

TWELFTH REPORT OF PRIVATE BILLS COMMITTEE.

Mr. Speaker:

Your Committee on Private Bills beg to Report upon the Petition of A. B. Gray, which was referred to them by the House, as follows:—

Your Committee find that last year the Corporation of the City of Victoria petitioned the Legislature for leave to bring in a Bill to make valid and binding a map or plan of the City of Victoria, which map or plan was alleged to have been made by Dennis Harris, C. E., from field notes of James A. Mahood and Richard C. Cridge, C. E's., who were alleged to have made a survey of the City for and on behalf of the aforesaid petitioners.

That the said map or plan was alleged to have been verified by B. W. Pearse and J. D. Pemberton, C. E's.

That leave was granted to bring in the Bill, and it was accordingly brought in.

That the usual procedure on Private Bills was followed, and the Bill, with the aforesaid map or plan, went before the Private Bills Committee.

That the Committee reported the preamble of the Bill proved—that is to say, they accepted all the allegations of facts therein set forth as bona fide.

That on the Report of Committee, the House passed the Bill with its accompanying map or plan, and by the passing of the Bill the said map or plan was declared to be the Official Map of the City of Victoria, subject only to signature by the aforesaid Commissioners, Messrs. Pearse and Pemberton, C. E's., and registration at the Land Registry Office, Victoria, within a period of six months from the passage of the Act.

That the aforesaid Commissioners, Messrs. Pearse and Pemberton, C. E's., apparently misconstrued the meaning of the Act, or did not adequately consult the provisions thereof, and therefore did, subsequently to the passage of the Act, and before registration of the map, make certain alterations to the map not contemplated or authorized by the Act; among which said alterations is included that complained of in the aforesaid Petition of A. B. Gray.

That your Committee are of opinion that in consequence of the alterations made in the aforesaid map of the City of Victoria by the aforesaid Commissioners, during the interval between the passage of the Act and the registration of the said map as aforesaid, the legality of the said map has been invalidated, and that the registration of the said map so altered has, in consequence, no force or effect.

Your Committee further beg to submit the evidence taken in connection with the enquiry, and to ask that it be printed with the petition and report thereon.

WM. SMITH,
Chairman.

14th March, 1881.

VICTORIA, 3rd February, 1881.

To the Honourable the House of Assembly of British Columbia.

The humble Petition of A. B. Gray, of Victoria,
sheweth:

That during the last session of the Legislature an Act was passed by your Honourable House entitled the "City of Victoria Official Map, 1880."

That your petitioner appeared in opposition to the said Act; and the map of Victoria thereby made the Official map, was produced to the Committee appointed by your Honourable House to report.

That the said Act eventually became law, and since the said Act was passed, and before the map was registered in the Registrar-General's Office, an alteration was made on the said map, affecting land belonging to Mr. Yates, for whom your petitioner is agent.

Your petitioner therefore prays that an enquiry may be held by your Honourable House into the facts, and that the map may be restored to the original state as passed by your Honourable House.

And your petitioner will ever pray.

(Signed) ALEX. B. GRAY.
(Agent for James Yates.)

Evidence.

Committee on Standing Orders and Private Bills, sitting in Library on Thursday, March 10th, 1881:—

The petition of A. B. Gray was read, setting forth that an alteration had been made in the official map of Victoria after it had passed the House, and previous to its registry.

MR. D. R. HARRIS.—I had charge of this map in my office, and produced it before the Committee. I caused it to be registered six months after the passing of the Act; I had possession of the map from the time it passed the House until its registration; an addition was made to the map whilst in my charge; Mr. Pearse made the addition, and I inked it in. The addition was an extension of one line and the addition of another, 32 feet south of it, at the foot of Yates street, and "Public Landing, 32 feet," was marked upon it, at an angle of, I think, 104.40, or 105.40. The map passed by the House showed no public landing, but a slip about 16 or 16½ feet in width.

The only other addition I know of was the addition of the words "Public Landing, 70 feet," at the North end of James' Bay Bridge.

(Signed) D. R. HARRIS.

MR. B. W. PEARSE.—I was one of the Commissioners appointed by the City Council to lay down the street lines of the City of Victoria on the map of 1880. Certain incomplete maps were produced before the Committee last Session, for the information of the Committee. The Committee must understand that it was not pretended that they were complete, and they were produced to illustrate the way in which the work would be finished. There was not on the plan produced before the Committee a landing at the foot of Yates Street. A landing was put on the map before registration—on the 8th of November, 1880. This new map was prepared because the map previously existing was wholly unreliable, wholly unintelligible.

In reply to the question—What further alterations, if any, were made after the map was produced to the Committee?

I reply, I am not aware that any alterations were made in the plan of the blocks, but the street lines were for the most part put in. The bulk of the work was done, in fact, last Summer. The Commissioners instructed Mr. Harris to mark on the map a public landing, 32 feet, at foot of Yates Street, at the request of the Mayor and Council, some time before registration. The survey was not completed by Mahood and Cridge. They did not complete their Contract. Mr. Harris completed the unfinished portion of the survey, subject to check and verification by the Commissioners. It was chiefly, so far as I remember, on the outlying portions of the City.

The Commissioners, with the Mayor and Council, gave Mr. Harris authority to complete the unfinished portion of the survey.

(Signed) B. W. PEARSE.

MR. J. D. PEMBERTON.—I was one of the Commissioners appointed to check and verify the Official Map of the City of Victoria. As Commissioner I checked and verified the surveys of Mahood and Cridge. The survey was embodied in a map and produced before the Committee in an incomplete state. The incompleteness consisted in that several of the centre lines of the streets were not marked; some references to corner posts and public landings were not marked. The public landings were put in afterwards by instructions from the Mayor and Council.

The public landing at foot of Yates Street was made 32 feet wide. The width laid down was not from the survey and field notes of Mahood and Cridge, but from the best evidence that we could obtain. We did not complete our work of checking and verification till about the 6th November. I am not conscious that I ever saw the Act passed by the House last May—it may have been shown me. I was not guided by the Act in reference to any thing done to the map. I was never supplied with a copy of the Act.

(Signed) J. D. PEMBERTON.

J. H. TURNER, Mayor.—With regard to the map that passed the Legislature last year, I was informed by the City Survey Committee, at about the date of a certain letter I wrote in reference to the city landings, that certain street lines and the city landings had not been marked on the map. The matter was placed in the hands of the Survey Committee to attend to. I believe the Commissioners were written to about it. Subsequently to my letter before referred to, I was informed by Mr. Smith that the street lines and city landings had been marked on the map. The Commissioners informed the Mayor and Survey Committee, before they came over to the Private Bills Committee last Session, that the surveys and plans were all completed, with the exception of some work in Mr. Harris' Office—plotting work, I think, they called it.

(Signed) J. H. TURNER.

MR. SMITH.—I was a member of the Survey Committee of City of Victoria in 1880. The new city map of 1880 was not completed when it passed the Legislature. It was incomplete with respect to west line of Government Street, between Fort and Johnson, and, also, public landing foot of Yates Street, abutting on Wharf Street.

I called the attention of the Commissioners to the omission of the public landing from the map, a few days (about 8 or 10) before it was registered. Mr. Pearse said it was the intention of the Commissioners to insert the public landing on the map as it was an omission. He also stated that there was a great difficulty with respect to the width of the public landing, as the Official Map of 1858 had been altered. I might state the Official Map of 1858 shows the public landing to be 16 feet in width, and also the lithographed map of 1861 the same width. In last year's map, now registered, it has been marked 32 feet.

With respect to Government Street, at the time the 1858 map was made, the portion of Government Street above referred to was not surveyed. It was surveyed in 1859, and shows an unequal width; and the map of 1861, lithographed, shows that portion of the street to be 70 feet in width.

(Signed) A. J. SMITH.

Committee on Standing Orders and Private Bills, sitting on Friday, 11th March, 1881.

MR. R. C. CRIDGE.—I, in conjunction with Mr. Mahood, took a contract with the City to make a survey of the City; we completed that survey; Mr. Harris made the map from our field notes. Our field notes show the landing at the foot of Yates street as it then was; it was not so much a landing as a roadway to a wharf; it was a little over 16 feet wide. In our contract with the City we were to make a map from our notes, which we did; the map we made was on the same scale as the present City map. I have scaled the official map, and find that in certain respects it does not agree with my field notes. We finished our work about a week or ten days before the map was submitted to the Private Bills Committee last session.

I assisted Mr. Harris in placing some of the stones marking the street lines. In every case where I assisted the centre of the street was found by measuring from building to building on either side, and not from our field notes. The stones might have been just as well put in before the survey was made.

(Signed) RICHARD C. CRIDGE.

Committee on Private Bills, sitting in Library Monday, March 14th, 1881.

MR. A. B. GRAY,—I appeared last session before the Private Bills Committee in opposition to a Bill called the "City of Victoria Official Map Act, 1880." My principal reason for opposing that Bill was, that there was no landing shown on the City Map. I requested the City Commissioner, Mr. Pearse, to have the landing put on the map, which he refused to do; he said he had no power to put the landing there. I employed Drake & Jackson to oppose the Bill on the said grounds. If 32 feet had been marked on the map at that time, as the width of the public landing, I had in my possession official letters, and could also from official maps, have proved the incorrectness of such width.

In answer to the question,—Did you consider the map submitted to the Private Bills Committee last year, to be complete, or otherwise? I reply, I considered that it was complete, and had been checked and verified by Messrs. Pemberton and Pearse, as stated in the Act which was before the Committee.

Was it ever contended, so far as you know, before the Committee, by the Commissioners, that the map was incomplete?

I did not hear any such suggestion made. I read the Act, which states in the preamble that the map had been completed, and checked and verified. I was prepared to prove to the Committee that the width of the public landing was 16 feet, but on account of the landing not being marked, and of the refusal of the Commissioners to mark any landing on the map, I was debarred the opportunity of so doing, and having that width placed on the map. The Commissioners said they had no power to cause the landing to be placed on the map.

(Signed) ALEX. B. GRAY.
