

To the Honorable the Speaker and Legislative Assembly of Vancouver Island, &c.

We, the undersigned, the Committee on Crown Lands, appointed in pursuance of the Resolution of your Honorable House, beg leave most respectfully to report as follows :

That owing in the outstart to the non-attendance of members to form a quorum, great delays took place ; but since the reduction of the quorum the business of the Committee has progressed more satisfactorily. It has always been a source of great anxiety and regret on the part of the Committee, that they have not been able to report at an earlier date. But the difficulties alluded to, combined with the large amount of labor to be done, made an earlier report next to impossible.

The Committee on Crown Lands would further report as follows :

Disputed Territory of Oregon.

Neither Great Britain nor the United States had any power to alienate or make grants of Public Lands.

I. Prior to the treaty of Washington signed on June 15th, 1846, in behalf of Great Britain and the United States of America, the whole of the Territory known formerly as "Oregon Territory," lying between the Russian Possessions in the North, and the Mexican Territory or California in the South, and between the Rocky Mountains on the East, and the Pacific Ocean on the West, was a "disputed Territory." Neither Great Britain nor the United States possessed the exclusive sovereignty ; but under a convention between those two Powers in 1818, Oregon Territory was declared free and open to the citizens and subjects of both Powers. Until the treaty of Washington, in June, 1846, was ratified, neither Great Britain nor the United States could alienate the land within the disputed territory, by giving "the requisite title."

Vancouver Island part of disputed territory. Title to Crown Lands vested in the Crown first time beyond dispute. June 15, 1846.

II. Vancouver Island was included in the disputed territory ; and it was not placed under the exclusive sovereignty of Great Britain till the treaty of Washington was ratified. Like San Juan Island is to-day, so was Vancouver Island before the 15th June, 1846. When Great Britain became possessed of the exclusive sovereignty of Vancouver Island, the Crown became the sole and undisputed owner of the soil, and held for the first time the sole and undisputed title to all of the lands constituting the Island.

Hudson Bay Co. erected fort Victoria.

III. In the year 1843, whilst Vancouver Island was a part of the "disputed territory," the Hudson Bay Company, or in other words "the Governor and Company of Adventurers of England trading to Hudson Bay," erected a Fur-trading post, called Fort Victoria, within what is now the city of Victoria, and took possession of certain lands in Vancouver Island.

IV. The right of the Hudson Bay Company to occupy the land in Vancouver Island in 1843, was acquired by virtue of a Royal License of exclusive trade with the natives or Indians on the north-west coast of America, granted by Her Majesty on May 30th, 1838. The Act under which the License was granted, limited it to a period of twenty-one years ; so that, at the expiration of the License, the right of the Hudson Bay Company to occupy the soil in conducting their exclusive trade would cease ; in fact no title to the soil was given to the Company, on May 30th, 1838, other than a conditional, temporary, and possessory one dependant on the duration of the Royal License of exclusive trade with the Indians within the "disputed territory" of which Vancouver Island formed a part ; and this must of necessity so appear to be the case inasmuch as Her Majesty in 1838, did not possess the exclusive sovereignty of Vancouver Island.