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## REPORT OF SELECT COMMITTEE.

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### RE WILLIAM P. BAKER & SONS.

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LEGISLATIVE ASSEMBLY,  
15th February, 1895.

MR. SPEAKER:

Your Select Committee, consisting of Messrs. Booth, Smith, Kidd, Hume and Eberts, who were appointed to inquire into the complaint of William P. Baker and Sons, with reference to their pre-emption claims at Gower Point, and report to this House, beg to report as follows:—

That they met on the 9th inst., but as it was thought advisable to notify the Moodyville Saw-Mill Co. (whom it was deemed had conflicting interests), an adjournment took place till the 13th inst. On the latter date your Committee examined Mr. Wm. P. Baker, one of the complainants, and Mr. J. H. Ramsdall, the manager of the Saw-Mill Co. in question.

This case is of a very peculiar character, as the following will show:—On the 11th of January, 1875, the Moodyville Saw-Mill Co. obtained a lease for twenty-one years of 1,065 acres of land, situate several miles north-west of Gower Point.

In the year 1889, one Thomas Roberts pre-empted 160 acres to the west of and shewn on the maps produced to your Committee as adjoining the timber lease. This pre-emption was surveyed in 1890, and the survey accepted by the Department, and numbered Lot 809. The surveyor of this pre-emption in his notes says he commenced his survey at the south-west corner of the Moodyville Company timber limit, course north along old line of timber limits. Attention is called to his survey, as all maps produced show conclusively that Lot 809 adjoins timber limit 11 on the west.

In April, 1891, the complainants recorded a partnership pre-emption equal to about 480 acres, commencing at the south-east corner of Lot 809 and extending easterly, and on the 3rd of September, 1891, a pre-emption record was granted. They went into possession of their pre-emption, and between this time and the 3rd of March, 1893, did the statutory amount of improvement to entitle them to their certificate of improvement, which was issued to them on that date. It may be here noted that Mr. Strathern, who surveyed the Baker pre-emption, took the south-west corner of Lot 1,311 as his starting point, and from the westerly limits, sections 1,315 and 1,625, laid out, according to the Act, a partnership pre-emption of about 480 acres between them and Lot 809 (Roberts).

In the month of May, 1894, one J. W. Robertson entered upon that portion (which has a frontage of about 31 chains) of the Baker pre-emption adjoining Lots 1,315 and 1,625 and commenced taking off timber. He took possession of \$500 worth of timber and bolts, which had been manufactured in part by Mr. Baker and his two sons as pre-emptors, and removed same. He notified Mr. Baker that he had purchased from the Moodyville Company the right to remove the timber from lease 11. Mr. Baker then proceeded to the Lands and Works Office and got a copy of the field-notes pertaining to the limit, and with the aid of a surveyor found the west line and stakes of the timber limit about 38 chains east of the easterly limit of Lot 809 (Roberts), and that instead of the lease adjoining Roberts on the west there is a gap

of 38 chains between them. This would throw the timber lease 38 chains further east, and would take in the easterly 31 chains of the Baker pre-emption on which the statutory work was done, and from which their timber and bolts were taken by Robertson.

We examined Mr. J. H. Ramsdall, Manager of the Moodyville Saw-Mill Company, and from him found that on the 5th of June, 1894, Robertson had purchased from the Company, for \$500, the right to take the timber from lease 11, but no consent to such assignment was obtained from the Department in accordance with the terms of the lease.

We are of opinion the mistake has arisen in this way:—After an absence of twenty years it is a difficult matter to find stakes and monuments, especially in such a wooded country. The surveyor for the Moodyville Saw-Mill Company in 1875 cut a line adjoining what is now Lot 809, abandoned that line and commenced a new line 38 chains further east. The surveyor who made the survey of Lot 809 (Roberts) on proceeding to the ground found the abandoned line of the Moodyville Saw-Mill Company, and laid off the Roberts' claim adjoining that line to the west, and in error taking that old blazed line as the westerly limit of the timber lease. The maps in the Department were made up laying down Roberts' claim as immediately adjoining the timber lease.

It was alleged by Mr. Baker that he was informed by Mr. Gore, who pointed out to him on a map produced, that there was no timber lease in existence to the east of Roberts'. Mr. Gore says that cannot be, as all the maps show lease 11 on them. We think Mr. Baker is in error as to this. We were assisted in our examination by Mr. Gore and Mr. John. We attach no blame to any departmental officers.

We think Mr. Baker and his sons have suffered a great loss in being deprived of the result of nearly two years' labour as pre-emptors, and, taking all things into consideration, we recommend them to the most favourable consideration of the Government.

Before closing this report, we cannot help adverting to the conduct of J. W. Robertson, who must have known that both Baker and sons and another pre-emptor, one Capello, were on timber limit 11, and with that knowledge allowed them to go on with their improvements, and just as they were about to reap the fruits of their labours purchased from the Company, for the nominal sum of \$500.00, the right to cut the timber on the lease for the remainder of the term, a lease which had been practically abandoned by the Mill Company.

We beg to hand herewith the evidence taken and the exhibits produced.

All of which is respectfully submitted.

D. M. EBERTS,  
*Chairman.*