

Captain Anderson

Indian Office
Tues 25th Nov: 1851

Sir,

5560.

I am directed to acknowledge the receipt of your letter of the 13th Instant enclosing copies of correspondence which you have had with parties who desire to purchase certain Lots of land in the 3^d Con: of South Brillon. Before entering into the respective merits of these cases I am to observe that Squatters who are in the present case have come on the lands after the inspection thereof have not only no claim against the Department but that it can have no knowledge of their occupation and that were such a claim admitted the Lots would fall into the hands of persons who have either not the will or ability to pay for them to the exclusion of bona fide purchasers and the serious prejudice of the Indian interests. In thus taking unauthorized possession of lands which are open for sale they commit an actual if not an intentional fraud upon the Indians and ought not to complain if when sales are made in the regular course they lose the value of their improvements. Nevertheless the Governor General is anxious to protect the Squatters from loss so far as he can do so without infringing the rights of the Indians or other parties and he has accordingly been pleased to decide as follows upon the several cases submitted.

To Lot No 3. 3rd Concession South Brillon there are 3 claimants Messrs Daniel Regan Timothy Sullivan and Corneilus J. Connor. The first having paid his 1st instalment on the East half is to be regarded as the purchaser of the same. The second having made the first offer for the West half may be allowed to purchase it paying the interest on the purchase money for the period of his occupation of the Lot in addition to 1st instalment within one month of the date of your notification to him to that effect. To the third the Department can afford no relief but as he only wrote you in effect the improvements must be very trifling and in any event he must look to the purchaser Mr. Regan for compensation.

With regard to the South half of Lot 4. 3^d Con: I have to convey His Excellency's concurrence in your reply to D^r.

Belong

belong and Mr. Bone and it is to be regretted that these Gentlemen who seem to have taken an interest in Lord Lyons the Squatter had not urged him long ago to make the payments due upon the lands of which he seems to have enjoyed the entire use for 4 years free of charge. Under the circumstances His Excellency would be justified in refusing to interfere in his behalf but as he is stated to have made considerable improvements you are authorized to suspend final action upon Mr. Patrick Regan's offer to afford the parties an opportunity of coming to an agreement between themselves. You will however caution Lyons that he must not construe this into any acknowledgment of the claim, Mr. Regan having actually paid an instalment before he presented himself to the Department as an intending purchaser.

You correctly state in the course of that correspondence that the expulsion of Squatters must rest with the purchaser in such cases.

Your letter of the 20th Instant in reference to this case was received by this Morning's Post.

Yours
R. Bone

J. G. Anderson Esq^r
S. J. H.

Indian Office
Tues 25 November 1851.

Sir,

5570

In reply to your letter of the 17th Instant enclosing a letter from the Ottawa Indians complaining that they have been called upon by the Municipal Authorities to pay certain taxes on their lands I am directed to refer you to the 4th Sec. of Chap. 14-13-14 the commonly called the Indian Protection Act and the 5th Sec. - 6th Chap. - 13-14 the same. At present owing to the absence of the Crown Land Officers from the Seat of Government I am unable to take their advice on the subject but I believe Mr. Baldwin held that the descriptions applied retrospectively to all such taxes not actually levied previous to the passage of the Act. Should the Chief desire to resist the demand H. C. authorizes them to employ a competent Lawyer if necessary.

Yours
R. Bone