

## REPORT OF SELECT COMMITTEE.

### CLAIMS TO LAND PROPOSED TO BE TRANSFERRED TO CANADIAN PACIFIC RAILWAY SYNDICATE.

MR. SPEAKER:—

Your Committee appointed to enquire into the claims of settlers on lands proposed to be transferred by the Provincial Government to the Canadian Pacific Railway Syndicate, have the honor to submit the following report, based upon the evidence already laid before you, with the minutes of all their meetings, except the minutes of the meeting held for the purpose of deliberating upon this report.

2. The names of the persons who have preferred claims before your Committee are: (1) A. Johnson, J. Sprott, W. Mackie, Sr., W. Mackie, Jr., J. W. McMillan, D. McPhaden, and George Black, represented by Mr. W. Norman Bole, 160 acres each; (2) J. P. Walls, Hugh McDonald, A. A. Green, T. B. Humphreys, and J. B. Henderson, 160 acres; (3) J. M. Stewart, Charles Stewart, and M. Matheson, 160 acres each; (4) C. C. Ralston, I. J. Haydon, J. H. Gillespie, and James Orr, claimants to town lots in the town site of Granville; (5) R. H. Taylor, 160 acres.

3. At the first meeting of your Committee for the purpose of taking evidence, your Committee, recognizing the assistance that would be rendered by permitting the evidence to be arranged by Counsel, were disposed to allow the settlers, or groups of them, to be so assisted, but on further consideration of their powers in this respect, Counsel were excluded except for the purpose of giving evidence upon oath, as witnesses. Of the persons represented by Mr. Bole, McMillan and Black failed to appear before your Committee for the purpose of giving evidence in support of their claims other than that given by that gentleman.

4. With respect to the claims preferred by Mr. Bole: They are upon lands said to have been included within the limits of the Hastings Saw-Mill Company's lease. Your Committee find that an action is still pending in the Supreme Court of this Province between the Hastings Saw-Mill Company and Mackie, Sprott and others, in relation to these lands. Your Committee further find that Sprott, Mackie, Jr., and McPhaden, appear to have either resided or employed another person to reside upon the land to which they lay claim. Your Committee express no opinion on the matter now in Court, as between the Hastings Saw-Mill Company and the settlers, but think that justice would be fairly done if the Government should consider favorably compensation for improvements.

5. The Committee would call attention to the evidence taken in respect of the claims of Messrs. A. A. Green, J. P. Walls, T. B. Humphreys and J. B. Henderson, and respectfully decline to express an opinion, in view of the conflicting evidence and of the fact that the genuineness of an important document has been called in question.

6. S. Greer, in addition to being a partner in the last-mentioned claim, has also preferred a claim to 80 acres, said to be purchased from another Indian. The evidence given in support fails to satisfy us, and your Committee are of opinion that it is not well founded.

7. The claims of J. M. Stewart, Charles Stewart and M. Matheson, although distinct claims, are of the same character, and for convenience may be classed and dealt with together. Your Committee find that these men were immigrants, who quite properly applied to the Immigration Agent for information, and have been by him misled as to their right to locate upon the lands in question. They appear to have acted in good faith, and to have done all that could reasonably be expected of immigrants for the purpose of acquiring information. Your Committee, therefore, respectfully recommend the consideration of their cases for compensation.

8. In the course of the investigation your Committee were informed by the Chief Commissioner of Lands and Works that, in the event of the transfer of the lands to the Railway

Syndicate, arrangements had been made by which the settlers on the Granville town lots would be permitted to acquire their respective lots at the price of \$200 per lot. The arrangement meets with the unqualified approval of your Committee, and renders any further report on these claims unnecessary.

9. Your Committee find that Michael Gannon recorded a mineral claim in the town of Granville, and that the claim was to some extent officially recognized by granting him a leave of absence. William Tierney, who professes to be his partner, says that "he would be satisfied if he got a fiat to compel the Chief Commissioner of Lands and Works to issue the Crown Grant." Your Committee, therefore, recommend this matter to the consideration of the Attorney-General, at the same time suggesting that, in the event of the proposed transfer to the Syndicate being completed, all existing rights of the subject be reserved. Without expressing any opinion on legal rights, it is possible that this and perhaps other claims may be capable of being legally maintained as against the Crown.

10. The only claim remaining to be dealt with is that of Mr. R. H. Taylor, and without reporting any special findings, your Committee are of opinion that Mr. Taylor's evidence affords the most conclusive proof that the claim ought not to be allowed.

11. A perusal of the evidence will show that there are rival claimants for the same tracts of land. Your Committee have limited their enquiries and their report to the claims of settlers as against the Crown, leaving the disputants to settle their rights as between themselves before the proper tribunals.

CHARLES WILSON,  
*Chairman.*

*20th February, 1885.*

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Your Committee have had under consideration the report referred back to them for reconsideration and amendment, and having taken some further evidence, beg to report as follows:—

The original lease from Mr. Trutch to the Hastings Saw-Mill Company, with maps and plans annexed, has been produced before your Committee.

A communication was received by your Committee from Dr. Powell, Superintendent of Indian Affairs, enclosing copy of a telegram from Mr. McTiernan, Indian Agent at New Westminster, in which the latter stated that his signature to the document dated the 23rd June, 1884, referred to on page 10, purporting to convey the land now claimed by Walls and others to J. M. M. Spinks, was a forgery. It was upon the genuineness of this document that your Committee based paragraph 5 of their report. Your Committee have heard the evidence of Mr. McTiernan and others upon this question, and are of opinion that they are not a competent or fitting tribunal to investigate such a matter. They, therefore, suggest that a Commission be appointed to enquire into the genuineness of this document, with full powers for that purpose, and that the applicants' claim to be favourably considered by the House be dependent upon the result of that investigation.

H. HELGESEN,  
C. A. SEMLIN,  
CHARLES WILSON

*20th February, 1885.*