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PROVINCE of BRITISH COLUMBIA  
BUREAU OF PROVINCIAL INFORMATION  
VICTORIA, B.C.

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# How to Pre-empt Land

These Instructions are prepared for the information of the intending Pre-emptor. For further information inquirers are referred to the "Land Act."

## BULLETIN No. 1 (LAND SERIES)

No fees are charged in respect of a pre-emption record issued under the "Land Act" to a returned British Columbia soldier.



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## HOW TO PRE-EMPT LAND IN BRITISH COLUMBIA.

Pre-emptions are free. Any of the vacant un-reserved surveyed lands of the Crown, not being part of an Indian settlement may be pre-empted.

### WHO MAY PRE-EMPT.

Any British subject—being: (a) The head of a family; (b) a widow; (c) a single woman who is over 18 years of age and self-supporting; (d) a woman deserted by her husband; (e) a bachelor over the age of 18 years—may, for agricultural purposes only, pre-empt land to the extent of 160 acres. Such right shall not extend to foreshore or tidal lands, or to the bed of the sea, or lands covered by navigable waters.

An alien, upon making a declaration of his intention to become a British subject, may also acquire the right to pre-empt. (See regulations under "Crown Grant.") Any chartered or incorporated company may, by a special order of the Lieutenant-Governor in Council, pre-empt land. Any number of persons, not exceeding four, who have pre-empted lands adjacent to each other may file with the Minister a declaration of their intention to reside on one homestead. (See regulations under "Residence and Occupation.")

### HOW TO APPLY.

Only land that has been surveyed may be applied for. Application must be made to the Commissioner for the district in which the land applied for is situate, on a printed form, No. 2 in the Schedule of the "Land Act," and in duplicate, accompanied by a recording fee of \$2. The application may be presented in person or forwarded by mail to the proper Commissioner. The application, which is in the form of a statutory declaration, *cannot* be signed by an agent, and *must* be signed by the pre-emptor in person before a Notary, Justice of the Peace, or Commissioner.

A supply of forms can be obtained from any Commissioner of Lands or Government Agent (see list) or from the Deputy Minister of Lands at Victoria, B.C.

It is not necessary to stake the land when applying for a pre-emption record, but applications for quarter-sections of subdivided surveyed townships or portions of surveyed sections or lots must be

confined to one particular quarter-section or lot, or legal subdivision thereof.

### RESIDENCE AND OCCUPATION.

The pre-emptor, having secured a record, shall enter into occupation of the land within sixty days of the date of the certificate of record. If he shall have made any statement in his declaration knowing it to be false, or not entered into occupation within sixty days, or at any time ceases to occupy the land save as provided by the Act, the Commissioner may, after giving at least thirty days' notice, cancel the record, and in this event the improvements and buildings will be forfeited. The cancelled pre-emption will then be open for entry at noon of the day following that upon which it is cancelled, or at such other time as the Commissioner may order. If cancellation is made upon application of any person who has furnished the Commissioner with satisfactory evidence that the pre-emptor has failed to comply with the Act, the pre-emption cancelled will not be open, except to the person applying for cancellation, until fifteen days from the date of cancellation. No abandonment will be recorded between commencement and determination of cancellation proceedings.

Occupation means continuous *bona-fide* residence of the pre-emptor or of his family on the land recorded by him. Every pre-emptor, as well as his family, if any, is entitled to be absent for any period not exceeding two months in any one year. Any pre-emptor, on showing good cause to the Commissioner, may secure from him a certificate of leave of absence for any period not exceeding six months in any one year, inclusive of the two months' absence provided for by the Act. A fee of \$2 is charged for a certificate of leave of absence. In cases of illness vouched for by sufficient evidence, or in cases of immigrant settlers returning to their former homes to bring their families to this Province, or in other special cases, the Minister may grant an extension of time during which the pre-emptor may be absent without prejudice to his rights.

If any pre-emptor deserts his family, and the family continues to occupy the pre-emption, the record may be cancelled to permit such family, or any member of it on behalf of the others, to complete the pre-emption by obtaining a certificate of improvement, if not already obtained, and Crown grant, and otherwise complying with the provisions of the Act, or as nearly thereto as the circumstances of the case will permit.

In the case of persons, not exceeding four in number, signifying their intention to reside on one

homestead, the Minister may grant such permission, and such residence shall be considered as residence within the meaning of the "Land Act." Such pre-emptors shall perform on each pre-emption such statutory improvements as are required by the provisions of the "Land Act," and shall obtain a certificate of improvement in each case. Any interest that such pre-emptors may have in the residence mentioned above shall not be taken as improvements on their respective pre-emptions.

#### NON-RESIDENCE.

Any person entitled to pre-empt land under this Act, who desires to obtain a pre-emption without being required to enter into occupation of the land for the full period otherwise prescribed by the "Land Act," may, upon making application in writing to the Commissioner of the district in which the land is situate, in the Form No. 3 in the Schedule of the "Land Act," but otherwise in accordance with the provisions, obtain a pre-emption record.

Every pre-emptor under this provision shall during each and every year after the date of the record make permanent improvements upon the land recorded to the value of \$300, exclusive of buildings; and shall before the expiration of each such year, or within thirty days thereafter, file with the Commissioner a statutory declaration, in the Form No. 8 in the Schedule of the Act, setting out in detail the nature and extent of the improvements made during the year. If the Commissioner is satisfied from the declaration filed that the required improvements have been made, he shall record the same in his office.

If the pre-emptor fails to make any of the improvements, or to file any declaration, as required above and to the satisfaction of the Commissioner, the land so recorded, with all improvements, shall be forfeited to the Crown, and the pre-emption record shall be cancelled. Where the pre-emptor has made the full amount of permanent improvements required during any year, but, through sickness, misfortune, accident, or other unforeseen circumstances, has failed to file the statutory declaration in respect thereof within the time limited for the same, the Minister, upon proof of the facts, may, if he thinks fit, extend the time for the filing of the statutory declaration.

Where the pre-emptor under this provision has at any time since the date of his record, been in occupation of his pre-emption claim for a period of not less than two years, and has made permanent improvements upon the land to the value of \$10 per acre, including the clearing and bringing under

cultivation of at least five acres, and has otherwise fulfilled the requirements of the Act, except as to occupation, he shall, at any time after the expiration of five years from the date of his record, be entitled to receive a certificate of improvements and obtain a Crown grant of the land recorded.

Any person who as a pre-emptor has obtained a Crown grant of the land recorded under his pre-emption claim, and who proves to the satisfaction of the Minister that he requires the additional land for agricultural purposes in connection with his farm, may obtain another pre-emption record. Upon his completing permanent improvements upon the land, exclusive of buildings, to the value of \$10 per acre, including the clearing and bringing under cultivation of at least five acres, and completing each year not less than one-tenth of the value of the whole amount of permanent improvements so required, such person, if he continues to occupy and make his permanent home on the land of which he has obtained a Crown grant, shall be entitled, notwithstanding the provisions of the Act, to receive a certificate of improvements and Crown grant of the additional land so recorded without actually residing upon that land.

#### IMPROVEMENTS.

A pre-emptor who has been in occupation of his pre-emption claim for not less than five years from the date of its record shall be entitled to receive from the Commissioner a certificate of improvement, in the Form No. 5 in the Schedule of the "Land Act," upon his proving to the Commissioner, by the declaration in writing of himself and two other persons, or in such other manner as the Commissioner may require, that he has been in occupation of his pre-emption claim from the date of the record, and has made permanent improvements to the value of \$10 per acre, including the clearing and bringing under cultivation of at least five acres. Such declaration shall be in the Form No. 7 in the Schedule of the "Land Act," and must be supported by a certificate of a Government Inspector.

#### INTERMEDIATE CERTIFICATE OF IMPROVEMENTS.

Where a pre-emptor has been in occupation of his pre-emption claim for not less than three years from the date of its record, and has made permanent improvements thereon to the value of \$6 per acre, including the clearing and bringing under cultivation of at least three acres, and where on account of accident, disability, ill-health, or other cause which the Commissioner may deem sufficient

the pre-emptor is unable to continue in occupation of his pre-emption for the full period of five years required, the Commissioner may, upon like proof as provided above, issue to the pre-emptor a certificate, in the Form No. 6 in the Schedule of the "Land Act," to be called an "intermediate certificate of improvement." Any person, who is otherwise a person entitled to pre-empt land under the Act, and to whom the pre-emptor after obtaining the intermediate certificate of improvement has transferred the land so pre-empted and improved, shall, on completing the pre-emption requirements as to occupation and improvements, be entitled to obtain a certificate of improvement and Crown grant on the terms and in the manner provided in the Act in respect of the original pre-emptor by whom such land is transferred. The provisions set out above regarding intermediate certificates of improvement shall not apply to pre-emption claims recorded under the partial or non-residence privileges.

### CROWN GRANT.

After the certificate of improvement is obtained the pre-emptor may, upon payment of a fee of \$10, obtain a Crown grant. No such grant will, however, be issued to any pre-emptor who, being an alien at the time of obtaining his pre-emption record, declared his intention of becoming a British subject, until such time as he shall have become, according to law, a British subject.

### GENERAL.

#### HEIRS MAY COMPLETE TITLE.

In the event of the death of a pre-emptor, his heirs or devisees, as the case may be, are entitled to a Crown grant, subject to compliance with the regulations as above. If no person make application in such case for a period of one year from the death of the pre-emptor, the record may be cancelled and all improvements forfeited.

In the event of a pre-emptor becoming insane before completing title, his committee may complete title by compliance with the provisions of the Act, except as to residence and occupation. The Attorney-General, if he be the Committee of such person, may, instead of completing title, sell the interest of such person in the land comprised in such record, together with the improvements thereon, and the purchaser may, upon payment of the purchase price, obtain a Crown grant.

### TIMBER LANDS NOT OPEN TO PRE-EMPTION.

Timber lands—that is, lands which contain milling timber to an average extent of 8,000 feet per acre west of the Cascades (Coast Range), and 5,000 feet per acre east of the Cascades, to each 160 acres—are not open to pre-emption. The Minister may refuse to grant records on any areas not exceeding 640 acres bounded on two or more sides by timber lands.

### PRE-EMPTION FOR AGRICULTURAL PURPOSES ONLY.

The Minister of Lands has power to refuse any application the granting of which he does not consider in the public interest. No pre-emption record shall be granted except for agricultural purposes. Any record obtained for other than agricultural purposes may be cancelled.

### ABANDONMENT.

A pre-emption record may be abandoned by recording the abandonment in the office of the Commissioner of the district, the original record being returned, or a declaration to that effect in event of it being lost, together with a certificate from the Provincial Assessor that all taxes due upon the pre-emption have been paid. A fee of \$2 is charged for a certificate of abandonment. Where the abandonment of a pre-emption is caused through sickness, misfortune, accident, or other unforeseen circumstances, and the pre-emptor had made permanent improvements prior to its abandonment, then, upon evidence of the facts being furnished to the satisfaction of the Minister, all moneys paid for such improvements by any subsequent pre-emptor or purchaser may be paid out of the Consolidated Revenue Fund to the pre-emptor by whom the improvements were made.

### INSPECTOR'S RIGHT OF ENTRY.

Pre-emption Inspectors have right of entry upon any land held by pre-emption, and may examine into and report upon the character and value of improvements made, and any other matter concerning which information shall be required for the proper administration of the Act.

No person is entitled to hold two pre-emptions at the same time. Any person pre-empting more than one claim forfeits all rights in the prior claim recorded by him, and forfeits all improvements thereon.

### TRANSFER.

Land recorded or pre-empted cannot be transferred or conveyed until after a Crown grant has

been issued, except as provided on page 5 of this circular under "intermediate certificate of improvements."

#### RESERVATIONS.

Minerals, coal and petroleum, and natural gas which may be found under pre-emptions do not pass under grants of lands.

#### LEASES FOR HOME-SITES.

Provision has been made in the "Land Act" for the acquiring by lease of an area of land, not exceeding twenty acres, for the purpose of personal occupation and cultivation by the lessee.

Upon the applicant fulfilling the requirements as to staking, if the land be unsurveyed, and filing of the application with the local Commissioner, the Minister may grant a lease on such terms as he may deem advisable. It will be required that the lessee erect a dwelling during the first year, and that he occupy and cultivate the land within the meaning of the "Land Act."

At the expiration of the term of the lease, if the terms, including a survey, have been properly carried out, the lessee will be entitled to a Crown grant of the land, provided that, if the lessee applied as an alien declaring his intention to become a British subject, he produces his certificate of naturalization.

#### LIST OF LAND COMMISSIONERS' OFFICES.

Alberni, Atlin, Cranbrook, Fernie, Fort Fraser, Prince George, Golden, Kamloops, Kaslo, Clinton, Nanaimo, Nelson, New Westminster, Vernon, Pouce Coupe, Prince Rupert, Quesnel, Revelstoke, Penticton, Smithers, Telegraph Creek, Vancouver, and Victoria.

Correspondence should be addressed to the Government Agent at the respective post-offices shown above, except in the case of Victoria, where it is to be addressed to the Department of Lands.

NOTE.—A map of the Province showing the various Land Recording Districts will be supplied on request addressed to the Bureau of Provincial Information. Pre-emptors' maps showing vacant land in the various districts can also be furnished.