The Subject Comprehensively Reviewed in the \$ Legislature by J. H. IGNATURE

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t allow anyone to sell plea or promise that is

In support of the motion he said:
It is my desire to draw the attention of this House to the claims of a large further portions of the public lands of this House to the claims of a large further portions of the public lands of this House to the claims of a large further portions of the public lands of British Columbia in any other way than under right of pre-emption, required to these people, while simple in case of these people, while simple in order that I may deel with a perplexity of disputation, and I must therefore crave the indulgence of the House, in order that I may deel with it satisfactorily, premising my argument with the assumption that members are here disposed, in this last court to which an aggrifeved people can appeal, to consider their claims without prejudice and regardless of their station in life. I am satisfied that wrong has been done these people, that they show suffered great injustice. Whether intentional or otherwise it is not for the land claimed by him."

In all yearly payments in a side of the pre-emption, require not be and any mather any further to the terms of union government refused to accept the lands, apparently thinking that it would lind them further to the terms of union may be any of a trans, apparently thinking that it was forced to take action, and system. The Clements Bill, 1882, proposed to give a larger grant of a land system. The Clements Bill, 1882, proposed to give a larger grant of a trans, apparently thinking that it was never rescinded until elevent on the land to be so conveyed in any say that the reserve first mentioned the same any further to the terms of union micro and the made, appeal to accept the lands any parent with the prevention of the sell of the same any further to the terms of union of a larger grant of land and in 1886 a select committee any follows any present in the land state of the pre-emption of the land to the section, and grant and this was the only residence of the terms of union government refused to describe any only of the same and f justice. Whether intentional or otherwise it is not for me to say, it is not for this House to decide, but I am entirely satisfied that their case will soon become unless adjusted a burning political issue on this Island, and one that can never again be put aside until settled with equity and justice. For, sir, truth and equity must and will prevail, although dishonored by generations of careless or nored by generations of careless or

firmly of the opinion that these settlers permanent character."

was moved by have strong legal claims to sustain their

Further on it recommends "that the re-

Settlers' Rights in the E. & N. Railway Belt.

Hawthorniuwa'ie, M.P.

P. for Nanimo City.

The House of Assembly, April 25th, 1602, Mr. Hawthorniuwa'is more of the construction of a name of the construction of the mass of the section of the mass of the section of the mass of the section of the construction of the mass of the section of the section of the section of the mass of the section of the section of the mass of the section of the se

Now, some twenty-five days later a secnich they are called upon to deal with: the lands to the Dominion. It says: Now it is not my intention to endeavor "It was, however, expressly understood

to make political capital out of these that the Order in Council creating the cases, it is not my wish to hamper or reserve should not operate as a conveycases, it is not my wish to hamper or reserve should not operate as a conveyembarrass the government of the day by ance of the lands within its limits, and bringing in this resolution, but I am that the reserve itself should not be of a man conserved by Man conserved the lands within its limits, and that the reserve itself should not be of a man conserved to the lands within its limits, and that the reserve itself should not be of a man conserved to the lands within its limits, and that the reserve itself should not be of a man conserved to the lands within its limits.

demands, that their cause is just, and therefore I must insist that their claims a fair opportunity shall have been afforded to the Dominion government to a forded to the Dominion government to province should be recognized;

tion a ceach bosons of \$750.000.

It is primps pertained that It is the process of the second control of the s

gone upon the land, or have settled upon suborned representatives. I have every confidence in members of this House, and has also been mysteriously overlooked in although divided on political issues, the desire, nearly all I believe, is to do what is right as best they may, not only in this matter but in every other matter. In support of this I would draw the at of the House to a resolution

> "On the 21st day of March, 1882, it was moved by Mr. Smythe, seconded by

equity and fairness.

In this opinion I am not alone. Official enquiry has, in instances, sustained their case. Such men as Sir Wilfrid Laurier, Hon. Louis Davies, Hon. Wm. Mulock, Hom. David Mills and the late Hon. Thomas White, have acknowledged the justice of their complaints. Surely with men of such eminence ranged on the side of the settlers, I have a strong case to present to this House.

The land in question is all included in what is known as the Esquimalt & Nathran National Processing of the pre-emptor on the land what is known as the Esquimalt & Nathran Nath



In sections 4, 5, 6 and 26 of the Set-

uosities of the coast, and was for a line running from Esquimalt or Victoria right that their rights, and the rights of the running from Esquimalt or Victoria right through as part of a trans-continental system. The Clements Bill, 1882, proposed to give a larger grant of land and \$750,000 in cash for a line from Victoria right to solve a larger grant of land and \$750,000 in cash for a line from Victoria right was appointed to enquire into the matter. The settlers also sent a delegate to Ottowe in the

department allowing him to remain on the land, prior to the passing of the Settlement Act, 1883, and also David Hoggan, who applied for land located 1882, being prior to even the Clements

The Attorney-General-Is that not the

Mr. McInnes-You are quite wrong, asking for information.

Victoria, B.C., June 3rd, 1884.

The Honorable Minister of Railways and Lands, etc.:

Sir:—I am directed on behalf of the Esquimait & Nanaimo Railway Co. to write to you and request permission for the company to reserve certain portions of the land along the proposed line of railway for towasites, in lots at a price to be fixed by the company, as also the Newcastle reserve, near Nanaimo, not being an Indian reserve, the grants of land sold as aforesaid to be issued by the provincial government provided by section (F) of the agreement ratified by an act, relating to the Isl, and railway, the graving dock and railway lands of the province, 1884. I have the honor to request that you will place this matter before the Dominion government at your earliest convenience, with a view to having the necessary authority granted and arrangements made. I have the honor to be, sir,

CHAS. E. POOLEY.

Secretary pro tem for the E. & N. Railway Co.

A long letter was written in reply to this, which ended by saying:

fact, the settlers have continued, right up to the present time, in their endeavors to have their rights observed.

The first class of settlers to which I have referred are those whose occupancy began prior to the passage of any of the acts of 1882 and 1883 mentioned, and who demand that they shall receive a title to the surface and to the coal and other minerals thereon. There are also the settlers in this class who were refused even the surface rights after having improved their lands to the extent of from \$2,000 to \$4,000. Prominent among these is Mr. Waddington, who held an agreement in writing from the department allowing him to remain on the land, prior to the passage of the settlers of the government of British Columbia requiring him to obtain from the company a general map or plan showing the locations of such that the statement as to whether any portion have been and are aiready occupied by squatters, etc., and all such information as well as the government of British Columbia that the assent of the Governor in council can be safely given to the proposed arrangements.

H. M. FESSAULT,

H. M. FESSAULT. H. M. FESSAULT,

land, prior to the passing of the
lement Act, 1883, and also David
gan, who applied for land located
Nanaimo, on the 19th of March,
being prior to even the Clements

H. M. FESSAULT,

Department Railways and Canals.

This matter was further dealt with from
the department of justice, Ottawa, July
2st, 1884, and after referring to the
statutes governing these lands, concludes
with the following extract:

ISSZ. being prior to even the Clements Bill. These men carried their cases into the courts and were defeated.

The Attorney-General—Is that the Mr. Hoggan who took his case to the Privy Council?

Mr. Hawthornthwaite—Yes.

The Attorney-General—Is that not the Attorney-General—Is that not the Attorney-General—Is that not the Council?

A. P. Bradley, Secretary.

A. P. Bradley, Secretary.

Mr. Hawthornthwaite—No.

Mr. Martin—I think the honorable genleman is mistaken. I em anite a site, as the Honorable Attorney-General there was a Newcastle townsite and also leman is mistaken; I am quite sure he has just tried to put into my mouth.

The Attorney-General—I was simply Bray in this letter says:

Mr. McInnes—You are quite wrong, Hoggan did.

Mr. Hawthornthwaite—No; Mr. Hoggan applied for these lands in March. 1882. His application was received, filed, and Mr. Hoggan was told by the government agent, Mr. Bray, that a reserve existed—which we all know existed—that he could not make a record of it, and to hold the land he must occupy it.

This could be entirely substantiated on the correspondence of Mr. Bray.

Now, these men were entitled to the rights claimed under the section of the Settlements and they were certainly entitled to them under the provisions of the Settlements Acts of 1883 and 1884, notwithstanding the fact that attempts were made therein to prevent the settlers from obtaining the rights which they claimed.

The Esquimalt & Nanaimo Railway

The Esquimalt & Nanaimo Railway

The Rattorney-General—I was samply asking for information.

Mr. Hawthornthwaite—It has been claimed all along by the Esquimalt & Nanaimo Railway Company that a number of these settlers located on what is known as the Newcastle townsite. There is not the slightest foundation, in fact, for this claim. I am a resident myself of the Newcastle townsite, and thoroughly familiar with the ground in dispute. I may say further that the Newcastle townsite. Mr. Hawthornthwaite—It has been claimed all along by the Esquimalt & Nanaimo, B. C., Sept. 7th, 1885.

Sir;—I have the honor to acknowledge receipt of your letter from F. G. Richards, the receipt of your letter from C. C. McKenzie in reference to D. Hoggan's applied to myself of these settlers located on what is known as the Newcastle townsite. There is not the slightest foundation, in fact, for this claim. I am a resident myself of the Newcastle townsite, and thoroughly familiar with the ground in dispute. I may say further that the Newcastle townsite of any land embraced in twensites or government reserves, and when the Hon. Mr. Smith the was up here last fall, he gave me munder the provisions of the Settlements and they were certainly entitled to them under the provisions of th The land in question is all included in what is known as the Esquimalt & Nanaimo railway belt. Under the terms of union with Canada, the Dominion agreed to build a line of railway through British Columbia, having its terminus somewhere at Esquimalt, or near Victoria.

These terms were never fully carried out.

These terms were never fully carried out.

The land in question is all included in any other way than under the section of the title of squatters upon lands within any railway reserve in the province to the land supon which they have squatted to build a line of railway through British Columbia, having its terminus somewhere at Esquimalt, or near Victoria.

These terms were never fully carried out.

The land in question is all included in any other way than under the section of the title of squatters upon lands within any railway reserve in the province to the land supon which they have squatted and they were certainly entitled to them the first terminus some and they were certainly entitled to the residence of the pre-emption, requiring actual residence of the pre-emption on the land der right of pre-emption, requiring actual residence of the pre-emption on the land title of squatters upon lands within any railway reserve in the province to the land squatters upon lands within any reliable to the first terminus some and they were certainly entitled to them they of land they were certainly entitled to them that province to the said spant and they were certainly entitled to them that for which I have receione the file of squatters upon lands within any reliable to squatters upon lands within any reliable to the file of squatters upon lands within any reliable to the title of squatters upon lands within any reliable to the said they were certainly entitled to them the file of squatters upon lands within any reliable to the said they were certainly entitled to them the file of squatters upon lands within any reliable to them the said settlers. The said they were certainly entitled to them the file of squatter where at Esquimalt, or near Victoria. These terms were never fully carried out. The railway was not built, and some thirteen years later a company known as the Esquimalt & Nanaimo Railway Company, undertook to build this railway, in and it was explained by the Order in Canadian Pacific railway, and in addition a cash bonus of \$750,000.

It is perhaps pertinent that I have onther railway corporations in this province, and members may take a lesson in loce, and members may take a lesson in loce, and members may take a lesson in local and members may take a lesson in local and to enable the construction of the ment decided, or possibly the construction of the mailway to be brought those the construction of the Dominion government, or clamba symmetry (Comox district) and Seymour Narrows."

The Honorable Mr. Walkem, Chief Commissioner of Lands and Works, moved in any railway syndicate."

The Honorable Mr. Walkem, Chief Commissioner of Lands and Works, moved in any railway syndicate."

The Honorable Mr. Walkem, Chief Commissioner of Lands and Works, moved in amendment, seconded by Mr. Commany. It is perhaps pertinent that I have a content of Canadian Pacific railway, and in addition a cash bonus of \$750,000.

It is perhaps pertinent that I have been entitled to grants in lieu of any land that thouse were the Esquimalt & Nanaimo Railway Company were entitled to grants in lieu of any land that the words after "Commissioner of Lands and Works, moved in amendment, seconded by Mr. The Frailway syndicate."

The Honorable Mr. Walkem, Chief Commissioner of Lands and Works, moved in amendment, seconded by Mr. The the field the grant in lieu of any land that the domain depression of the mendent and within the vall all the words after "Commissioner of Lands and Works, moved in amendment, seconded by Mr. Commany."

The Honorable Mr. Walkem, Chief Commissioner of Lands and Works, moved in amendment, seconded by Mr. Commany in the first bie and the following substituted therefor:

Out of the opinion of the the contraint of the lan

case in court, on the ground that these lands were not public property; that they were government reserves; and if so, no were government reserves; and it so, no corporation could secure rights which ters in the ordinary way. Endeavor was were denied to the settlers on those mude to show that there were 724 acres were denied to the settlers on those grounds. Again, another corporation applied for the coal rights under these plied for the coal rights under these lands and was refused upon the grounds that it was not a reserve, and therefore to another fact, an extraordinary lact, that these lands were "not subject to be that these measures were made retroen dienogod of "

Mr. McInnes asked "What corporation applied for the coal rights?" Mr. Hawthornthwaite-The honorable gentleman's solicitation is somewhat renarkable at this stage, in view of the in difference with which he treated the subject last session. He had a resolution or the order paper last session but he did not take the trouble to bring the matter to the attention of the House.

Mr. McInnes said his resolution was

ruled out of order by the chair. Mr. Hawthornthwaite-The resolution was on the order paper for days and weeks, and the honorable gentleman made no attempt to bring it up, and when it was finally ruled out of order he made

no appeal whatever.
Mr. McInnes—That is absolutely false It was because I found that members of the House were not going to give me sufficient support that I allowed it to Mr. Hawthornthwaite-If the honor

legal luminary, does not know how to draw up a resolution that will be in or der he had better in future apply to me for help. But what I have stated is true, as every member of this House A letter was written in reply to this, which concludes:

A letter was written in reply to this, was very sorry," and meekly sat down.

A letter was written in reply to this, able gentleman merely remarked that he "was very sorry," and meekly sat down.

The body was a stranding to the law. I am satisfied that he members of this House and the people was very sorry," and meekly sat down.

An Able Plea for Justice for a Wronged Class -- Full Text of the Case

corroborated the surveyor-general, as the following will show:

Elijah Priest called and sworn. Examined by Mills: Q.—What is your occupation? A.—Land surveyor.
Q.—Did you make the survey for Hoggan?
A.—I did.
Q.—Do you know that portion of the land that they call Newcastle Townsite? A. that they call Newcastle Townsite? A.—I do.
Q.—Do you know those lots they call the suburban lots? A.—Yes.
Q.—Is the plece of land that Mr. Hoggan-claims the right to purchase in this suit any part of the townsite lots? A.—Not the town lots.
Q.—Or any part of the suburban lots? A.—Nor any part of the suburban lots. That is as far as the original survey was made. (Namely, Green's survey of 114.62 acres). Q.—What do you mean by that? A.—Or the official map—

I should think this of itself would be ufficient to settle the matter. When cross-examined in the case the surveyor-

general also said: Mills—When you say that the land claimed by plaintiff covers some of those town lots, tell me how you prove it? (No answer). Have you examined our map? A.—I did not say the land claimed by the plaintiff covers your town lots.

Would you look at the plan and seewhether it does? I understood you to say so. A.—I have not seen it at all. No, I didn't say so.

I would here like to read a portion of Mr. Hoggan who settled on Newcastle I quote these more particularly because a letter from Marshall Bray, the govern

Nanaimo, B. C., Sept. 7th, 1885.

I informed Mr. Hoggan of this and fold him as soon as the land was open for preemption I would let him know, so that he could get in his application at once.

* * * Now he did not occupy said land until after date of his application filed in this office, 19th March, 1882. * * * * * Please to inform me if this reserve is likely to be thrown open soon for settlement, as James Harvey (Dunsmulr's sonin-law) has also made application for some land in this reserve.

I have etc.

Thave, etc.,
(Signed) M. BRAY,
Government Agent.
W. S. Gore, Surveyor-General, Victoria,
B. C.

I think that letter in itself is sufficient to destroy any claim that this land was a portion of the Newcastle townsite, or lands that were not thrown open to setland acts of 1883, I would draw attention that these measures were made retro-active! The clause in the act pertaining to settlers within the railway lands on the Main and made provision for those who had settled right up to the date or the act, but for settlers on the Island within the belt it required a residence of one year, eleven months and nineteen days. Now this is very remarkable, but here is an explanation, though a disreditable one, of it. David Hoggan ettled on his land one year, eight mor and twenty-one days previous to the passng of the Settlement Act, and there can be no doubt but that this nefarious clause or provision was inserted to dispossess him of his valuable land. As I have pointed out, the clause governing railway lands on the Mainland also provided for 'substantial improvements," while in re-zard to the qualification for settlers on he Island "continuous occupation" was required. An explanation for this is found in the fact that Samuel Waddingnents" on his land, which he had lived able gentleman, who is a lawyer and on since 1870, would thereby be cut out whose friends look upon him as a great of his right (or might be) to the reainder, consisting of one hundred and hirty-three acres, which he had further applied for, and which surrounded his esidence and improvements on three knows; the resolution was up for weeks, ny contempt for this extraordinary