

BRITISH COLUMBIA ARCHIVES RESEARCH GUIDE

PRE-EMPTION AND HOMESTEAD CLAIMS

Pre-emption was a method of acquiring provincial Crown land by claiming it for settlement and agricultural purposes. Although it was possible to pre-empt land and not live on it, all pre-emptions were intended solely for cultivation. The pre-emption process existed from as early as 1859 until 1970 when the *Land Act* was amended to eliminate this method of acquiring Crown land. Individuals, as well as companies and partnerships, could apply to settle and work (“improve”) the land.

Details of the pre-emption process varied over the years and generally consisted of the following steps:

- A block of vacant, non-reserved, unsurveyed Crown land was selected by the pre-emptor.
- The land was staked and a written application submitted.
- A Certificate of Pre-emption was issued in triplicate (copies to the pre-emptor, the local office, and the department in Victoria).
- After improvements, residency qualification, and land surveying, a Certificate of Improvement was issued and the land purchased at a discount rate or at no further charge.
- A Crown grant was issued and ownership of the land passed into private hands (alienation). The Crown grant had to be registered at a Land Title office and a Certificate of Indefeasible Title (land title deed) issued for the process to be fully completed.
- Responsibility for keeping records of the land now passed to a Land Title office. If the new owner defaulted on taxes, the land reverted to the Crown.

The BC Archives holds originals or copies of all surviving pre-emption records. A list of all arranged and described pre-emption records is found in Inventory 15, Crown Lands, on top of the Textual Records (GR and MS) card catalogues. The BC Archives also holds self-serve microfilm copies of all provincial Crown grants issued between 1851 and 1930 (**GR-3096**, **GR-3097**, and **GR-3139**). Crown Land Registry hosts an online database (<http://a100.gov.bc.ca/pub/rd/>), which serves as an index to the Crown grants. **Note:** The database contains inaccurate information (transcription errors) and missing/incomplete data for many Crown grants. A partial pre-emptors’ card index to pre-emption records in **GR-0112** is available in the Reference Room.

Blocks of land in the province under Federal government administrative control were also available for settlement through a process called homesteading. Except for the lack of a Certificate of Improvement and different terminology, the homesteading process was nearly identical to the pre-emption process. The two blocks of land where homesteading occurred in BC between 1884 and 1930 are called the Railway Belt and the Dominion Peace River Block. The BC Archives also holds partial land settlement records for the Railway Belt and Dominion Peace River Block. For details on searching for a federal homestead record consult the online or hardcopy finding aids to **GR-0436**. The Archives does not hold any federal Letters Patent (Crown grants) for these federal homestead lands. The Library and Archives Canada hosts a database to the federal Letters Patent through the ArchiviaNet research tool (<http://www.collectionscanada.ca>; database name: Western Land Grants (1870-1930)). BC Railway Belt printed township (survey) plans are on microfiche (map accession M91-012, 1,512 microfiches).

Land settlement within the Esquimalt and Nanaimo Railway Belt was administered by the Canadian Pacific Railway Company beginning in 1887 following transfer of this land grant by the Federal government to the company. For information on E&N Railway Belt records, consult the Railway Belt category in Inventory 15, Crown Lands.

Although a legal description of a piece of land is not necessary to locate a pre-emption record, it is helpful in that it will pinpoint the geographic location. The Land Titles database is only available by subscription through BC Online (<http://www.bconline.gov.bc.ca>) or through any of the Land Title offices operated by the BC Land Title and Survey Authority (<http://www.ltsa.ca>).

Legal descriptions and geographic locations can also be located through historic maps and tax assessment rolls that the Archives preserves. For information about these and other kinds of land records that may contain legal descriptions of property, see the separate Quick Guide to Land Records. The instructions that follow on how to locate a pre-emption record assume you know the pre-emptor’s name.

How To Locate a Pre-emption Record

You can use the free Crown Grant Database (see over) to locate most Crown grants issued between 1860 and 1930 for any successful pre-emption. You cannot currently limit your search to Crown grants that were issued only to pre-emptors. The BC Archives self-serve microfilm number seen in the results list and individual database records refers to **GR-3097** and **GR-3139**. The self-service microfilm index to Crown grants issued between 1869 and 1930 is found in **GR-3096**. A partial pre-emptors' card index is available in the Reference Room. The entries correspond to pre-emption records in **GR-0112**. Ask staff for help.

1. If you know the geographic location and the pre-emptor's name ...

- The partial name index to **GR-0112** may allow you to locate a pre-emption record.
- You may need to consult a map to determine the appropriate pre-emption register or pre-emption record book. See step 2 below or the separate Quick Guide to Land Records for some useful maps.
- Check for a pre-emption register in volumes 213 to 245 of **GR-0112** (online or hardcopy finding aid).
- If you find a register for the geographic area (there may be more than one register for a geographic area), search the nominal (name) index under the letter of the alphabet that begins the surname you are looking for. Names are recorded in pre-emption record number order and the pre-emption record number order corresponds to the date of the pre-emption application, so the lower the number the earlier the pre-emption.
- If you find a name, keep searching until the end of that section of the index. Some individuals made multiple pre-emption applications, so the first instance you find in the nominal index may not be the only one in that land district.
- Look up the pre-emption number in the register. The following information is typically recorded:

Record No.	Date of Record	Name	Lot No.	Acres	C. of I. [Certificate of Improvement]	[Correspondence] File No.	Crown Grant No.	Remarks
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- If the pre-emption was recorded before 1927, there may be a pre-emption record book in **GR-0112** (volumes 1 to 212, and 246 to 248). Except for some Vancouver and Victoria district volumes, most of the pre-emption record books have an end date of December 1913.
- Note that where a correspondence file number exists for pre-emptions recorded between 1912 and 1917, the file number will have a suffix of "/12" that may not be recorded in the register. The main correspondence series between 1858-1872 are **GR-1372** and **GR-2900** and between 1873-1917 they are **GR-0868**, **GR-1088**, and **GR-1440**. Where a file number is found for pre-emptions recorded between 1918 and 1970, the file number always starts with "0" and correspondence is found only in **GR-1441**. Hardcopy and online finding aids exist for all these GRs. For further information on correspondence records, refer to the separate Quick Guide to Land Records.
- If you cannot find your pre-emption in GR-0112, see the Pre-emption category in Inventory 15, Crown Lands, for additional pre-emption records.

2. If you have a pre-emptor's name but no geographic location ...

- Your first step is to determine where the person pre-empted. Research tools for this kind of search, which is equivalent to family history (genealogical) research, are found in the Genealogy page on the Archives Web site or in the Genealogical Research Resources handout at the Information Desk.
- A selection of land district maps are found in the Land Registers category of Inventory 15, Crown Lands. The pre-emptor's series of lithographed maps are available on self-service microfiche; no personal names are on the maps, only locations open for pre-emption between 1911 and 1969.
- If you are able to determine a location, follow the directions in step 1 above.
- If you are unable to determine a location and know for certain that the person pre-empted and was granted title to the property, and have searched the free Crown Grant Database, contact any Land Title Office or a Government Agent's office for a search by the person's name in the user-pay Land Titles database accessible through BC Online (<http://www.bconline.gov.bc.ca>). Many Crown grants are also indexed in the user-pay Tantalus GATOR system (<http://ilmbwww.gov.bc.ca/irb/gator/>). Once you have a legal description of the property, follow the directions in step 1 above.