

No. 10.

COLONIAL SECRETARY'S OFFICE,  
30th April, 1861.

*Sir,*

It appearing that the Springs which have hitherto supplied the town of Victoria with water, and which on the 6th of August, 1858, you were instructed to reserve for the use of the public, have been recently sold by the Hudson's Bay Company to a private individual, I am desired by His Excellency the Governor to call upon you to state what steps you took to carry out His Excellency's instructions as above mentioned.

(Signed)

I have, &c.,  
WILLIAM A. G. YOUNG.

THE SURVEYOR GENERAL.

LAND OFFICE VICTORIA,  
May 1st, 1861.

*Sir*

I reply to your letter of the 30th ult., (No. 10), I beg to state for His Excellency's information, that on the official town map of 1858, lands offered for sale to the public were subdivided into small lots; lands not so subdivided were reserved and could not therefore have been sold by the Land Office without fresh orders from His Excellency.

That on February 23rd, 1859, the Hudson's Bay Company ignored the official town map, prepared plans, and appointed officers of their own, and sold and continue to sell what lands they thought or think proper, including portions of the public park reserve, the church reserve, the Indian reserve, the public wharf reserve, south of the fort, &c. As in most instances this is done by private sale and not by advertised public auction, no protest can reach the company until the mischief has been done; for instance, the ornamental oak trees within the town limits which I was strictly ordered by His Excellency to preserve, were cut down by the Hudson's Bay Company and sold for firewood.

The responsibility appears to me to rest with the company and not with myself, in these particulars a liability to action for damages by each lotholder were purchased on the assumption, might say the assurance, that these privileges would be preserved intact.

Previous to February 23rd, 1859, I acted in such matter as the Colonial Surveyor for the Colony, or as the agent of the Hudson's Bay Company for the company; if the former is the correct statement of the case the Hudson's Bay Company had, I should think, no right to enter upon and dispose of lands, their title to which is contested; if the latter statement is admitted, are the company not legally bound by the arrangements made by me as their agent previous to February, 1859, when the company discharged me from the management under His Excellency's directions of the town site of Victoria?

W. A. G. Young, Esq.,  
Colonial Secretary.  
&c., &c., &c.

I have, etc.,  
J. D. PEMBERTON.

LAND OFFICE, VICTORIA,  
May 9th, 1861.

GEORGE HUNTER CARY, Esq.,  
Attorney-General,  
Vancouver Island Colony.

*Sir,*

Shortly after my arrival here from England it became my duty to address a letter, dated April 27th, to His Excellency the Governor, and on the 1st May a second