
REPORT OF SELECT COMMITTEE.

CLAIM OF WILLIAM CARTWRIGHT.

MR. SPEAKER:

The Select Committee appointed for the purpose of enquiring into the subject-matter of the petition presented to this House by William Cartwright, with power to call for persons, books, and papers in connection therewith, and to report to this House from time to time, beg leave to submit their report, as follows:—

That, with regard to Cartwright's claim, we have the honour to state that we find the case to stand as follows:—

On the 6th of September, 1873, J. E. P. Kindred and William Hicks recorded 160 acres of unsurveyed land on Thetis Island; on the 16th June, 1874, they obtained a certificate of improvement; 27th October, 1875, Hicks transferred his interest to Kindred; 28th December, 1877, Kindred transferred his interest to William Cartwright.

The four years' occupation required by "Land Ordinance, 1870," had been fulfilled at the date Cartwright acquired his record. It was, therefore, not compulsory for him to reside upon the land. He was not called upon by the Government to pay for the land, and, so far as we can ascertain, he has not been assessed for or paid taxes on it.

On the 6th July, 1887, W. H. Curran published a notice of his intention to make application to be allowed to purchase the same parcel of land. No objection was raised by Cartwright or any other person, and in due course Curran had the land surveyed, and obtained a Crown grant, although Cartwright's transfer papers were filed at the Department. Curran was a resident on Thetis Island at the time Cartwright acquired his pre-emption, and held land adjacent thereto. He must, therefore, have been cognizant of the fact that Cartwright had recorded a claim to this land; consequently his action is open to question. On the other hand, Cartwright may be blamed for his negligence in allowing such a long time to elapse without completing his title.

All of which we respectfully submit for the consideration of this House, together with the evidence here attached.

ROBT. MACPHERSON,
Chairman.

MEMORANDUM FROM LAND OFFICE.

Re WILLIAM CARTWRIGHT'S CLAIM TO 160 ACRES ON THETIS ISLAND.

A pre-emption record was issued in favour of J. E. P. Kindred and William Hicks on 6th November, 1873.

A certificate of improvement was granted to the above-named persons on 16th June, 1874.

William Hicks transferred his interest in the claim to Kindred on 22nd October, 1875.

J. E. P. Kindred transferred to William Cartwright on 28th December, 1877.

Cartwright never had the claim surveyed.

He made no payment of the purchase money.

He apparently paid no taxes on the place.

He took no steps to perfect his title, and to all intent abandoned the land.

The land was sold to William Curran, and a Crown grant issued in 1888 under an application to purchase made on 4th October, 1887.

The interests of the pre-emptor are easily guarded by the Government if he takes the necessary precaution to have his claim surveyed. If he does not do so, he is likely to suffer from his own neglect, as in the present instance.

4014, 91.

October 12th, 1891.

DEAR SIR,—Will you please inform me if there has been a Government survey of the land claim pre-empted by James E. P. Kindred and William Hicks on Thetis Island, No. 1461, and transferred to William Cartwright 2nd January, 1878, and kindly oblige me.

(Signed) HENRY CARTWRIGHT,
pro William Cartwright.

Address Henry Cartwright,
173 Ninth Avenue,
Mount Pleasant Post Office,
Vancouver, B.C.

4014, 91.

VICTORIA, B.C., October 14th, 1891.

SIR,—I have the honour to acknowledge the receipt of your letter of the 12th inst., asking if a survey was ever made of the land on Thetis Island pre-empted by James E. V. Kindred and William Hicks, and transferred to William Cartwright on 2nd January, 1878.

In reply I beg to say that the whole of Thetis Island has been surveyed, but no survey was made for Wm. Cartwright.

A Crown grant of the land which Mr. Cartwright pre-empted has been issued to W. H. Curran.

I have, &c.,
(Signed) B. H. JOHN,
Chief Clerk.

Henry Cartwright, Esq.,
173 Ninth Avenue,
Mount Pleasant P. O., Vancouver, B.C.

4111, 91.

VANCOUVER, B.C., October, 1891.

DEAR SIR,—Thanking you very kindly for your prompt attention to my letter concerning the pre-emption claim of James V. Kindred and William Hicks transferred to William Cartwright 2nd January, 1878. Am astonished at the information contained; am at a loss to understand how a Crown grant could be awarded to W. H. Curran for the pre-emption claim of William Cartwright when all the conditions of settlement and improvement had already been fully complied with, as the certificate of improvement issued to Kindred and Hicks amply testify, which is still in William Cartwright's possession.

I beg a further favour at your hands: Can you inform me on what grounds the grant was given over to W. H. Curran, and also if he is still in possession of claim on said land?

Obediently remaining,
(Signed) HENRY CARTWRIGHT,
Post Office, Mount Pleasant,
Vancouver, B.C.

VICTORIA, B.C., 23rd October, 1891.

To Registrar-General, Victoria.

DEAR SIR,—Will you kindly advise me who is the registered owner of Sections 2, 3, 11, 12, and 13, Thetis Island, Cowichan District?

The information is desired to answer certain enquiries made to the Department.

I am, &c.,
(Signed) B. H. JOHN.

LOTS 2 AND 3.

Harvey Wheler Sitwell the registered owner, subject to incumbrances.

LOTS 11, 12, AND 13.

Grant to William H. Curran of these lots not registered, but produced for the registration of mortgage to Henry Dumbleton.

(Signed) C. J. LEGGATT,
Registrar-General.

4111, 91.

VICTORIA, B.C., October 24th, 1891.

SIR,—I have the honour to acknowledge the receipt of your letter respecting the pre-emption claim of Messrs. Kindred and Hicks on Thetis Island.

In reply I beg to say that, at the time Mr. Curran made application to purchase, it was not known that Mr. W. Cartwright had any claim to the land, nor were any objections made to Mr. Curran's application to purchase, although he complied with the land laws by inserting notices in the British Columbia Gazette and newspapers.

Upon enquiry at the Land Registry Office, it is ascertained that Mr. Curran is still in possession of the land.

I have, &c.,
(Signed) B. H. JOHN,
Chief Clerk.

Henry Cartwright, Esq.,
Mount Pleasant P. O., Vancouver, B.C.

121, 93.

MOUNT PLEASANT, 173 NINTH AVENUE,
January 12th, 1893.

DEAR SIR,—In case there should be any attempted transfer of land claim by W. H. Curran, of Thetis Island, on the strength of the Crown grant held by him on claim 1,461, I pray that you will cause it to be stopped, the aforesaid Crown grant having been obtained by deliberate fraud.

(Signed) WILLIAM CARTWRIGHT.

664, 93.

March 6th, 1893.

The Honourable
The Chief Commissioner of Lands and Works,
James Bay.

Re sections 11, 12, and 13, Thetis Island.

SIR,—We have the honour to place the following facts before you, and to request you to inform us what course the Government will adopt in the matter.

On February 4th, 1888, a Crown grant to sections 11, 12, and 13, Thetis Island, was issued to W. H. Curran. The said property was subsequently mortgaged to a client of ours, and consequently is at present in the hands of an innocent purchaser.

A man of the name of William Cartwright has recently taken possession of the property, claiming it under an alleged pre-emption record. It appears that a portion of the property included in the Crown grant was pre-empted by J. E. P. Kindred and W. Hicks on the 6th November, 1873, and a Certificate of Improvement was issued on 16th June, 1874, the pre-emption being subsequently transferred to Wm. Cartwright on the 28th September, 1877.

This claim was practically abandoned several years before Mr. Curran obtained his Crown grant, but the pre-emption record does not appear to have been cancelled.

We have, &c.,
(Signed) DRAKE, JACKSON & HELMCKEN.

421, 93.

VICTORIA, B. C., March 22nd, 1893.

Re sections 11, 12, and 13, Thetis Island.

GENTLEMEN,—Referring to your letter of the 6th inst., I have the honour to state that I find the case to stand as follows:—

On the 6th September, 1873, J. E. P. Kindred and Wm. Hicks recorded 160 acres of unsurveyed land on Thetis Island; on 16th June, 1874, they obtained a Certificate of Improvement; 22nd October, 1875, Hick transferred his interest to Kindred; 28th December, 1877, Kindred transferred his interest to one Wm. Cartwright. The four years' occupation required by the "Land Ordinance, 1870," had apparently been fulfilled at the date Cartwright acquired his record. It was, therefore, not compulsory for him to reside upon the land. He was not called upon by the Government to pay for the land, nor has he done so, and so far as I can ascertain he has not been assessed for or paid any taxes on it.

On the 6th July, 1887, nearly ten years subsequent to the date of Cartwright's record, W. H. Curran published a notice of his intention to make application to be allowed to purchase the same parcel of land. No objection was raised by Cartwright or any other person, and in due course Curran had the land surveyed and obtained a Crown grant, the Department not then being aware of Cartwright's claim. Curran was a resident on Thetis Island at the time Cartwright acquired his pre-emption, and held land adjacent thereto; he must, therefore, have been cognizant of the fact that Cartwright had recorded a claim to this land; consequently his action is open to question.

On the other hand Cartwright is to blame for his negligence in allowing such a long time to elapse without completing his title.

Under the circumstances I consider that Curran and Cartwright should settle the difficulty between themselves without reference to the Government.

I have, &c.,

(Signed) F. G. VERNON.
Chief Commissioner of Lands and Works.

Messrs. Drake, Jackson & Helmcken,
Barristers-at-law, Victoria, B. C.

1070, 93.

VICTORIA, B. C., 13th April, 1893.

The Honourable
The Chief Commissioner of Lands and Works,
James Bay.

Re sections 11, 12, and 13, Thetis Island.

SIR,—We have the honour to acknowledge the receipt of your communication of the 22nd ult. in which you say:—

“On 6th September, 1873, J. E. P. Kindred and Wm. Hicks recorded 160 acres of unsurveyed land on Thetis Island; on 16th June, 1874, they obtained a Certificate of Improvement; 22nd October, 1875, Hick transferred his interest to Kindred; 28th December, 1877, Kindred transferred his interest to one Wm. Cartwright. The four years' occupation required by the 'Land Ordinance, 1870,' had apparently been fulfilled at the date Cartwright acquired his record. It was, therefore, not compulsory for him to reside upon the land. He was not called upon by the Government to pay for the land, nor has he done so, and so far as I can ascertain he has not been assessed for or paid any taxes on it. On 6th July, 1887, nearly ten years subsequent to the date of Cartwright's record, W. H. Curran published a notice of his intention to make application to be allowed to purchase the same parcel of land. No objection was raised by Cartwright or any other person, and in due course Curran had the land surveyed and obtained a Crown grant, the Department not then being aware of Cartwright's claim.

“Curran was a resident on Thetis Island at the time Cartwright acquired his pre-emption and held land adjacent thereto; he must, therefore, have been cognizant of the fact that Cartwright had recorded a claim to this land, consequently his action is open to question.

“On the other hand Cartwright is to blame for his negligence in allowing such a long time to elapse without completing his title.

“Under the circumstances I consider that Curran and Cartwright should settle the difficulty between themselves without reference to the Government.”

We have the honour to again point out that we are not acting for either Mr. Curran or Mr. Cartwright, but for Mr. Dumbleton, an innocent purchaser, who has advanced money to Mr. Curran on the security of the property, he having produced what appeared to be a good title to it from the Crown.

We have, &c.,
(Signed) DRAKE, JACKSON & HELMCKEN.

VICTORIA, B. C.:

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1895.