RETURN

To an Address to His Honour the Lieutenant-Governor, asking that His Honour may be pleased to lay before the House copies of all correspondence and other documents relating to the closing of Craigflower Road by the Corporation of the City of Victoria that may have passed between the Provincial Government, or any member thereof, and the Mayor and Board of Aldermen of the City of Victoria, or any person or persons whatsoever, relative to the same matter.

By Command.

F. CARTER-COTTON,

Chief Commissioner of Lands and Works.

Lands and Works Department,
5th February, 1900.

VICTORIA, B.C., 3rd August, 1899.

The Honourable
Chief Commissioner of Lands and Works,
Victoria.

SIR,—We have been requested by our constituents, by the enclosed petition, to bring to your notice the great inconvenience and injustice they are experiencing by the closing of the Craigflower Road by the Corporation of the City of Victoria, about the oldest highway in the Province.

In enclosing this petition, it would be well that we should bring to your notice certain facts in connection with the lands now in question, with reference to the closing of the road.

In the year 1857, Mr. John Russell purchased, from the Hudson's Bay Company, Section 31, Esquimalt District, and made the first payment thereon on the 7th August, 1857, and the final payment on the 21st May, 1858, which land is in the deed issued to Mr. Russell by the Company on the 30th day of December, 1864, described as containing 103.70 acres, viz.:—

Section 31, total acreage		120.20
Deduct for rocks	11 acres,	
" roads	$5\frac{1}{2}$ "	
		16.50
		103.70

You will see by this that the roads were never conveyed to Mr. Russell, and, therefore, he had no power to sell the lands set out for roads.

On the 22nd May, 1858, Mr. Russell conveyed the land in dispute to Mr. J. Nagle, being part of Section 31.

Mr. Nagle had the land laid off into lots in 1858, and registered the plan thereof in the Land Registry Office, Victoria, on the 27th November, 1861, and on this plan, according to which all the lots have been sold, the present Craigflower Road is shown running through the lots.

The purchasers were, therefore, fully cognizant of what they were buying.

On the deed issued to Mr. Russell of this land is a plan showing the present Craigflower Road.

We submit to you that this is a highway connecting the City with the Districts of Esquimalt, Metchosin, Highland, and Sooke, and is in constant use by the residents of these districts, and has been since about the year 1854, who will be greatly inconvenienced if the City of Victoria is allowed to close up the highway.

And, further, that the Corporation of the City should not be allowed to close up a well-established highway, made and kept up by the Government for about 45 years, without the consent of the Government and the residents of the outlying districts whose interests are so prejudicially affected.

We trust, therefore, that you will see your way clear, in the view of the facts we have placed before you, to call the attention of the City Council to this matter in such a way as to cause them to remove the obstructions they have placed across this much-used thoroughfare.

We have, etc.,
(Signed) CHAS. E. POOLEY,
" D. W. HIGGINS.

[ENCLOSURE.]

ESQUIMALT DISTRICT, July 27, 1899.

Messrs. Pooley and Higgins.

GENTLEMEN,—Whereas the Mayor and Corporation of the City of Victoria has ordered a portion of the Craigflower Road, situated in Victoria West, closed to the public as a thoroughfare, thus causing great injury and inconvenience to the people residing in this district and travelling on this road, we, the undersigned electors and property holders, residing in Esquimalt District and using this road as a public highway, do hereby respectfully request you, as our representatives in the Legislature of this Province, to lay this matter before the Government at your earliest convenience, and to urge upon it the immediate necessity and importance of re-opening that portion of the road referred to, and also to request the Government to take such action as will compel the Mayor and Corporation of the City of Victoria to re-open the portion of the road in question.

We may, however, in this connection, state that the Craigflower Road is the oldest in the Province. It was laid out and constructed in 1854, and has been used ever since, continuously, as a public highway.

(Signed) GEO. W. BATTERSBY,
" F. KROEGER,
" HENRY HEARNS,
and 39 others.

VICTORIA, August 4th, 1899.

GENTLEMEN,—I have the honour to acknowledge the receipt of your communication of the 3rd inst., enclosing, at the request of your constituents, a petition bringing to my notice the proposed closing of Craigflower Road by the Corporation of the City of Victoria. I note the statement in your letter reciting the particulars under which the conveyance of section 31, Esquimalt District, through which the said road passes, was made to Mr. John Russell in 1857, and your remarks touching the subdivision of a portion of that section into town lots by Mr. Nagle. I have also considered your request, that I call the attention of the City Council to the matter in such a way as to cause them to remove the obstruction they have placed across the road.

In reply, I beg to say that the portion of the Craigflower Road referred to is now situated within the municipal limits of the City of Victoria, and is consequently out of the control and jurisdiction of the Government; and since the city authorities intend to substitute, or have already substituted, other means of communication for the part of the road they propose to close (which I believe they have the power to do under the Municipal Clauses Act), I do not see that the Government would be warranted in interfering in the matter.

I have, &c.,
(Signed) F. CARTER-COTTON,
Chief Commissioner of Lands and Works.

Messrs. C. E. Pooley and D. W. Higgins, M's. P. P.,
Victoria, B. C.

VICTORIA, B. C., November 21st, 1899.

Honourable F. Carter-Cotton,
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—I have been requested to ask you to meet a deputation from Esquimalt District and Victoria City regarding the closing of one of the trunk roads leading to the city and other matters of importance; your early convenience will be greatly appreciated.

I have, &c.,
(Signed) THOS. F. GOLD.

VICTORIA, November 22nd, 1899.

SIR,—I have the honour to acknowledge the receipt of your letter of the 21st inst., requesting me to meet a deputation from Esquimalt District and Victoria City, regarding the closing of one of the trunk roads leading to the City, and other matters of importance.

I will be happy to meet the deputation at 11 a. m. on Saturday next, the 25th inst., at my office in the Lands and Works Department.

I have, &c.,
(Signed) F. CARTER-COTTON,
Chief Commissioner of Lands and Works.

Thos. F. Gold, Esq., Victoria, B. C.

VICTORIA, B. C.:
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