
REPORT OF SELECT COMMITTEE.

CLAIM OF SAMUEL GREER TO CERTAIN LANDS AT ENGLISH BAY.

Mr. Speaker:

Your Committee appointed to enquire into the claim of Samuel Greer to certain lands in the vicinity of English Bay beg respectfully to report as follows:—

We met on Saturday, the 14th April, 1888, at 10 o'clock, and inasmuch as it appeared to us that the C. P. R. Co. had adverse claim to said land, we directed written notice to be given by our Secretary to Messrs. Drake & Jackson, Solicitors for the C. P. R. Co., that the Committee would meet at 10 o'clock on Monday, the 16th April, 1888, and the notice was duly delivered to Mr. Jackson, as he himself admits.

Your Committee adjourned and resumed our sitting at 10 o'clock A.M. on Monday, when Mr. Hett appeared for S. Greer, but no person appeared for the C. P. R. Co. After taking Greer's evidence, we adjourned till 10 o'clock on Tuesday, 17th April, 1888, when Mr. Hett and Greer again appeared at 11:15. After the evidence was closed, and we were considering our report, Mr. Jackson came before us and asked us to hear Mr. Drake's evidence on behalf of the C. P. R. Co.

We pointed out to him that due notice had been given him of our sittings, which he admitted, but stated, as we wanted to hear both sides, we would meet again at 1:30 P.M. this day and take Mr. Drake's evidence at that hour.

On the reassembling of the Committee, Mr. Drake's evidence was duly taken, and certain documentary evidence on both sides was handed in, which is referred to in Schedule to this report.

After hearing all the evidence, and carefully considering the same, we are of opinion that Samuel Greer *bona fide* acquired Samuel Preston's pre-emption claim 1,003, New Westminster District, and that at the time Greer acquired said pre-emption claim it was in a position to be so acquired by him, and that he (Greer) has since *bona fide* occupied said land and made improvements thereon.

We think that Greer has been subjected to much persecution and expense in respect to same, in endeavouring to remove him therefrom.

We beg most respectfully to recommend to the Government to take into their earnest consideration the advisability of issuing a Crown Grant of the land comprised in pre-emption 1,003 to Mr. Greer, or take such other steps as may be proper to secure Mr. Greer's title to the land.

All of which is respectfully submitted.

EDWARD ALLEN, *Chairman*,
GEO. THOMSON,
WM. H. LADNER,
SIMEON DUCK,
W. NORMAN BOLE.

MONDAY, April 16th.

Minutes last meeting read and adopted.

Present—Messrs. Allen, Duck, Ladner, and Thomson.

Samuel Greer appeared before the Committee, and Mr. Hett on his behalf.

Samuel Greer, sworn, deposed as follows:—I gave Mr. Jackson, Solicitor, the notice as handed to me by Mr. Thomson, Secretary. He read it in my presence and said nothing. I am in possession of some land at English Bay, about 160 acres, more or less. I agreed with S. Preston, in the summer of 1884, to purchase the land. He had a certificate of record certified by the Government Agent, Henry V. Edmonds. I produce the same record, dated 14th April, 1873. There were improvements made when I agreed with Preston in 1884 to the value of about \$500. I took possession of the land in 1884, and have been in possession ever since. Preston did not obtain his certificate of improvements, on account of the Indians disputing the title of a portion of the land referred to. I produce the map showing the plan of the land. The Indians disputed that portion where the improvements were made. I have improved the land ever since I took possession, planted fruit trees, fencing, and building. I produce a copy of transfer from S. Preston to me of the claim. The original is deposited with Mr. Warwick, Government Agent. I produce the original declaration for certificate of improvements, dated 6th February, 1887. I applied for certificate of improvements to Mr. Warwick, and tendered the sum of \$2.50. He refused, and said he could not take the money. The Indian Department make no claim whatever to the land disputed, which is about 15 acres, more or less, nor the Indians. I have a transfer from the Indians. The C. P. R. Co. are disputing it. When I heard that a Crown grant would be issued to Smith & Angus I went to Mr. Smithe, Chief Commissioner, and told him I understood that they were about to transfer the land to the R. R. Co. He said the matter would be thoroughly investigated and all private rights protected. Smith & Angus commenced an action against me to obtain possession of this land. I have defended that action ever since in the Courts. Upon the trial the jury found I was in possession of the land since June, 1884. The Chief Justice said that my redress was in the Legislature, and I now ask that justice may be given me.

SAMUEL GREER.

Committee met at 1:30 P. M. on Tuesday, 17th April, 1888.

Present—Mr. Allen, in the chair; Messrs. Duck, Ladner, Thomson, and Bole.

Mr. Drake, Q. C., appeared for the C. P. R. Co. Mr. Hett appeared for Mr. Greer.

The evidence already taken was read over to Mr. Drake. Mr. Drake objects to the position taken by Mr. Greer, as he alleges that on a former occasion he relied on the Indian title. Mr. Hett admits that about 15 acres of the claim is included in the Indian title acquired by him. Mr. Drake refers to page 217 of Sessional Papers, 1886—especially page 237—and puts in the whole evidence. Mr. Drake also states, December, 1884, Mr. Greer came to me in company with Captain Irving.

Mr. Greer objects, as he alleges the communication was made to Mr. Drake as Captain Irving's solicitor, but not as his solicitor.

Mr. Greer handed in some papers for me to examine on behalf of Capt. Irving, as Irving wanted to know if he would be justified in buying Mr. Greer's rights. The papers produced to me were an assignment from an Indian and some papers from Spinks. I pointed out the Indian's document was only a partial one, as the other Indian made no deed; and, anyhow, it only conveyed the improvements, and not the land. Greer had some other documents *re* Spinks. I pointed out to Mr. Greer he had no title to the land. Mr. Greer said he could get a Crown grant to the land. I said, if so, he need not come to me about the title. Subsequently Mr. Greer had the paper of 23rd June, 1884, but it was not produced to me at the interview with Irving, nor did I see it until some time afterwards. He made no claim under pre-emption record. The land claimed by Mr. Greer lay alongside the Indian Reserve, and was 160 acres. When the Trustees of the C. P. R., Smith and Angus, brought their action he never set up his claim under the pre-emption record.

Mr. Hett puts in evidence all the evidence taken before the Select Committee, Coal Harbour and other lands, Sessional Papers, 1886, 48 Vic., taken 23rd January, 1885, and other subsequent days.

Mr. Drake to Mr. Hett—In the action—Smith and Angus,—Mr. Greer only set up possession, and did not set up any other defence. That is the usual defence in ejectment. I have no clear recollection of the land, except from what Mr. Greer stated.

Map of the district produced. Points out piece on map lying east of Indian Reserve, and between the railroad and the sea.

MONDAY, 18th April, 1888.

Mr. Jackson directed attention to evidence of Hon. Wm. Smithe on pages 1, 2, 3, 4, 7, and 9, Journals of the House, 1885,—especially Mr. Bole's letter to Mr. Smithe, dated 15th July, 1884, and Mr. Richards' reply to same. Mr. Jackson relied on the evidence referred to, and that he had land at Chilliwack.

Mr. Hett hands in copies of Journals, 1885, and copy Report of Commission of Enquiry.

SCHEDULE OF EVIDENCE.

CERTIFIED COPY SAMUEL PRESTON'S PRE-EMPTION RECORD 1003, DATED 14TH APRIL, 1873,
NEVER CANCELLED.

I, John Roland Hett, of the City of Victoria, in the Province of British Columbia, in the Dominion of Canada, Public Notary by lawful authority duly appointed, do hereby certify that the paper writing hereunto annexed, purporting to be a copy of a certified copy of a certificate of pre-emption record, dated 14th April, 1873, and numbered 1003, is a true and faithful copy in words and figures of the original document now to one Notary produced fair and uncanceled by Samuel Greer, which, after careful examination, I attest.

[L.S.] WITNESS my Notarial form and seal, Victoria, the seventeenth day of April,
one thousand eight hundred and eighty-eight.

Quod Attestor,

J. ROLAND HETT,
Public Notary.

[Record.]

[Royal Arms.]

BRITISH COLUMBIA.

Land Ordinance, 1870.

FORM A.

Certificate of Pre-emption Record.

Country Land.

PRE-EMPTION CLAIM.

No. in District Register, 1003.

District of New Westminster.

Name of pre-emptor in full—Samuel Preston.

Date of pre-emption record—14th April, 1873.

Number of acres (in words)—One hundred and sixty.

Where situated—English Bay.

Description of boundaries of claim—Commencing from the south-east corner of lot 192, group 1, running forty chains east; thence forty chains north, to the beach; thence along the beach to the north-east corner of said lot 192; and thence along its eastern boundary line to the point of commencement.

(Signed) HENRY V. EDMONDS,
Government Agent.

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

[Plan of Claim.]

Certified correct copy of original record,

[L.S.]

(Signed) C. WARWICK,
Government Agent.

Dated 2nd December, 1886.

TRANSFER FROM SAMUEL PRESTON TO SAMUEL GREER, DATED 2ND DECEMBER, 1886.

I, William Norman Bole, certify that on or about the 2nd day of December, 1886, Samuel Preston executed a transfer of his pre-emption claim, No. 1003, to Samuel Greer, in my presence, of which transfer the annexed document is a copy.

Victoria, B. C., April, 1888.

W. N. BOLE.

[Royal Arms.]

BRITISH COLUMBIA.

LAND ORDINANCE, 1870.

FORM D.

Transfer of Interest.

No.

I, Samuel Preston, of Mud Bay, logger, being the registered holder of Pre-emption Claim No. 1003, on the Pre-emption Register of the Land Office, hereby transfer to Samuel Greer all my right, title, and interest therein absolutely, but subject to the same conditions under which I hold the same.

Dated this 2nd day of December, A. D. 1886.

(Signed) SAMUEL PRESTON.

Witness: (Signed) W. N. BOLE.

COPY OF DECLARATION OF SAMUEL GREER AND OTHERS, 6TH FEBRUARY, 1887.

I, John Roland Hett, of the City of Victoria, in the Province of British Columbia, in the Dominion of Canada, Public Notary, by lawful authority duly appointed, do hereby certify that the paper writing hereunto annexed, purporting to be a copy of a declaration dated the 6th day of February, 1887, together with a memorandum endorsed thereon and dated the 21st day of February, 1887, is a true and faithful copy in words and figures of the original document now to one Notary produced fair and uncancelled by Samuel Greer, which after careful examination I attest.

[L.S.] WITNESS my Notarial form and seal, Victoria, the seventeenth day of April, one thousand eight hundred and eighty-eight.

Quod Attestor,

J. ROLAND HETT,

Public Notary.

BRITISH COLUMBIA.

LAND ORDINANCES, 1870, 1872, 1873.

FORM C.

Declaration.

DISTRICT OF NEW WESTMINSTER.

We Samuel Greer, Isaac Hayden, and William Mashiter, of the City of Vancouver, do solemnly and sincerely declare as follows:—

And firstly I, the said Samuel Greer, for myself declare that I have been in occupation of my Pre-emption Claim, Number 1003, recorded on the fourteenth day of April, 1873, from the date of purchase thereof, and have made permanent improvements thereon to the value of two dollars and fifty cents per acre,* in fencing, buildings, dwelling-house, 20 x 40, barn, 20 x 40, together with cultivation since the date of my purchase; and Samuel Preston was in occupation from date of record.

*Here detail specifically the improvements and facts declared to as having been made by the pre-emptor on his claim, which define.

And, secondly, we, Isaac Hayden and William Mashiter, for ourselves, declare that the above named Samuel Greer has been in the 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, the details whereof are correctly set forth above by the said Samuel Greer

And we 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 6th day of February, A. D. 1887, before me.

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| (Signed) J. J. BLAKE, S. M. | Signatures | } | (Signed) | SAMUEL GREER, |
| | of | | ,, | WILLIAM MASHITER, |
| | Declarants. | | ,, | I. J. HAYDEN. |

Commissioner.

OCCUPATION OF A PRE-EMPTION CLAIM, AS DEFINED BY LAND ORDINANCES,
1870 AND 1873.

Extract from Land Ordinance, 1870.

SEC. 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.

Extract from Land Ordinance Amendment Act, 1873.

SEC. 2. Notwithstanding anything in the Principal Act contained, it shall be lawful for any person entitled to pre-empt land and required to occupy the same, to so pre-empt and occupy land by himself or his agent duly authorized in writing in that behalf. The "occupation" required under the Principal Act shall mean a bona fide residence of the pre-emptor or his agent on the pre-emption claim, and a bona fide cultivation thereof by such person: Provided no such agent shall be an Indian or Chinaman: 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.

Copy of Report of Commission of Enquiry (See pp. 217 to 239, Sessional Papers, 1886).