
REPORT OF SELECT COMMITTEE.

PORT SIMPSON LANDS.

To the Honourable the Speaker and the Members of the Legislative Assembly.

Your Committee appointed to enquire into and report to this House all the circumstances relating to the taking off of the reserve on the Port Simpson lands, and the application to purchase said lands by sundry persons, beg to report as follows:—

That a Minute of Council dated the 30th day of August, 1879, placing a reserve upon certain lands at Port Simpson, was passed; and that, so far as your Committee is able to learn, such Minute of Council was not advertised in the Government Gazette.

That a Minute of Council, dated the 30th day of March, 1883, was passed rescinding the aforesaid Order of the 30th August, 1879.

That, by an oversight, the said Minute of Council, dated the 30th March, 1883, was not advertised in the Government Gazette until the 10th May, 1883.

That application was made to purchase part of the aforesaid lands by sundry persons on the 25th April, 1883, but the names of the said parties, previously to this time, were not known to Mr. Smithe.

That Mr. Ralph applied in the latter part of March last at the Land Office for authority to survey certain lands at Port Simpson which were reserved.

Mr. Smithe informed Mr. Gore that he thought Mr. Ralph need not be kept waiting, as he thought the Order in Council rescinding the reserve would be approved that day. Mr. Gore communicated this to Mr. Ralph just before he proceeded to Port Simpson.

That Mr. John Work was also informed by Mr. Gore of the probability of this reserve being rescinded, as he was the only other party who had recently applied to purchase land there.

Your Committee herewith transmit the evidence taken and Orders in Council referred to.

CHAS. E. POOLEY,
Chairman.

MEETING PORT SIMPSON COMMITTEE.

Mr. Pooley was elected Chairman, and Mr. Wilson Secretary.

WM. SMITHE.—Order in Council was passed and not gazetted; omission; reason of reserve being removed was an application of Ralph to Gore some time before Order passed; Ralph made the statement to Gore that certain parties had instructed him to proceed to Port Simpson to locate and survey lands for them; Ralph had enquired of parties if they had authority from Lands and Works; they told him they had no authority; Ralph then said he would not go without that authority being given; he then came to the Land Office to see Gore, who informed him that the authority could not be given as the lands were reserved; Gore reported Ralph's application to me, and I enquired when the reserve was put on and why; I was told by Gore that reserve was made in 1879, and, to his best belief, on account of Indian reserves not having been

located there; he informed me that the Indian reserves had been since that date located, and produced a map showing location of reserves and the land generally at Port Simpson; I asked him if he knew any reason why reserve should be longer retained; he said he did not, upon which I observed that I thought it not at all desirable that lands in any part of the Province should be locked up, and that I would recommend to the Executive Council that the reserve be lifted; Gore informed Mr. Ralph, I believe, that I had expressed myself to that effect; some days after Mr. Gore reported to me that Ralph had again been to see him about the matter, and wished to know if the reserve had been removed, as the "Otter" was about to leave for the north and he would like to go; I told Gore that Order was not passed, but that it would be, as I had consulted my colleagues on the subject and they were agreed; next day Ralph again saw Gore, and on being informed that the Order in Council had not yet been approved he wished to know if it would be safe for him to go on the "Otter" instead of waiting for another boat; I told Gore that I thought he need not be kept waiting, as I thought the Order in Council would that day be approved; Ralph then proceeded to Port Simpson to stake off the lands in accordance with the Act; I never saw Mr. Ralph personally; I did not know for whom Ralph was acting; I never, directly or indirectly, conveyed information to any one that the reserve had been removed; I was entirely ignorant of the names of the parties who had engaged Ralph until some three or four weeks after when the applications were sent in, and when it was brought to my notice that the removal of the reserve on the lands at Port Simpson had not been gazetted; on asking Gore why the Gazette notice had not been made, I was informed it was simply an oversight, which he could only account for because he had been so busy in the office; I would like to say I was myself exceedingly busy with other important matters at the time; I knew Gore had communicated with Ralph; I knew this from Gore telling me, as I have explained in my evidence; as head of the department I hold myself responsible; in the ordinary course Gore would attend to it; I am informed that the Order in Council, 30th August, 1879, reserving lands, was not gazetted.

[Order in Council dated August 30, 1879, reserving lands, produced; and Order in Council dated 30th March, 1883, rescinding that of August 30th, 1879, also produced.]

(Signed) WM. SMITHE.

W. S. GORE—Towards end of March, Ralph came to my office and stated that some gentlemen, Mr. Rithet among others, had asked him to go to Port Simpson to survey lands for them; he told me that he replied, asking whether they had communicated with the Land Office, and had any instructions for him from Land Office; they said no, and he said it was unusual to make surveys of public lands without official instructions, and he declined to go without, and he asked me for instructions; I said no, for the reason that the land you desire to survey is not open for purchase; in further conversation he asked me whether the reserve was likely to be removed; I said I did not know, but would consult the Chief Commissioner about it; then took plans produced into the Chief Commissioner and explained the case to him, stating that there was a reserve on the lands, and mentioning that as the Indian reserves had been selected by Commissioner O'Reilly there did not appear to be any reason the reserve should be continued; on enquiry, the Chief Commissioner concluded the reserve might be rescinded; I communicated the fact that the reserve would be lifted to the only other person that I knew had any interest—viz., John Work—who had made enquiry to purchase land in the office; after the Order in Council was passed rescinding the reserve, it would be my duty to call the attention of the Chief Commissioner to the desirability of gazetting the Order in Council rescinding the reserve; I think I did mention that the Order creating the reserve had not been gazetted, and questioning the necessity of gazetting the Order rescinding the former; no person had ever made any enquiry of me but Ralph on the occasion referred to; I never had any communication with Ralph or any one else, except that he (Ralph) did speak to me about going on the "Otter" after his application, and I told him that the reserve was not yet lifted, but it probably would be; I remember speaking to Mr. Smithe on Ralph's instance as to the position of the Order in Council lifting the reserve, as he was anxious to get away on the boat; the Order in Council was first advertised in last Gazette; applications were made to purchase land at Port Simpson on 25th April, 1883; I received a memorandum from the Deputy Provincial Secretary stating that the Order in Council of 30th March, 1883, had been approved; I

received this a day or two after the date of the Order in Council; the true reason the Order in Council was not gazetted was that in the hurry of business it was overlooked; I gave Mr. Work notice as I thought that he was the only person interested in acquiring lands at Port Simpson, that he might have as good an opportunity as others.

(Signed) W. S. GORE,
Surveyor-General.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor 30th August, 1879.

On a memorandum from the Hon. the Chief Commissioner of Lands and Works, dated the 28th August, 1879, recommending that the following described tract of land should, until further order, be set apart and reserved from pre-emption—viz., that is to say:—

“All that tract or parcel of land in the Coast District, which is vacant Crown land, lying to the north of a line drawn across the peninsula due east and west through the most southerly point of the Hudson Bay Company's claim at Fort Simpson, and situated between it and Maskelyne Point.”

The Committee advise that the recommendation be approved.

Certified.

(Signed) T. ELWYN,
Deputy Clerk Executive Council.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor, 30th March, 1883.

On a memorandum from the Honourable the Chief Commissioner of Lands and Works, dated 28th March, 1883, reporting—

That an Order from the Honourable the Executive Council was approved on the 30th August, 1879, setting apart and reserving from pre-emption, until further order,

“All that tract or parcel of land in the Coast District, which is vacant Crown land, lying to the north of a line drawn across the peninsula due east and west through the most southerly point of the Hudson Bay Company's claim at Fort Simpson, and situated between it and Maskelyne Point;”

And recommending that the Order establishing the reserve be rescinded.

The Committee advise that the recommendation be approved.

Certified.

(Signed) T. ELWYN,
Deputy Clerk Executive Council.
