

John Hall's Pre-emption Claim (District Lot 229)

Researched and written by Ralph Drew, Belcarra, BC, Nov 2013; updated Dec 2013.

In 1860 Sir James Douglas, Governor of the *Colony of British Columbia*, enacted the *Land Proclamation Act*, and that legislation was subsequently amended and improved with the *Land Ordinance Act* passed in 1870. This Act provided for any British male subject eighteen years or older to be eligible to pre-empt 160 acres of Crown Land. He must then dwell on his claim for a period of four years and improve it by at least \$2.50 per acre. For \$1.00 per acre he could then apply for legal title to the parcel of pre-empted land.

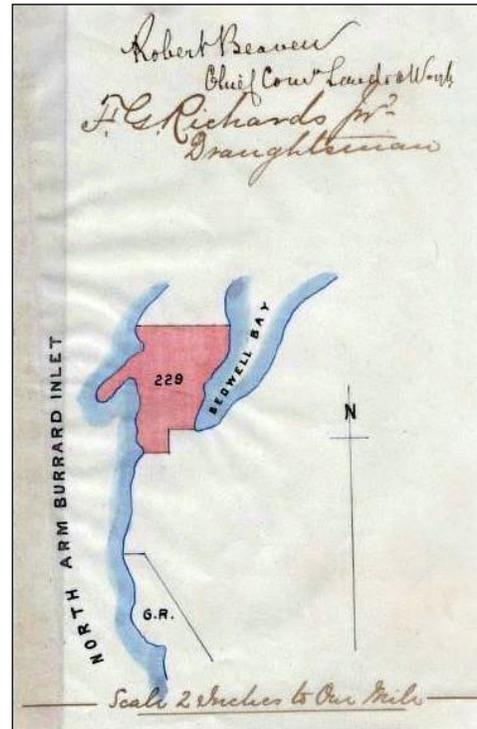
John Hall found a plot of wilderness beauty lying north of Burrard Inlet on the east side of the North Arm (Indian Arm), and applied to pre-empt 160 acres (District Lot 229) in early 1870, a little over a year before the *Colony of British Columbia* joined Confederation. On September 22nd, 1870, the application was registered. ⁽¹⁾ (It's most likely not a coincidence that 1870 was the same year that the *Moodyville Mill* acquired its timber lease on the southeast side of Bedwell Bay.) Hall built a cottage, planted a garden and an orchard on a piece of land partially cleared in earlier times by aboriginals. John Hall took to wife (common-law) a Squamish woman named Chial-Hote (Chial-Hate) from the nearby reservation (I.R. #3) on the north shore of Burrard Inlet. They had three daughters, born about 1873 (Agathe), 1877 (Mary Jane) and 1879 (Edith Josephine). ⁽²⁾⁽³⁾ Hall's pre-emption claim included the present-day Belcarra picnic grounds, the Turtlehead Peninsula and Whiskey Cove area, and more than half of the Belcarra Peninsula.

Before the application to pre-empt DL 229 could be registered, Hall had to serve notice to an Alfred Smith who lived on the property. This annoyed Smith and resulted in him displaying his displeasure by throwing stones at Hall. A charge of assault was brought against Smith by Hall, and following trial on June 22nd, 1871, the court fined Smith \$5 for the offence. ⁽⁴⁾

John Hall's pre-emption claim was surveyed by William G. Pinder, BCLS, and filed on May 23rd, 1874 — see map below. The survey notes make reference to the *Moody Dietz & Nelson* timber reserve on Bedwell Bay (Timber Lease 'M', part of Timber Lease N^o.52 held by *Moodyville Mill*), which defined the southern boundary of the pre-emption claim. The survey notes also include mention of the triangulation sightings from the mouths of Bole and Dutchman Creeks to the north and south ends of Boulder Island. Title to District Lot 229 was registered in Hall's name on September 4th, 1882 (Crown Grant N^o.2479). ⁽⁵⁾

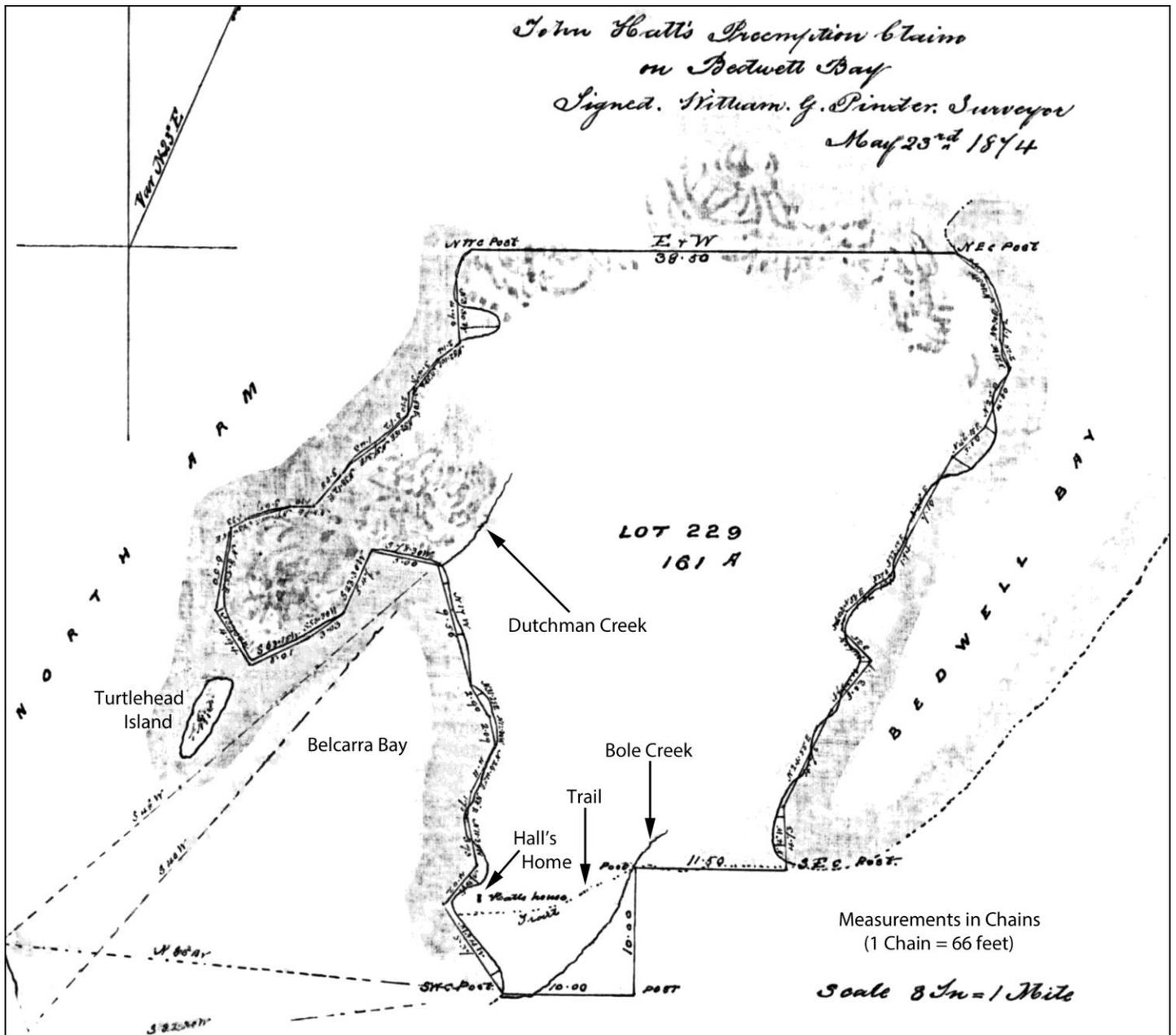
References:

- (1) F.W. Laing, 1939, "Colonial Pre-Emption", Victoria, page 17.
- (2) Judge H.P.P. Crease, 1882, "Bench Book" notes recorded during John Hall's murder trial, British Columbia Archives.
- (3) Jeremy Matson (John Hall's great-great-grandson), personal communication, Dec 2013.
- (4) Police Court — Charge of Assault against Alfred Smith, *Mainland Guardian*, June 24th, 1871.
- (5) Survey and Records Branch, Victoria, B.C.



DL 229 Crown Grant Map

(Note the signature of Robert Beaven, Chief Commissioner of Lands and Works)



Survey and Records Branch, Victoria, B.C. — Courtesy of George Dyson.

Annotated by Ralph Drew

1874 Survey of John Hall's Pre-emption Claim (DL 229) by William G. Pinder, BCLS — Note the location of John Hall's home, the trail to Bedwell Bay, the drawings of Bole and Dutchman Creeks, and the triangulation sightings to the north and south ends of Boulder Island.



R.

Province of
BRITISH COLUMBIA.

No. 2479

Robert Beaven
Chief Court Lands Works

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, and so forth.

To all to whom these presents shall come. Greeting:

Know ye, that WE do by these presents, for US, Our heirs and Successors, in
consideration of the sum of One hundred and fifty One Dollars,
to US paid, give and grant unto John Hall

in his heirs and assigns, All that Parcel or Lot of Land situate in New Westminster
District, said to contain One hundred and fifty One acres,
more or less, and more particularly described on the map or plan hereto annexed and coloured red,
and numbered Lot Two hundred and twenty nine (229) Group One (1)
on the Official Plan or Survey of the said New Westminster District
in the Province of British Columbia, to have and to hold the said Parcel or Lot of Land, and all and
singular the premises hereby granted, with their appurtenances, unto the said John Hall

in his heirs and assigns for ever.

PROVIDED, NEVERTHELESS, that it shall at all times be lawful for US, Our heirs and
Successors, or for any person or persons acting in that behalf by Our or their authority, to resume any
part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges,
towing-paths, or other works of public utility or convenience; so nevertheless that the land so to be
resumed, shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such
resumption shall be made of any lands on which any buildings may have been erected, or which may be
in use as gardens or otherwise for the more convenient occupation of any such buildings.

PROVIDED, also, that it shall at all times be lawful for US, Our Heirs and Successors, or for
any person or persons acting under Our or their authority, to enter into and upon any part of the said
lands, and to raise and get thereout any gold or silver ore which may be thereupon or thereunder
situate, and to use and enjoy any and every part of the said land, and of the easements and privileges
thereto belonging, for the purpose of such raising and getting, and every other purpose connected
therewith, paying in respect of such raising, getting, and use, reasonable compensation.

PROVIDED, also, that it shall be lawful for any person duly authorized in that behalf
by US, Our Heirs and Successors, to take and occupy such water privileges, and to have and
enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby
granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said
hereditaments, paying therefor a reasonable compensation to the aforesaid John Hall

in his heirs or assigns.

PROVIDED, also, that it shall be at all times lawful for any person duly authorized in that
behalf by US, Our Heirs and Successors, to take from or upon any part of the hereditaments hereby
granted, without compensation, any gravel, sand, stone, lime, timber, or other material which may be
required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

In testimony whereof, We have caused these Our Letters to be made Patent,
and the Great Seal of Our Province of British Columbia to be hereunto affixed.

Witness His Honour Almond Francis Boninall Lieutenant-
Governor of Our Province of British Columbia and its Dependencies, at Our Government
House, in Our City of Victoria, this fourth day of

September in the year of Our Lord One thousand eight hundred
and Eighty two, and in the Fifty sixth year of Our Reign.

By Command

William George Pinder (1850–1936), BCLS

William George Pinder was born in London, England in 1850, to **Emily (née Trutch)** and Captain George Rideout Pinder of the 2nd Madras Light Infantry. Pinder grew-up for a time in India as his father was there during the Indian Mutiny of 1857 but about 1860 Captain Pinder brought his son back to England on a troopship by the old sea route around the Cape of Good Hope. Pinder was educated at *Blackheath Preparatory School*, then at Corsham a small medieval town in northwest Wiltshire, and later studied in Heidelberg in Germany. While there he made a walking tour with two fellow students through the Black Forest and Switzerland to Lake Como in Italy and back.

In 1871 he was given an appointment on the survey staff of the C.P.R., reporting to Sir Stanford Fleming in Ottawa, who sent him West to join a party organizing to start surveying a trail line for the proposed C.P. Railway from Lytton to Shuswap Lake. At the end of the year, the party returned to Victoria to plot their field notes. His uncle, Sir Joseph Trutch, the Governor of the *Crown Colony of British Columbia*, was also in Victoria at the time. In 1872 he worked as a leveler, and for four years was employed on trail lines and locations up the North Thompson to Albreda Lake and Tete Jaune Cache, and from Hope on the Fraser River, up the Coquihalla River to the Summit. Later he was employed by the C.P.R. on trail lines from the head of Dean Channel up the Kimsquit River and Dean River. When construction was commenced at Yale he was appointed Assistant Engineer and spent two years there until its completion.

In addition to his railway work he was engaged on the *International Boundary Survey of the 49th parallel at Point Roberts*; was employed on the construction of the *E. & N. Railway* from Esquimalt to above the Malahat, and the extension from Esquimalt to Victoria. After the completion of the railroad he had charge, including location, of the line from Nanaimo to Comox in connection with the *Dunsmuir Collieries*. He was then in charge of this line for sixteen years after its completion.

After severing his connection with the *Dunsmuir Collieries*, he went into general practice as Engineer and Land Surveyor, doing work all over the Province. He made surveys at Kitsalal Canyon in 1904 for the *Lands and Works Department*, and also at Fort Simpson, Work Channel, Portland Canal and Graham Island, and in the Northern Interior.

In 1876 he married Anne Marie Henrietta Devereux, daughter of Captain John Devereux the dockmaster at Esquimalt, and they had four children. Upon his retirement in 1923 he moved in with his son Frank and remained with him until his death in May 1936, at the age of eighty-six. Pinder was a member of the *Canadian Society of Civil Engineers* and his name first appeared on the first published list of *Provincial Land Surveyors* in 1891. In January 1936 a peak formally known as 'Province Mountain' by *The Province Exploring Expedition of 1894*, was called 'Pinder Mountain' after William George Pinder, but in 1950 the name was changed to 'Pinder Peak'.

Sources:

Biography. Corporation of Land Surveyors of the Province of British Columbia. Report of Proceedings of the Thirty-Second Annual General Meeting. 1937. Victoria, B.C., pages 62–63.

Photograph:

William George Pinder, BCLS, circa 1880, *British Columbia Archives* I-78997 (HP021627).