

Stanley Park and Deadman's Island.

EXTRACT from a memorandum inclosed in a letter to the Secretary of the Public Works Department, dated 4th May, 1886, respecting government reserves generally in British Columbia.

I have had several interviews lately with the Hon. Mr. Smithe, chief commissioner of lands and works and premier of British Columbia, on the subject of the government reserves generally in this province, the object of arriving at an understanding as to which particular reserves came under the control of the Dominion government upon the union of British Columbia with Canada, or failing this to endeavour to arrange with him, as suggested by Mr. Burbidge, for reference to this question to the arbitrament of some competent tribunal.

I have, however, been entirely unsuccessful on both these points.

Mr. Smithe maintains, as I understand from him, that all the public lands of the province subject under the provisions of the 108th section of the British North America Act to become the property of Canada upon union, were specified in the descriptive schedule and plans thereof prepared at the lands and works office of British Columbia in January, 1872, and forwarded by the Lieutenant Governor to the Secretary of State by dispatch, dated 31st January, 1872.

That there never were in British Columbia any ordnance lands nor any lands set apart for general public purposes in the sense of the 10th section of the third schedule of the British North America Act.*

That from time to time both before and since the union of British Columbia with Canada various tracts of land have been placed by the government of British Columbia under reservation from the operation of the pre-emption and purchase provisions of the land laws, in some cases at the sole instance of that government, and in others upon the suggestion and advice of officers of Her Majesty's naval or military forces, with a view to their possibly being required for fortifications or for the defence of the country.

That these tracts of land have for the most part been retained, and are still held under reservation for the purposes of such requirements and subject to be so applied under the 117th section of the British North America Act upon application by the government of Canada for the use thereof for such purposes and upon due grounds for such requirements being shown to the satisfaction of the government of British Columbia.

But the government of Canada have no rights under the British North America Act and the terms of union to the title of these lands, or to the control of them in any way, further than is provided by the 117th section of that Act, and can have no such right under the provisions of that section until it shall have been specially conceded in any particular case to them by the government of British Columbia, and that no such concession of title or control will be granted except upon application made by the government of Canada, and due grounds of requirement shown for the use of any particular tract of land for purposes of fortification or defence, nor will such concession in any case convey a saleable or transferable title or right of possession and occupancy, for any other than purposes of fortification and defence.

Holding strongly the above views, Mr. Smithe maintains that there is no question to be settled between the province and the Dominion in connection with the position of these reserved lands, and he therefore declines to entertain any idea of referring the matter to any tribunal.

JOSEPH W. TRUTCH,
Dominion Government Agent.

4th May, 1886.

* In a map published by the admiralty, 1859, there are several tracts of land set apart as admiralty reserves, i.e., land set apart for general public purposes.