

## APPENDIX Q.

AN ORDINANCE TO AMEND AND CONSOLIDATE THE LAWS  
AFFECTING CROWN LANDS IN BRITISH COLUMBIA.

[1st June, 1870.]

## Preamble.

**W**HEREAS it is expedient to amend and consolidate the Laws affecting Crown Lands in British Columbia.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

## Interpretation

1. In the construction and for the purposes of this Ordinance (if not inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them:—

“The Governor” shall mean the Governor of British Columbia or any person for the time being lawfully exercising the authority of a Governor of British Columbia.

“Chief Commissioner of Lands and Works and Surveyor General,” shall mean and include the Chief Commissioner of Lands and Works and Surveyor General, and any person for the time being lawfully acting in that capacity.

“Commissioner” shall mean the Chief Commissioner of Lands and Works and Surveyor General of this Colony, or the person acting as such for the time being, and shall include every stipendiary magistrate for the time being in charge of any district, and every person duly authorized by the Governor to act as and for the Chief Commissioner of Lands and Works and Surveyor General, as Assistant Commissioner of Lands and Works in any district in which the land that may be referred to lies, other than that in which the chief office of the Lands and Works Department is situated, and any other district or districts for which no such Assistant Commissioner of Lands and Works as aforesaid has been appointed.

“Supreme Court” shall mean the Supreme Court of British Columbia.

“The Crown” shall mean Her Majesty, Her Heirs and Successors.

“Crown Lands” shall mean all lands of this Colony held by the Crown in fee simple.

“Act” shall mean any proclamation or Ordinance having the force of law in this Colony.

Words importing the singular number shall include more persons, parties, or things, than one, and the converse.

Repeals  
former Act.

2. The following Acts, Ordinances, and Proclamations relating to the disposal and regulation of the Crown Lands of the Colony are hereby repealed:

An Act dated February 14th, 1859;

An Act dated January 4th, 1860;

An Act dated January 20th, 1860;

The “Pre-emption Amendment Act, 1861;”

The “Country Land Act, 1861;”

The “Pre-emption Purchase Act, 1861;”

The “Pre-emption Consolidation Act, 1861;”

The “Mining District Act, 1863;”

The “Land Ordinance, 1865;”

The “Pre-emption Ordinance, 1866;”

The “Pre-emption Payment Ordinance, 1869;” and,

The “Vancouver Island Land Proclamation, 1862;”

but such repeal shall not prejudice or affect any rights acquired or payments due, or forfeitures or penalties incurred prior to the passing of this Ordinance in respect of any land in this Colony. Saving existing rights.

*Pre-emption.*

3. From and after the date of the proclamation in this Colony of Her Majesty's assent to this Ordinance, any male person, being a British subject, of the age of eighteen years or over, may acquire the right to pre-empt any tract of unoccupied, unsurveyed, and unreserved Crown Lands (not being an Indian settlement), not exceeding 320 acres in extent in that portion of the Colony situate to the northward and eastward of the Cascade or Coast Range of Mountains, and 160 acres in extent in the rest of the Colony. Provided that such right of pre-emption shall not be held to extend to any of the Aborigines of this continent, except to such as shall have obtained the Governor's special permission in writing to that effect. Who may pre-empt as of right.  
How much.

4. Any chartered or incorporated company may acquire such right by obtaining a special permission in writing from the Governor to that effect, but not otherwise; and the Governor may grant or refuse such permission at his discretion. And who by special permission.

5. Any person desiring to pre-empt as aforesaid, shall first apply to and obtain from the Commissioner permission in writing to enter upon such land, which must be fully described in writing by the applicant, and a plan thereof must be deposited with the Commissioner, and such description and plan shall be in duplicate. Application to locate.

6. After such permission has been obtained, and within such time, not exceeding thirty days thereafter, as shall be specified by the Commissioner in such permission, such person shall enter into possession of the land so described, and place at each corner thereof a post marked with his name, or other distinguishing sign, and thereupon shall apply in writing to the said Commissioner to have his claim recorded to such tract of land, not exceeding 320 acres, or 160 acres, as the case may be, as hereinbefore provided. Entry and application to record.

7. If such land has not been previously recorded, the Commissioner shall, upon the fulfilment by the applicant of the preceding requirements, and upon payment by him of a fee of two dollars, record such land in his favor as a pre-emption claim, and give him a certificate of such pre-emption record, in the Form A. in the schedule hereto, and such record shall be made by the Commissioner in triplicate, the original to be handed to the pre-emptor, a duplicate to be retained by the Commissioner for local reference, and the triplicate to be forwarded forthwith to the head office of the Lands and Works Department, to be there examined, and if found in all respects (or if necessary after having been amended by the Chief Commissioner of Lands and Works and Surveyor General, so as to be) in accordance with the provisions of this Ordinance, to be finally registered in the Land Office Pre-emption Register. Pre-emption record.  
Form A.

8. Every piece of land sought to be acquired as a pre-emption claim, under the provisions of this Ordinance, shall, save as hereinafter excepted, be of a rectangular shape, and the shortest line thereof shall be at least two-thirds of the length of the longest line. Such line shall run as nearly as possible north and south, and east and west. Rectangular shape of claim.

9. Where such land is in whole or in part bounded by any mountain, rock, lake, river, swamp, or other natural boundary, or by any public highway, or by any pre-empted or surveyed land, such natural boundary, public highway, pre-empted or surveyed land, may be adopted as the boundary of such land, and it shall be sufficient for the claimant to show to the Commissioner that the form of the land conforms as nearly as circumstances permit to the provisions of this Ordinance. Natural boundaries.

**Rectification  
of Survey.**

10. The Chief Commissioner of Lands and Works and Surveyor General may, however, in carrying out any government survey, if in his opinion circumstances require it, survey pre-emption claims or purchased lands recorded previous to the date of this Ordinance, by such metes and bounds as he may think proper, and every survey so made and certified by him in writing shall be binding upon all parties affected thereby, and the survey so certified shall be deemed, in any court of this Colony, to have been done in compliance with the provisions of this Ordinance.

**Certificate of  
improvement.  
Form B.**

11. A pre-emptor shall be entitled to receive from the Commissioner a certificate, to be called a "Certificate of Improvement," in the Form B., in the schedule hereto, upon his proving to the Commissioner, by the declarations in writing of himself and two other persons, that he has been in occupation of his pre-emption claim from the date of the record thereof, and has made permanent improvements thereon, to the value of two dollars and fifty cents per acre. Such certificate shall be in triplicate, the original to be handed to the pre-emptor, the duplicate retained by the Commissioner for local reference, and the triplicate transmitted forthwith to the head office of the Lands and Works Department, and it shall be the duty of the Commissioner to note the issue of such certificate on the original pre-emption record, which must be produced to him at the time of applying for the certificate by the pre-emptor, and on the duplicate thereof retained in the Commissioner's office.

**Declaration.  
Form C.**

12. Every such declaration shall be subscribed by the person making the same, and shall be filed with the Commissioner, who is hereby fully authorized and empowered to take the same, and such declaration shall be in the Form C. in the schedule, and shall be made before such Commissioner, under and subject to the provisions and penalties of the "Oaths Ordinance, 1869."

**Right may be  
transferred.**

13. After the grant of the certificate of improvement, but not before, the pre-emption right in the land referred to in such certificate may be transferred to any person entitled to hold a pre-emption claim under this Ordinance, subject, however, to the continuance of all the provisions of this Ordinance as to occupation, forfeiture, and payment of purchase money due or to become due to the Crown.

**Mode of  
transfer.  
Form D.**

14. Every such transfer must be made in writing, signed by the person making the same, or his attorney in fact, in the form D. in the Schedule, or in words to that effect, and in the presence of the commissioner, and if not so made shall be void, and such transfer shall be in triplicate, the original to be retained by the person in whose favor the transfer is made, the duplicate to be retained as a record in the office of the Commissioner, and the triplicate forwarded forthwith to be registered in the head office of the Lands and Works. Upon the examination of such transfer in the manner and form so prescribed, and on payment of the fee of two dollars, the Commissioner shall cancel the previous record of such pre-emption right, and record the same anew, in the manner prescribed in section 7, in the name of the person in favor of whom such transfer shall have been made, subject to the completion of the period of occupation required by this Ordinance, and to all other the terms and conditions thereof.

**Cessation of  
occupation  
cancels claim.**

15. Whenever any pre-emptor shall permanently cease to occupy his pre-emption claim, save as hereinafter provided, the Commissioner may in a summary way, upon being satisfied of such permanent cessation of occupation, cancel the claim of the pre-emptor so permanently ceasing to occupy the same, and all deposits paid, and all improvements and buildings made and erected on such land, shall be absolutely forfeited to the Crown, and the said land shall be open to pre-emption and may be recorded anew by the Commissioner as a pre-emption claim, in the name of any person satisfying the requirements in that behalf of this Ordinance.

16. The occupation herein required shall mean a continuous *bona fide* personal residence of the pre-emptor on his pre-emption claim. Provided, however, that the requirement of such personal occupation shall cease and determine after a period of four years of such continuous occupation shall have been fulfilled. Meaning of occupation.

17. Every holder of a pre-emption claim shall be entitled to be absent from his claim for any one period not exceeding two months during any one year. As an ordinary rule he shall be deemed to have permanently ceased to occupy his claim when he shall have been absent continuously, for a longer period than two months, unless leave of absence have been granted by the Commissioner, as hereinafter provided. Leave of absence for two months.

18. If any pre-emptor shall show good cause to the satisfaction of the Commissioner, such Commissioner may grant to the said pre-emptor leave of absence for any period of time, not exceeding four months in any one year, inclusive of the two month's absence from his claim, provided for in clause 17. Such leave of absence shall be in the Form E. in the Schedule hereto, and shall be made out in duplicate, the original to be handed to the pre-emptor, and the duplicate to be retained of record in the office of the Commissioner. Special leave for four months. Form E.

19. If any pre-emptor shall show good cause to the satisfaction of the Commissioner, he may grant him a "license to substitute," for any period not exceeding six calendar months, in the Form F. in the Schedule hereto, in duplicate, the original to be handed to the pre-emptor, and the duplicate to be retained of record in the office of the Commissioner. The continuous personal residence of the person named in such license (such person not being or becoming subsequently to the date of the license a claimant of land under any law or proclamation regulating the pre-emption of land within the Colony) shall, during the continuance of the license, and after the record thereof with the Commissioner, be as effectual as the continuous personal residence of the claimant himself. License to substitute. Form F.

20. No person shall be entitled to hold, at the same time, two claims by pre-emption; and any person so pre-empting more than one claim shall forfeit all right, title, and interest to the prior claim recorded by him, and to all improvements made and erected thereon, and deposits of money paid to Government on account thereof; and the land included in such prior claim shall be open for pre-emption. One claim to be held at a time.

21. When the Government shall survey the land included in a pre-emption claim, the person in whose name the said claim stands registered in the pre-emption register of the land office shall, provided a certificate of improvement shall have been issued in respect of such land, and that the condition of four years occupation required by this Ordinance has been duly fulfilled, be entitled to purchase the said land at such rate, not exceeding one dollar per acre, as may be determined upon by the Governor for the time being, payable by four equal annual instalments, the first instalment to be paid to the Commissioner, at his office, within three calendar months from the date of the service on the said pre-emptor of a notice from the Chief Commissioner of Lands and Works and Surveyor General requiring payment for the said land, or within six calendar months after the insertion of a notice to such effect, to be published for and during such period in the Government Gazette, or in such other newspaper, published in the Colony, as the Commissioner may direct. Purchase of claim when surveyed.

If the purchase money for such land be not paid, according to the terms of such notice, the pre-emption claim over such land may, at the discretion of the Commissioner, be cancelled, and all such land, and the improvements thereon, and any instalments of the purchase money paid thereon, may be forfeited absolutely to the Crown.

Notice of  
intention to  
apply for  
Crown Grant.

22. The Crown Grant to a pre-emption claim will not be issued unless it shall have been proved to the Commissioner that written or printed notices of the intended application for such grant have been posted for a period of sixty days prior to such application, upon some conspicuous part of the said pre-emption claim, and upon the adjacent claims (if any), and upon the Court House of the district wherein the land lies.

Certificate of  
payment.

From G.

Crown Grant  
may issue.

Form H.

23. Upon payment of the whole of the purchase money for such land, and upon production to the Chief Commissioner of Lands and Works and Surveyor General of a certificate in Form G. in the Schedule hereto, from the Commissioner of the district in which such land is situated, that the notices of intended application for a Crown Grant of such land have been duly posted as required in the previous section, without any objection to the issue of such grant having been substantiated, a Crown Grant or Conveyance, in the Form H. of the Schedule hereto, of the fee simple of the said land shall be executed in favor of the purchaser.

Reservation  
to the Crown.

Provided, that every such Crown Grant shall be deemed to include, among the reservations therein contained, a reserve in favor of the Crown, its assignees, and licensees, of the right to take from any such land, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

Heirs of pre-  
emptor en-  
titled to  
Crown Grant.

24. In the event of the death of any pre-emptor under this Ordinance, his heirs or devisees (as the case may be) if resident in the Colony, shall be entitled to a Crown Grant of the land included in such pre-emption claim, if lawfully held and occupied by such pre-emptor at the time of his decease, but subject to payment of the full amount of purchase money for such land then due or to become due; but if such heirs or devisees be absent from the Colony at the time of such decease, the Chief Commissioner of Lands and Works and Surveyor General is hereby authorized and empowered to make such disposition of the pre-emption claim, and such provision for the person (if any) entitled thereto, or interested therein, as he may deem just and proper.

Extent of  
claim N. and  
E. of Cascade  
range.

25. Every person lawfully occupying a pre-emption claim situated to the northward and eastward of the Cascade or Coast range of mountains, at the date of the passing of this Ordinance, if less than 320 acres, may, with the permission of the Commissioner, pre-empt land liable to pre-emption, and immediately contiguous to or abutting on his said existing claim, so as to make up the total amount of his claim to 320 acres, and thereupon such total claim shall be deemed to have been and to be taken up and held under the provisions of this Ordinance.

### Leases.

Leases for  
pastoral pur-  
poses.

26. Leases of any extent of unpre-empted and unsurveyed land may be granted for pastoral purposes by the Governor in Council, to any person or persons whomsoever, being *bona fide* pre-emptors or purchasers of land in the vicinity of the land sought to be leased, at such rent as such Governor in Council shall deem expedient; but every such lease of pastoral land shall, among other things, contain a condition making such land liable to pre-emption, reserve for public purposes, and purchase by any persons whomsoever, at any time during the term thereof, without compensation, save by a proportionate deduction of rent; and to a further condition that the lessee shall, within six months from the date of such lease, stock the property demised in such proportion of animals to the 100 acres, as shall be specified by the Commissioner.

Hay leases.

27. Leases of unoccupied and unsurveyed land, not exceeding 500 acres in extent, may be granted by the Governor in Council, for the purpose of cutting hay thereon, to any person or persons whomsoever, being *bona fide*

pre-emptors or purchasers of land, at such rent as such Governor in Council shall deem expedient. The term of such lease shall not exceed five years ; but every such lease shall, among other things, contain a condition, making such land liable to pre-emption, reserve for public purposes, and purchase by any persons whomsoever, at any time during the term thereof, with such compensation for improvements made thereon, to be paid to the lease-holders, as shall be fixed by the Commissioner of the District.

28. Leases of any extent of unpre-empted Crown Lands may be granted Timber leases. by the Governor in Council, to any person, persons, or corporation duly authorized in that behalf, for the purpose of cutting spars, timber or lumber, and actually engaged in those pursuits, subject to such rent, terms, and provisions as shall seem expedient to the Governor in Council : Provided, however, that any person may hereafter acquire a pre-emption claim to or upon any part of such leased land by complying with the requirements of this Ordinance. Such pre-emptor shall, however, only be entitled to cut such timber as he may require for use upon his claim ; and if he cut timber on the said land for sale, or for any purpose other than for such use as aforesaid, or for the purpose of clearing the said land, he shall absolutely forfeit all interest in the land acquired by him, and the Commissioner shall cancel his claim thereto.

29. The application for any such lease must be in writing, in duplicate, Applications for leases. addressed to the Commissioner, who shall retain the original in his office, and transmit the duplicate, through the head office of the Lands and Works, to the Governor in Council, who shall alone decide on any such lease.

#### Water.

30. Every person lawfully entitled to hold a pre-emption under this Ordinance, and lawfully occupying and *bona fide* cultivating lands, may divert any unrecorded and unappropriated water from the natural channel of any stream, lake, or river, adjacent to or passing through such land, for agricultural and other purposes, upon obtaining the written authority of the Commissioner of the District to that effect, and a record of the same shall be made with him, after due notice as hereinafter mentioned, specifying the name of the applicant, the quantity sought to be diverted, the place of diversion, the object thereof, and all such other particulars as such Commissioner may require ; for every such record, the Commissioner shall charge a fee of two dollars ; and no person shall have any exclusive right to the use of such water, whether the same flow naturally through or over his land, except such record shall have been made. Pre-emptors may utilize water.

31. Previous to such authority being given, the applicant shall, if the parties affected thereby refuse to consent thereto, post up in a conspicuous place on each person's land through which it is proposed that the water should pass, and on the District Court House, notices in writing, stating his intentions to enter such land, and through and over the same take and carry such water, specifying all particulars relating thereto, including direction, quantity, purpose, and term. Notice to be given.

32. Priority of right to any such water privilege, in case of dispute, shall depend on priority of record. Priority of right.

33. The right of entry on and through the lands of others, for carrying water for any lawful purpose upon, over, or under the said land, may be claimed and taken by any person lawfully occupying and *bona fide* cultivating as aforesaid, and (previous to entry) upon paying or securing payment of compensation, as aforesaid, for the waste or damage so occasioned, to the person whose land may be wasted or damaged by such entry or carrying of water. Compensation for damage.

34. In case of dispute, such compensation or any other question connected with such water privilege, entry, or carrying, may be ascertained by May be assessed by jury.

the Commissioner of the District in a summary manner, without a jury, or if desired by either party, with a jury of five men.

Water for  
mining or  
other purposes

35. Water privilege for mining or other purposes, not otherwise lawfully appropriated, may be claimed, and the said water may be taken upon, under, or over any land so pre-empted or purchased as aforesaid, by obtaining a grant or license from the Commissioner of the District; and, previous to taking the same, paying reasonable compensation for waste or damage to the person whose land may be wasted or damaged by such water privilege, or carriage of water.

Transfer of  
pre-emption  
right transfers  
water.

36. All assignments, transfers, or conveyances of any pre-emption right, heretofore or hereafter acquired, shall be construed to have conveyed and transferred, any and all recorded water privileges in any manner attached to or used in the working of the land pre-empted.

Not to waste  
water.

37. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water taken by him; and if he shall wilfully take and waste any unreasonable quantity of water, it shall be lawful for the Commissioner to declare all rights to the water forfeited.

#### *Ejectment.*

Ejectment by  
summary  
process.

38. Any person lawfully occupying a pre-emption claim, or holding a lease under this Ordinance may, in respect thereof, institute and obtain redress in an action of ejectment or of trespass in the same manner and to the same extent as if he were seized of the legal estate in the land covered by such claims; but either party thereto may refer the cause of action to the Stipendiary Magistrate of the District wherein the land lies, who is hereby authorized to proceed summarily, and make such order as he shall deem just. Provided, however, that if requested by either party, he shall first summon a jury of five persons to hear the cause, and their verdict or award on all matters of fact shall be final.

Jury.

#### *Jury.*

Jury how  
summoned.

39. It shall be lawful for any Magistrate, by an order under his hand, to summon a jury of five persons for any purpose under this Ordinance, and in the event of non-attendance of any persons so summoned, he shall have the power to impose a fine not exceeding twenty-five dollars.

#### *Appeal.*

Appeal to  
Supreme  
Court.

40. Any person affected by any decision of a Magistrate or Commissioner under this Ordinance, may, within one calendar month after such decision, but not afterwards, appeal to the Supreme Court in a summary manner, and such appeal shall be in the form of a petition, verified by affidavit, to any Judge of such court, setting out the points relied upon; and a copy of such petition shall be served upon the Commissioner whose decision is appealed from, and such time shall be allowed for his answer to the said petition, as to the Judge of the Supreme Court may seem advisable; but no such appeal shall be allowed, except from decisions on points of law.

Security to be  
given.

41. Any person desirous of appealing in manner aforesaid, may be required, before such appeal be heard, to find such security as may be determined by the Commissioner whose decision is appealed from, and such appeal shall not be heard until after security to the satisfaction of the Commissioner shall have been given for the due prosecution of such appeal and submission thereto.

#### *Surveyed Lands.*

Reserves.

42. The Governor shall at any time, and for such purposes as he may deem advisable, reserve, by notice published in the Government Gazette, or

in any newspaper of the Colony, any lands that may not have been either sold or legally pre-empted.

43. The upset price of surveyed lands, not being reserved for the sites of towns, or the suburbs thereof, and not being reputed to be mineral lands, shall be one dollar per acre; and the upset price of town and suburban lots shall be such as the Governor may in each case specially determine. Price of land.

44. Except as aforesaid, all the land in British Columbia will be exposed in lots for sale by public competition, at the upset price above mentioned, after the same shall have been surveyed, and made ready for sale. Due notice shall be given of all such sales; notice at the same time shall be given of the upset price, and terms of payment, when they vary from those above stated, and also of the rights specially reserved (if any) for public convenience. Land offered for sale by public competition.

45. All lands which shall remain unsold at any such auction, may be sold by private contract at the upset price, and on the terms and conditions herein mentioned, on application to the Chief Commissioner of Lands and Works and Surveyor General, or other person for the time being, duly authorized by the Governor in that behalf. Unsold lands by private contract.

46. Unless otherwise specially notified at the time of sale, all Crown Lands sold shall be subject to such public rights of way as may at any time after such sale be specified by the Chief Commissioner of Lands and Works and Surveyor General, and to the right of the Crown to take therefrom, without compensation, any stone, gravel, or other material to be used in repairing the public roads, and to such private rights of way, and of leading or using water for animals, and for mining and engineering purposes, as may at the time of such sale be existing. Land sold, subject to roads, &c.

47. Unless otherwise specially announced at the time of sale, the conveyance of the land shall include, except as provided in section 23, all trees, and all mines, and minerals within and under the same (except mines of gold and silver). Conveyance includes trees, mines, &c.

#### *Free Miners' Rights.*

48. Nothing herein contained shall exclude Free Miners from entering upon any land in this Colony, and searching for and working minerals; Provided, that such Free Miner prior to so doing shall give full satisfaction or adequate security to the satisfaction of the Commissioner, to the pre-emptor or tenant in fee simple, for any loss or damage he may sustain by reason thereof. If the amount of compensation (if any) cannot be agreed upon, the Stipendiary Magistrate or Gold Commissioner of the district wherein the land lies, with the assistance, if desired by either party, of a jury of five persons to be summoned by him, shall decide the amount thereof, and such decision and award shall be final. If there be no such Stipendiary Magistrate or Gold Commissioner in the said District, the Supreme Court shall have jurisdiction in the matter. Free Miners may search for minerals.

#### *Free Grants.*

49. It shall be lawful for the Governor in Council to make such special free or partially free grants of the unoccupied and unappropriated Crown Lands of the Colony, for the encouragement of immigration or other purposes of public advantage, with and under such provisions, restrictions, and privileges, as to the Governor in Council may seem most advisable for the encouragement and permanent settlement of immigrants, or for such other public purposes as aforesaid. Free grants for immigrant &c.

50. Nothing in this Ordinance contained, shall be construed so as to interfere prejudicially with the rights granted to Free Miners under the "Gold Mining Ordinance, 1867." Saves Miners' rights.



Schedule.

51. The Schedule hereto shall form part of this Ordinance.

Books to be kept.

52. Each Commissioner appointed under this Ordinance, shall keep a book or books in which he shall enter the date and particulars of every pre-emption record, certificate of improvement, license to substitute, transfer, or other document relating to or in any manner affecting any pre-emption claim within his district.

Application of fines and fees.

53. All fines and fees payable under this Ordinance shall be deemed to be made payable to the use of the Crown.

Sustaining clause.

54. This Ordinance shall not take effect until Her Majesty's assent thereto shall have been proclaimed in the Colony.

Short title.

55. This Ordinance may be cited for all purposes, as the "Land Ordinance, 1870."

## SCHEDULE.

[FORM A.]

*Certificate of Pre-emption Record.*

Original [to be retained by the Pre-emptor] No. in District Register.

COUNTRY LAND.

BRITISH COLUMBIA.

*Pre-emption Claim.*

District of

Name of Pre-emptor (in full).

Date of Pre-emption Record.

Number of acres (in words).

Where situated.

Description of Boundaries of Claim.

Signature of Commissioner.

N.B.—Plan of the Claim to be drawn on the back of this sheet.

[FORM B.]

Land Ordinance, 1870.

District of

*Certificate of Improvement.*

I hereby certify that \_\_\_\_\_ has satisfied me by evidence (naming the witnesses, and detailing their, and any other evidence upon which the Commissioner has come to his judgment) that \_\_\_\_\_, of \_\_\_\_\_, has been in occupation, as required by the said Ordinance, of his pre-emption claim, recorded as No. \_\_\_\_\_, in this District, from the date of such Record to the present time, and that he has made improvements to the extent of two dollars and fifty cents an acre on \_\_\_\_\_ acres of Crown Land, situate at \_\_\_\_\_

Signed this \_\_\_\_\_

day of \_\_\_\_\_

18 \_\_\_\_\_

[FORM C.]

*Declaration.*

Land Ordinance, 1870.

District of

I, A. B., of \_\_\_\_\_, do solemnly and sincerely declare that: (here detail specifically the improvements and facts declared to as having been

*made by the pre-emptor on his claim, which define), and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."*

Declared and signed by the within-named \_\_\_\_\_, on the \_\_\_\_\_ day  
of \_\_\_\_\_, A.D. 18\_\_\_\_, before me \_\_\_\_\_, Commissioner.  
(Place for signature of Declarant.)

## [FORM D.]

*Transfer of Interest.*

I, A. B., of \_\_\_\_\_, being the registered holder of pre-emption  
claim No. \_\_\_\_\_, on the pre-emption Register of the Land Office, hereby  
transfer to C. D., all my right, title, and interest therein absolutely, but  
subject to the same conditions under which I hold the same; dated this  
\_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

Witness, A. B.

## [FORM E.]

*Leave of Absence.*

I hereby grant A. B., of \_\_\_\_\_, leave of absence from his pre-  
emption claim, registered as No. \_\_\_\_\_, in the Pre-emption Register, for the  
space of \_\_\_\_\_ from the date hereof.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

E. F.,  
Commissioner.

## [FORM F.]

*License to Substitute.*

I hereby license A. B., of \_\_\_\_\_, to occupy, for the space of \_\_\_\_\_  
months, the pre-emption claim registered as No. \_\_\_\_\_ in the Pre-emption  
Register, in the stead of C. D., the present holder thereof.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

E. F.  
Commissioner.

## [FORM G.]

*Certificate of Notice.*

I hereby certify that A. B. has posted, for a period of sixty (60) days,  
on a conspicuous part of the pre-empted claim No. \_\_\_\_\_, and also upon the  
adjacent land, and upon the Court House of the District, a notice for the  
period of sixty days, that he intends to apply for a Crown Grant of the land  
comprised in such claim, and that no objection to the issue of such Crown  
Grant has been substantiated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

C. D.  
Commissioner.

To

The Chief Commissioner }  
of Lands and Works. }

{LS}

Colony of  
British Columbia,  
No. }

[FORM H.]

(Royal Arms.)

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof, in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith, and so forth.

To all to whom these presents shall come, greeting. Know ye that We do by these presents, for Us, our Heirs and Successors, in consideration of the sum of , to us paid, give and grant unto ,

h heirs and assigns, all that parcel or lot of land situate , and numbered on the official plan or survey of the said , in the Colony of British Columbia, To have and to hold the said parcel or lot of land, and all and singular the premises hereby granted, with their appurtenances, unto the said , h heirs and assigns for ever.

Provided, nevertheless, that it shall at all times be lawful for Us, our Heirs and Successors, or for any person or persons acting in that behalf by Our or Their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing paths, or other works of public utility or convenience, so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise, for the more convenient occupation of any such buildings.

Provided also that it shall at all times be lawful for Us, our Heirs and Successors, or for any person or persons acting under Our or Their authority, to enter into and upon any part of the said lands, and to raise and get thereout any gold or silver ore which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting and use, reasonable compensation.

Provided, also, that it shall be lawful for any person duly authorized in that behalf by Us, our Heirs and Successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid , h heirs or assigns.

Provided also, that it shall be at all times lawful for any person duly authorized in that behalf by Us, our Heirs and Successors, to take from or upon any parts of the hereditaments hereby granted, the right to take from any such land, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

In testimony whereof We have caused these our letters to be made patent, and the great seal of our Colony of British Columbia to be hereunto affixed.

Witness our right trusty and well beloved , Governor and Commander-in-Chief of our Colony of British Columbia and its Dependencies, at our Government House, in our City of Victoria, this day of , in the year of our Lord one thousand eight hundred and , and in the year of our reign.

By command.