, and before the termination thereof, to resume the possession of the said premises, and of all the rights, privileges, licences, and authorities by these presents granted, by six calendar months' notice in writing to that effect, from the said Joseph William Trutch, or other the Chief or Assist-

ant Commissioner of Lands and Works for the time being, revoking these presents, and all privileges thereunder, and addressed to the said Jeremiah Rogers, his executors, administrators and assigns, and published in the Government Gazette, or affixed to some conspicuous part of the said premises; paying, nevertheless, in case of such revocation before the expiration of the said term, by way of compensation, such a sum of money not exceeding in the whole the amount of rent at that time received hereunder, as the then Chief Commissioner for the time being shall at his uncontrolled discretion, and as final judge thereof, by writing under his hand in that behalf appoint; but in any case whatever, all roads, buildings, fences and improvements on the premises, shall belong to and be left for the Government; and in case of forfeiture or effluxion of licence by lapse of time, no compensation whatever for improvements shall be given. And the said Jeremiah Rogers doth hereby, for himself, his heirs, executors and administrators, also covenant with the said Joseph William Trutch, the said Chief Commissioner, and his successors in the office of Chief Commissioner of Lands and Works and Surveyor-General, that he, the said Jeremiah Rogers, his heirs, executors, administrators and assigns, will, when and so often as he or they shall be called upon so to do in writing by the said Chief Commissioner, or his agent, or other the person employed for the time being in that behalf by the Government of British Columbia, and at his and their own cost and charges, clear away all the stumps of all trees upon the said premises that may be cut down and used by him or them for lumbering purposes.

As witness the hands and seals of the said parties, on the day and year first above written.

Signed, sealed and delivered by the within
mentioned Henry Maynard Ball, Assistant
Commissioner of Lands, in the presence of

(Signed) TOMKINS BREW.

(Signed) HENRY MAYNARD BALL. [L.S.]

Signed, sealed and delivered by the within
mentioned Jeremiah Rogers, in the presence
of

(Signed) TOMKINS BREW.

(Signed) JEREMIAH ROGERS. [L.S.]