

ACCOUNTS AND PAPERS:

THIRTY VOLUMES.

—(6.)—

COLONIES:

AUSTRALIAN COLONIES;
NEW SOUTH WALES; VAN DIEMEN'S LAND;
NEW ZEALAND; BRITISH NORTH AMERICA; CANADA;
REBELLION LOSSES (CANADA);
NEWFOUNDLAND AND LABRADOR; RED RIVER SETTLEMENT;
VANCOUVER'S ISLAND.

Session

1 February — 1 August 1849.

VOL. XXXV.

1849.

VANCOUVER'S ISLAND to the HUDSON'S BAY COMPANY. 19

— No. 6. —

COPY of a LETTER from *B. Hawes, Esq., M. P.*, to Sir *John Pelly, Bart.*

Sir,

Downing-street, 25 October 1848.

I HAVE received Earl Grey's directions to inform you that the Lords Commissioners of the Admiralty intend to send a steam-vessel and a sloop of war under an officer of scientific acquirements (to be placed under the command of Rear-Admiral Hornby, in the Pacific) to Vancouver's Island, for the purpose of general survey and examination.

Sir J. Pelly, Bart.
&c. &c. &c.

I have, &c.
(signed) *B. Hawes.*

— No: 7. —

COPY of a LETTER from *A. Barclay, Esq.*, to *B. Hawes, Esq., M. P.*

Sir,

Hudson's Bay House, 3 November 1848.

I AM directed to acknowledge the receipt of your letter of the 25th ultimo stating that the Lords Commissioners of the Admiralty intend to send a steam-vessel and a sloop of war to Vancouver's Island for the purpose of general survey and careful examination.

Benjamin Hawes, Esq., &c. &c. &c.
Colonial Office.

I have, &c.
(signed) *A. Barclay.*

(B.)

REPORT from the COMMITTEE of HER MAJESTY'S PRIVY COUNCIL for TRADE and PLANTATIONS on the Grant of *Vancouver's Island* to the HUDSON'S BAY COMPANY, dated 31st October 1848.

At the Court at Windsor, the 31st day of October 1848.

Present:—THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness Prince Albert.
Lord Chancellor.
Lord President.
Duke of Norfolk.
Earl of Auckland.

Lord John Russell.
Viscount Palmerston.
Lord Campbell.
Sir George Grey, Bart.

WHEREAS there was this day read at the Board a Report of the Right honourable the Lords of the Committee of Council appointed for the consideration of all matters relating to trade and foreign plantations, dated the 30th of this instant October, in the words following; viz.—

Your Majesty having been pleased, by Your Order of Reference of the 4th September 1848, to refer unto this Committee a draft of a grant of the island called Vancouver's Island, in North America, to the Hudson's Bay Company, and copies of a correspondence relating thereto, to consider the same, and to report to Your Majesty whether, in their opinion, any amendments should take place in the conditions contained in the said grant, or whether any further conditions should be inserted therein, for the purpose of binding the Hudson's Bay Company to use their best to effect the colonization of the said island: We, the Lords of this Committee, have taken the same into consideration, and having fully inquired into the whole matter, do this day agree humbly to report to Your Majesty that, in our opinion, it is essential, in order to ensure the more effectual colonization of Vancouver's

PAPERS RELATIVE TO VANCOUVER'S ISLAND.

Island, that certain amendments should be made to some of the conditions inserted in the said draft grant, and that certain further conditions should be inserted therein; and we, therefore, humbly recommend that Your Majesty should cause amendments and further conditions to be inserted in the said grant, to the following effect; viz.—That the grant of the fishing of all sorts of fish in the seas, bays, inlets and rivers within or surrounding the said island be omitted from the said draft grant. That in that part of the said draft which sets forth the intent of the Crown that the Company shall establish settlements of emigrants from the United Kingdom, further conditions should be inserted, binding the said Company to dispose of all lands thereby granted to them at a reasonable price, except so much as may be required for public purposes; and that all monies which shall be received by the said Company for the purchase of such land, and also from all payments which may be made to them for or in respect of the coal or other minerals to be obtained in the said island, or the right of searching for and getting the same, shall (after deduction of such sums by way of profit as shall not exceed a deduction of 10 per cent. from the gross amount received by the said Company from the sale of such land, and in respect of such coal or other minerals as aforesaid) be applied towards the colonization and improvement of the said island; and that the Company shall reserve for the use of Her Majesty, Her heirs and successors, all such land as may be required for the formation of naval establishments, Her Majesty, Her heirs and successors, paying a reasonable price for the same. That the neglect on the part of the Hudson's Bay Company to observe the hereinbefore-mentioned conditions respecting the sale of land and coal shall be included among the conditions upon which it shall be lawful for Her Majesty, Her heirs and successors, to revoke the said grant after the expiration of five years from the date thereof. And we accordingly submit an amended draft of a grant embodying the foregoing stipulations. The Lords of this Committee further humbly report to Your Majesty that, in their opinion, the existing provisions for the trial of criminal offences, and also of civil causes in Vancouver's Island, under 1 & 2 Geo. 4, c. 66, are inadequate for the due administration of justice, inasmuch as that, under the 12th section of that Act, it is provided that the courts shall not try any offender for any felony made the subject of capital punishment or transportation, or any civil action or suit in which the cause of such action or suit shall exceed in value 200 l.; and that in every case of any offence subjecting the person committing the same to capital punishment or transportation, the offender must be sent for trial to the court of the province of Upper Canada. The Lords of this Committee, therefore, humbly submit to Your Majesty the expediency of making further and more satisfactory provision for the trial of offences and civil causes in Vancouver's Island, which, in their opinion, can only be effected by an amendment by the Legislature of the provisions contained in the 1st & 2d Geo. 4, c. 66.

Her Majesty, having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof.

(signed) *W. L. Bathurst.*