
APPENDICES.

REPORTS OF SELECT COMMITTEES.

REPORT OF SELECT COMMITTEE.

CLAIMS TO GRANVILLE TOWN LOTS.

MR. SPEAKER :

Your Select Committee instructed to inquire whether any bona fide or other occupants, or any bona fide applicants to purchase any of said lots, having occupied or made substantial improvements on lots in the town plot of Granville previous to Van Horne's visit, have been allowed or refused to be allowed to purchase their locations at the price of \$200, as stipulated in the bargain for the cession of 6,000 acres at Coal Harbour and English Bay by the Government of British Columbia to the C. P. R. Co., or to trustees on their behalf, respectfully report as follows :—

1. That they have held twenty-three sittings, examined a large number of witnesses and collected a great mass of evidence. The evidence is herewith submitted for the information of the House.

2. The Committee, before the inquiry had progressed very far, found that they were seriously hampered by two circumstances of a lamentable character. The first of these circumstances was the death of the Hon. Wm. Smithe, late Chief Commissioner, who conducted the negotiations on behalf of the Government for the transfer of certain Burrard Inlet lands to the C. P. R. Co., and whose testimony touching these claims would have been invaluable and conclusive. The second was the disastrous fire at Vancouver in June, 1886, which involved the loss of nearly every scrap of written evidence—such as was comprised in declarations, maps, bills of sale, records, and receipts—connected with the early occupation by so-called squatters and applicants to purchase lots in the townsite of Granville. The same disaster obliterated many landmarks and buildings on which claimants would have naturally relied in proving the bona fides of their claims. As the inquiry proceeded your Committee became impressed with the belief that had the hand of fate been stayed, and neither of these sad circumstances occurred, their duties would have been light, and the number of lots in dispute comparatively small. Your Committee grappled with the difficulties that beset the investigation and have arrived at a solution which they confidently hope will meet with the approval of the House. In reaching that solution they have been compelled to rely much on oral testimony; but in every case that testimony has been supported by additional oral (and sometimes written) testimony. Mr. Hamilton, the Company's Land Commissioner, in his evidence said that the Company claimed to be "sole judges" as to who were entitled to their lots, but this claim (the Company have acted in accordance with it) is not supported either by documentary or oral testimony. Although there is nothing in the agreement between the Company and the Government to show who were to be the "judges," Mr. Smithe in his letter to Mr. Abbott of Oct. 12th, 1886, complains that only seven claims have been allowed, and says "I have reason to believe that there are other claims which are good under the arrangement, although you have so far disallowed them." He adds that he has "personally investigated the claims of two or three persons and found them good, which have been rejected by you." He then says that it would be necessary for the Government to be satisfied that it (the agreement) is fairly carried out, and requests Mr. Abbott to furnish him with the "evidence taken." If it was the intention of the Government that the Company should have the exclusive power to decide as to the validity of the claims, why did Mr. Smithe propose to review the decision of the Company and ask for the "evidence" upon which they had acted? The contention of Mr. Hamilton is further called in question by the evidence of Mr. Gore, the Surveyor-General, and of Mr. Richards, late chief draughtsman at the office of Lands and Works, both of whom solemnly declare that Mr. Smithe did not confer arbitrary power on the Company, but intended, had he lived, that the decisions of the Company's officials should be subject to revision by the Government. The Chief Justice, in his judgment in the case of

Hayden vs. Smith & Angus, says that the "sole judges'" contention of the Company "is not a conclusion which recommends itself to common sense."

3. One point would seem to be beyond the range of dispute, and is accepted as final by all parties to the inquiry: The date of occupation or application to purchase lots must be shown in all cases to have been prior to the date of Mr. Van Horne's first visit,—the 4th of August, 1884. But the Committee have not shut out as bad claims to lots occupied or applied for previous to that date, and which after that date passed into other hands. Nor do they deem *personal occupation* in any case necessary to establish a bona fide claim to a lot. Mr. Hamilton testifies that when the agreement was made he had no knowledge of the land laws of British Columbia. He had had several years' experience in dealing with railway and Crown lands in the North-West, where personal occupation of pre-emption claim is necessary, and he observed the same rule when dealing with the claims of squatters and settlers at Burrard Inlet. Notwithstanding Mr. Hamilton's positive ruling on this point and his action based on that ruling, it is worthy of note that neither J. Miller nor J. Mannion resided on the lots respectively claimed by them; yet both claims were allowed, which shows that the rule must have been, at least, elastic. J. B. Henderson, who never personally resided on his lots, was also promised another lot if he would relinquish the one on which he had located.

4. The Committee find that the bona fide claimants are composed of two classes, namely, those who went on the lots prior to Mr. Van Horne's first visit, occupied them personally or by agent, and made substantial improvements (such as clearing, slashing, or building houses, or fences), and those who, after the reserve of 1878 had been lifted, applied to purchase the same from the Government and were refused.

According to Mr. Hamilton, the area of land claimed by squatters or settlers was "about seven acres and a half." The area allowed was about three acres and a half. In all, only ten claims out of thirty-three claims were allowed by the Company. Mr. Hamilton in his evidence very fairly states the grounds on which the successful claimants were awarded their lots, but he is not so fortunate in accounting for the action of the Company in disallowing other claims that in the opinion of the Committee were equally good, nor does he give any reason for admitting as conclusive, in support of some claims, a class of evidence that was in other cases rejected as inconclusive, in fact as worthless. For example: Whipple's and Brun's lots were on the line selected for the railway. Mr. Hamilton testified that he did not consider the Company bound to allow either claim, although substantial improvements had been made by the claimants; but as both lots were on the line of railway track, the claims were allowed; that is, the claimants were given as good lots as those claimed by them in another portion of the townsite for the nominal consideration of one dollar. In every essential respect these claims were identical with others that were disallowed.

In dealing with the second class of claimants great difficulty was experienced.

The point to be considered was, whether persons who had not personally, or by agent, settled on lots prior to Mr. Van Horne's first visit, but who, taking advantage of the lifting of the reserve of 1878 by proclamation of May the 10th, 1884, applied to purchase certain lots at the Government Land Office and tendered the Government price therefor, are entitled to the lots applied for by them.

The bona fide claim to lots 13 and 14, block 5, by James Orr, by reason of occupation by agent or tenant, and by improvements, is established. The application of the same party to be allowed to purchase lot 12, block 5, the Committee also deem to have been bona fide, having been made prior to Mr. Van Horne's first visit.

The application of H. V. Edmonds and J. A. Webster to be allowed to purchase lot 9, block 4, and an unnumbered piece of ground adjoining lot 1, block 3, having been made prior to Mr. Van Horne's first visit, is, in the opinion of your Committee, bona fide.

The claim of Philip Hughes, who did not go on his lot till January the 10th, 1886, cannot be recommended as bona fide, inasmuch as he was not settled on his lot prior to Mr. Van Horne's first visit.

The claims of J. A. Webster and H. V. Edmonds to lot 8, block 4; lot 9, block 3; and lots 10 and 11, block 5, the Committee set aside in favour of the bona fide occupants, Messrs. Webster & Edmonds having offered to purchase the lots from the Government after the lots had been occupied by the present holders.

Your Committee are of opinion that the following parties had occupied and made substantial improvements on lots in the townsite of Granville prior to Mr. Van Horne's first visit, August 4th, 1884, and were refused to be allowed to purchase their locations at the price of \$200.

C. C. Ralston	Lot 9	Block 3
A. W. Sullivan	" 7	" 3
John Jacklin	" 5	" 5
A. H. Byram	" 4	" 5
Jas. Orr	Lots 13 & 14	" 5
Wm. Mashiter	Lot 1	" 17
H. G. Ouderkirk	" 4	" 17
A. E. McCartney	" 2	" 17
J. B. Henderson	" 7	" 17
I. J. Hayden	" 10	" 3
N. Hjorth	" 12	" 3
Alfred King	" 13	" 3
Jno. Angus	" 11	" 3
Geo. Preston	" 18	" 17
A. McCrimmon	" 9	" 17
John McGregor	" 8	" 4
J. H. Gillespie	" 11	" 5
C. A. Caldwell	" 9	" 5

The following claims were declared valid by the Canadian Pacific Railway Company :—

Jonathan Miller	Lot 13	Block 2
Jos. Griffiths	" 5	" 3
Wm. McBride	" 6	" 3
Thos. Whipple	" 3	" 17
Jno. Hill	" 14	" 3
J. M. Stuart	" 16	" 3
J. J. Mannion	" 12	" 2
Simon Frazer	" 4	" 3
John Bruns	" 2	" 17
J. H. Gillespie	" 15	" 3

The Committee, in conclusion, would direct the attention of the House to the evidence of Mr. Richards, who states that the map of the lands comprised in the Crown grants to the Company was plotted from the field-notes of the Company's engineers, and that the survey has not since been checked or verified by the Government surveyors.

GEO. B. MARTIN, (dissenting from
D. W. HIGGINS, wording of report)
ROBERT F. JOHN,
ROBT. McLEESE,
CHAS. A. SEMLIN.