

**NAVY JACK HOUSE**  
**The Case for Preservation and Restoration**

**APPENDIX C**



*“The history of this community resides in this building.”*

**C. HISTORICAL RESEARCH**

- a. Family History of John (Navvy Jack) Thomas
- b. Land Title History of Navvy Jack's DL 775

## FAMILY HISTORY OF JOHN "NAVY JACK" THOMAS

In 2000, Hugh Johnston published a final report for the West Vancouver Historical Society, on the history of John "Navy Jack" Thomas, that provides the most detailed reporting of Navy Jack's life to date. As such, we are reproducing excerpts of his reports below. His sourcing was not fully documented and new information since has led us to correct some of the information (shown in square brackets) but the excerpts below still represents the best information on Navy Jack's personal history currently found. Hugh Johnston starts his report as follows (photos were added by us).

"John Thomas, one of eleven brothers, was born, near Cardiff, in Wales about 1832 [his death record released since indicates 1829 and that he was born in Cornwall] during the reign of William IV. As a young man, he sailed for western North America and arrived in B.C. Colony about 1859, during the Cariboo gold rush. According to his daughter Christine, in conversation with Capt. C. W. Cates in 1938, he had worked in many locations before arriving in Burrard Inlet in 1866. Capt. T. J. Jackman, an early resident of Gastown, described him as being about 5ft. 9in. tall, 160-170 lbs., heavily built, square shouldered, dark curly hair, moustache, very temperate and kind to his family. He apparently came from a good family who repeatedly asked him to return to Wales.

...

### IN THE CARIBOO 1860 - 1865



Figure 1 KellyPiano carried by Navy Jack to Barkerville and still there.

The first reference to his presence in the Colony occurs during the Cariboo Gold Rush where he was involved in the freighting business. The cariboo pack trail which preceded the wagon road was completed as far as Soda Creek in 1860 and John Thomas was said to be operating a riverboat carrying supplies from there to Quesnel during this period. Thomas would be about 30 years old at this time. His friend, Capt. Jackman stated

that, in 1863, Thomas had packed, on his back, a piano from Quesnel to Barkerville charging a dollar a pound!

This appears to be only partly true. Barkerville Museum files imply that he was one of a party of five men who packed in the piano for Mary Nathan's Saloon. The piano was shipped from France in a sailing vessel around Cape Horn, up the Fraser to Hope by sternwheeler, to Quesnel by wagon, and then packed in to Barkerville. The instrument is known today as the Kelly piano and is in the Barkerville Museum collection. The Cariboo wagon road reached Barkerville in 1865 and the large wagon trains replaced the independent freighter. Thomas' last known freight contract in the interior was in early 1866 involving the delivery of 175 pounds of beef over 35 miles of mountains into the Big Bend mining camps from Seymour City in the Shuswap country.

### BURRARD INLET- First ferry service 1866

Activity on the inlet had begun in 1863 with the building of the Pioneer Sawmill on the north shore. By 1866 a corduroy wagon road had been cut through to New Westminster from New Brighton and Hastings Mill was under construction. John Thomas arrived and began a ferry service on the inlet in the spring of 1866 using a five ton sloop (about 30

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ft.) [A newspaper account said his sloop was named "the Lily"] to carry passengers and freight between Moodyville, Hastings and the Westminster trail at New Brighton. He also used a rowboat where only one or two passengers were involved- pioneers water taxi! Thomas operated this ferry service until Capt. Van Bramer arrived with his small steamer "Sea Foam" to begin a scheduled service [in 1868] which connected with the new daily stagecoach over Douglas Road [that started] in October 1866.

### VANCOUVERS FIRST GRAVEL SUPPLIER 1867

John "Navy Jack" Thomas seems to have had an affinity for the transportation business. Undaunted when the "Sea Foam" displaced his ferry operation he began hauling clean river-washed gravel from the mouth of the Capilano to construction sites around the Inlet. This fine grade of sand-gravel mix, the major component in the making of concrete, is to this day called "Navvyjack" in Vancouvers building trade. One might say that Thomas supplied the foundation on which early Vancouver was built. He would be pleased to know that, after 130 years, when builders need sand and gravel the call still goes out for "Navvy Jack". Until about 1882 his "city office" was reported to be a shack on the waterfront at the foot of Abbott St. in the village of Granville (commonly called "Gastown") The location was described as "behind the Methodist Parsonage, across from Simmons Hole-in-the-wall Saloon and just a few doors east of Madam Birdie Stewarts establishment". Obviously a center of commerce from which to promote gravel sales. This enterprise appears to have continued for over twenty years. His base of operation in West Vancouver appears to have been in the only secure anchorage near the Capilano, in Swy-Wee Lagoon at the west edge I.R. No.5. The entrance to the Lagoon had ample depth at high tide and his sloop would be protected from the sea on the south and west. (Later settlers called it "Ambleside Slough" and even later it was filled in to create today's park) The duckpond is all that remains of Swy-Wee Lagoon today. This Lagoon also saw the arrival of the second industry when Sewell Moody set up a logging camp just west of the entrance in 1870.

### GRANVILLE HOTEL 1871-73



Figure 2 Granville Hotel (centre) built by Navy Jack

The early 1870's seem to have been a time of prosperity for Thomas. The mills at Moodyville and Hastings were expanding, as were the communities surrounding them and "Navvyjack" was in great demand. In this period he invested in the hotel business, acquired land, built a house and became a married man.

Navy Jack invested in a partnership with Joseph Mannion in the operation of the newly built Granville Hotel erected by Ebenezer Brown. [An article in BC Magazine in June 1911, p.194, states Navy Jack built the hotel with Mr. Brown]. Mannion had been a contractor involved in the construction of Hastings Mill and later would become one of the first Aldermen of Vancouver. The hotel was rated as a respectable first class establishment of the time.

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### FIRST PERMANENT RESIDENCE IN W.V.- 1873

Navy Jacks house, presently 1768 Argyle, appears to have been built about this time. Accounts describe "his neat white house, almost elegant for it's time" as being in place



Figure 3 Navy Jack House circa 1907 with new additions

when Albert Finney arrived to lay the foundation for the first Point Atkinson Lighthouse in May 1874. Thomas sold his half interest in the Granville Hotel to his partner, Joe Mannion in 1873, presumably to finance the [purchase and/or] building of the house and barn on his property in West Vancouver. The holding was described as choice wooded water

frontage stretching from today's Navy Jack Point to about 16th St. and extending

inland to about Haywood Ave. The price, a tidy sum at the time - \$ 160.00 plus improvement requirements and building costs. The formal certificate of transfer was finally issued on Nov 24,1874. The changeover from a British Colony to a Province of Canada in this period probably accounts for the delay in official recognition of the transfer.

The house was built using the finest material of the time, clear old-growth fir and cedar. The sheathing and sub-floors a full one-inch thick and twelve inches wide and the floors of edge grain fir. The exterior was finished in distinctive moulded cedar siding and the interior in the vee-jointed paneling popular at the time. The full width porch across the front had lathe-turned posts complete with Victorian "gingerbread" ornamentation in the arches.

It is a credit to the builder that the house has served for [147] years. Many alterations and additions have been made during its life but Navy Jack would still easily recognize the main structure today. His barn appears to have been built to the same high standard. The building was renovated in the 1920's and served as the Masonic Hall until 1950 when the present Masonic Lodge replaced it on the same site.

### A MARRIED MAN

In the early 1870's Thomas married Row-i-a [other records give her name as Slawia and she was baptized just before her death in 1888 as Magdeleine], daughter of Quil-eet-rock, granddaughter of old Chief Ki-ep-i-lano. [Slawias'] elder sister was the wife of Joseph Silvey Simmons who operated the first store on Burrard Inlet. (See genealogy of Ki-ep-i-lano att.) Accounts indicate Thomas was fond of gardening. He planted a small orchard of about thirty fruit trees, a vegetable garden and reportedly experimented with tobacco and even sugar cane. It is possible that he could sell surplus produce to the nearby logging camp operated by Moody. He eventually had several acres cleared as pasture for the horses and several cows. Water was piped for the garden, house and barn from a small weir a short distance up the creek."

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The sections that follows in Hugh Johnston's report went into what was known of his children but he did not have the benefit of B.C.'s birth, marriage and death records that were released online by BC Archives more recently. Therefore we will provide our own summary at the end based on the best information available now. The section that follows in Hugh Johnston's report covers Navy Jack's later years.

### "THE 1880'S

This was a decade of optimism in Burrard Inlet. The CPR was under construction to link the coast with the rest of Canada. The Government, to prevent land speculation, suspended pre-emption privileges in the area until the terminus of the railway was decided. The Thomas family in England urged Navy Jack to send the children there to be educated. He chose instead, to hire as governess, a Miss Wynn to see to their education. Miss Wynn later married Mr. Jones, founder of the pioneer tent and Awning Company. [Marriage records confirm that Mary Elizabeth Wynn (42) married Charles Henry Jones (58) on November 13, 1897, the day before Navy Jack died up north].

"Navy Jack" [was in his 50's] at this time but still had an adventurous spirit. When the legendary tugboat master Charles H. Cates first arrived on the coast he and "Navy Jack" bought a large rowboat from Andy Linton and embarked on a prospecting trip to the north coast. They experienced some excitement navigating through the infamous Euclataw Rapids in a rowboat - a trip few would attempt today without the benefit of a tidebook. In 1886, when the first train arrived in Vancouver, "Navy Jack" and his five-ton sloop were reportedly still in operation.

Pre-emption privileges were restored in 1886 and within months Navy Jack had neighbours. All waterfront land was quickly taken up though few others lived on their land full time. A road survey line was run to Eagle Harbour but this soon returned to nature. A boat would give the only access to these properties for many years yet. Navy Jack worked, for a time, at the Terminal Hotel in Vancouver travelling to and from work in a rowboat from West Vancouver. Our first commuter! He would be pleased to know that we follow his example to this day, although in somewhat more comfort.

An amusing newspaper story credits Navy Jack's rooster as being the first aid to navigation at the entrance to First Narrows. The sternwheel steamer "Yosemite" was carrying excursion passengers from Victoria in the early morning of May 24, 1888. They encountered heavy fog on the difficult approach to First Narrows and decided to anchor until the fog lifted. When Navy Jack's rooster began to crow the Captain took a bearing on the sound, raised anchor, safely navigated the harbour entrance and arrived on schedule. Another interesting marine event occurred in 1891 when Navy Jack's son William, a good boatman at age 10, rescued 6 year old Alfred Williams from drowning near the mouth of the Capilano. By a strange coincidence, Alfred Williams's nephew, Lloyd, now lives in the house built by Navy Jack Thomas [until he passed away in 2017]. The Williams family, during 1891, lived about a mile west of Navy Jack."

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Hugh Johnston continues his story with land transactions over Navy Jack's property in the 1890's within the backdrop of a great depression. Land Title documents obtained since his report was complete provide clearer details of what happened next and so we leave his report and tell the story ourselves.

### THE GREAT DEPRESSION OF THE 1890'S

After a decade of prosperity, world demand retracted in the 1890's, leading to collapse of markets for Vancouver's export dependent economy. The financial crisis in the US in 1893 led to a decade of stagnation, both here and abroad.

As for Navy Jack, he finally received his Crown Grant, that was issued October 28, 1890, for the 160 acre property he had been living on for over 16 years. He then went about subdividing the land by filing the very first subdivision plans for what would become West Vancouver. Plan 627 was surveyed and accepted for filing in the Land Title Office on October 10, 1892. This gave Navy Jack the power to sell individual lots off his property as laid out by the subdivision plan. However the first transaction on the land ended up not being his at all. A fraudster by the name of Joseph Hartford Gill filed false documents transferring title of a portion of Navy Jack's land into Gill's name on November 2, 1892. Gill then transferred the property into his wives' name, Minnie Gill on February 6, 1893 and borrowed funds using the stolen property as security resulting in mortgages on the property. It is unclear when Navy Jack found out about the fraudulent transfer, however, it was likely then the first mortgagee commenced foreclosure proceedings against the property. Under B.C. law the bona fide mortgagee is protected because they relied on the title which was in Gill's name. In the end, Navy Jack was forced to redeem both of Gill's mortgages himself and had to go to the Supreme Court to prove the fraud in order to have the property transferred back into his name. His lawsuit was successful and the court made the order on May 14, 1894. We'll never know the total legal expense to complete the litigation and defend the foreclosure but it would have been considerable, likely in the thousands.

The fraudulently transferred property did not include the west 100 acres of his property. This he sold to Edward Mahon, apparently prior to the filing of the subdivision, and that sale completed on July 13, 1893. Navy Jack also sold another parcel over 10 acres in size to William Jones on June 22, 1894 after the return of his property.

The one piece of good news in 1894 was his oldest daughter married on July 1, 1894, shortly after the last land sale. Navy Jack had raised four children in the house with his wife Slawia, whom he married circa 1875. Slawia had tragically died in June 1888 at the young age of 35. Their four children were Emma, born December 6, 1876. Christine born September 25, 1877, Mary born January 18, 1880 and William "Samson" Thomas believed to be born in 1881.

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Figure 4 Navy Jack's daughters

Christine, the second oldest, married Henry Jack six months after her sister married, on January 2, 1895. They provided Navy Jack with his first grandchild, Adeline Jack born September 6, 1896. Christine would go on to have six more children and live a full life with Henry Jack who predeceased her in 1955. Christine died March 23, 1960 in her son-in-law's home, the famous actor, Chief Dan George.

Emma's first child, Alexander, was born February 4, 1897, nine months before Navy Jack passed away but, Alexander only survived two weeks passing on February 19, 1897. Emma would go on to have five more children with Pierre until he passed away at an early age. She then married Pascal "Pete" Williams and had six children with him. She passed away on January 25, 1962 still living on the North Shore as part of the Mission Reserve where she spent her life after marriage, and leaving many grandchildren and great grandchildren.

Mary first married Jack "John" Findlay and had six children with him while living in the Mission Reserve. John passed away December 1912 and Mary remarried to William James Walker on December 12, 1915. She had two children with him. Mary Walters was residing in Hartley Bay up the coast near Prince Rupert when she passed away November 12, 1960.

There are no archival records involving William "Samson" Thomas, pertaining to births, marriages or death. However records obtained from a court proceeding defending indigenous rights in the 1970's indicate he first married Louisa Peters on June 22, 1900 in Musquem. he had three children through that marriage. After his first wife died, he married Susan Rose George on March 28, 1910. She was Tseil-Wauthuth and they had four children together. His death records have not been found.

Navy Jack died in the Royal Cariboo Hospital in Barkerville on November 14, 1897. We know from probate records that owned fee simple title to the Discovery Claim on Jack O' Clubs Creek, north west of Barkerville. The cause of death was heart disease. The medical certificate of death usually states how long the doctor saw the patient before death but in Navy Jack's case it was crossed out indicating he died quickly after admission. The Probate history is documented in Appendix \* but sheds little light on what he did in his final years up north. His home and property in West Vancouver had been missed in the Probate process and his family were unable to manage his affairs because of it. The home and property remained in legal

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limbo until sold in a foreclosure proceeding for a small mortgage he obtained before going north. The house and property ended up being sold to John Lawson, known as the "father of West Vancouver" to start another chapter the story of this house, the oldest remaining house on the North Shore.





**LAND TITLE HISTORY OF NAVVY JACK'S DISTRICT LOT 775**

**by Paul Hundal ©2020**

**CROWN GRANT TO JOHN "NAVY JACK" THOMAS**

From the perspective of the Land Title Office of British Columbia (LTO), which acts as a land registry under the "Torren system", the land title history of a property begins with the issuance and filing of a Crown Grant.

The Torren system is relatively unique to British Columbia because unlike most other land registries in North America, our system guarantees title. Whatever the LTO says regarding the state of title becomes absolute legal title. They start with the premise that the Crown Grant provides the first "fee simple" title to land and when filed with the LTO, the Crown Grant is entered in the "Absolute Fee Book" as the first registration of land making it "indefeasible" title. It is sometimes said that the Torren system is "title by registration" instead of "registration of title". Most of North America uses a registration of title system. The first step of registering the Crown Grant in the LTO is the only step that constitutes "registration of title". After that the Torren land title system takes over and grants "title by registration".

**On October 28, 1890 a Crown Grant of approximately 160 acres was issued to John Thomas and is described as DL 775.** The Crown Grant is shown as EXHIBIT 1. A sketch of the location of DL 775 forms part of the Crown Grant and is shown as EXHIBIT 2. The confirmation of receipt of the \$160 purchase price paid on November 7, 1890 is attached as EXHIBIT 3 (being the statutory fee of \$1/acre). The entry in the Absolute Fee Book is shown as EXHIBIT 4 which formalizes the registration of John Thomas's indefeasible title to District Lot 775 (DL 775).

The location of DL 775 can be seen currently as being from 16th Street at its eastern boundary to 22nd St. at the west boundary, north to Haywood Ave (including the lots on the north side) and south to the waterfront.


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## EXHIBIT 1

**CROWN GRANT.**

Entered in District Register  
and on Map. *1844*  
Compared. *1841*

Lieutenant-Governor.

  
U. K.

Province of  
**BRITISH COLUMBIA.**

*J. Robson*  
Chief Commissioner of Lands and Works.

No. *4147*  
*45*

*H. Gore*  
Surveyor-General.

**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 sixty* Dollars, to US paid, give and grant unto *John Thomas*

his heirs and assigns, All that Parcel or Lot of Land situate in *New Westminster* District, said to contain *One hundred and sixty* acres, more or less, and more particularly described on the map or plan hereunto annexed and coloured red, and numbered *Lot Seven hundred and seventy five (775) Group B*

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 Thomas*

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 Thomas* 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.

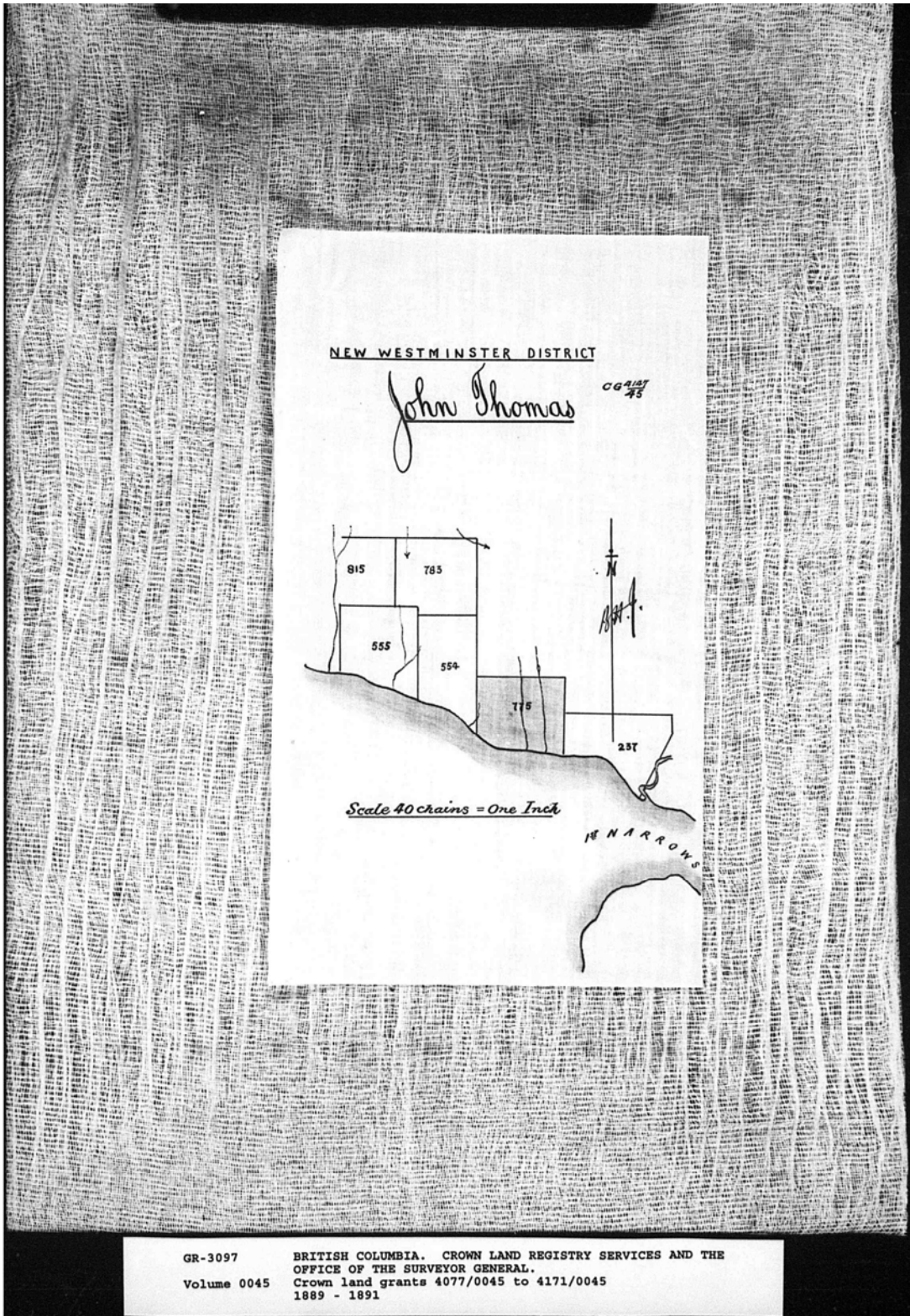
Witness His Honour *Hugh Nelson* Lieutenant-Governor of Our Province of British Columbia and its Dependencies, at Our Government House, in Our City of Victoria, this *Twenty eighth* day of *October* in the year of Our Lord One thousand eight hundred and *sixty*, and in the *fifty fourth* year of Our Reign.

By Command.

Provincial Secretary.

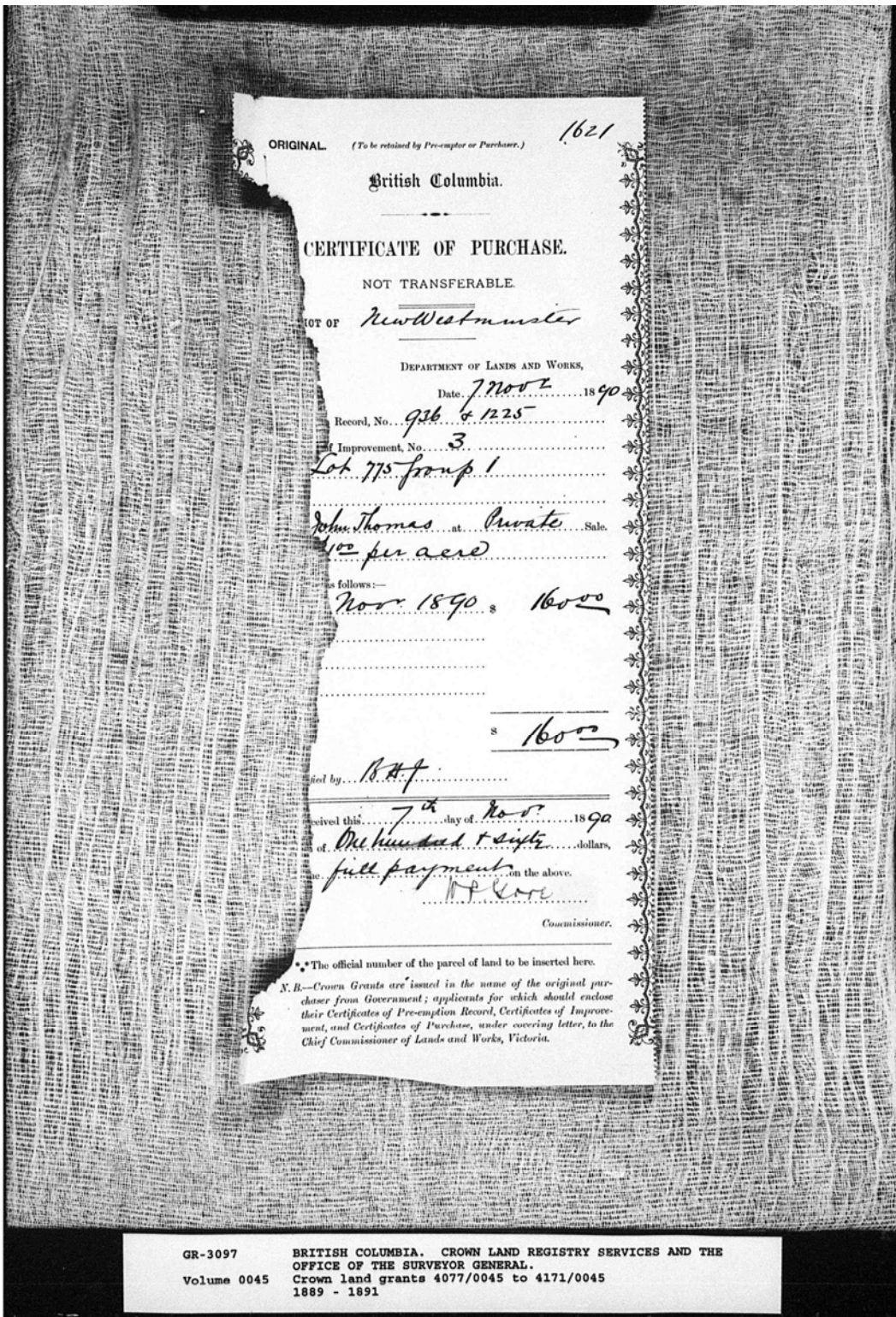
VOLUME 0045 CROWN LAND GRANTS 1871/0045 TO 1881/0045  
1889 - 1891

EXHIBIT 2



GR-3097 BRITISH COLUMBIA. CROWN LAND REGISTRY SERVICES AND THE  
Volume 0045 OFFICE OF THE SURVEYOR GENERAL.  
Crown land grants 4077/0045 to 4171/0045  
1889 - 1891

EXHIBIT 3



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## EXHIBIT 4



**PRE-EMPTION PROCESS IN ORDER TO OBTAIN CROWN GRANT**

The process to obtain a Crown Grant is far more complex than a simple purchase and must be understood to unravel the history of this property prior to the issuance of the Crown Grant in 1890; especially since John Thomas was not the original pre-emptor of the land. The original pre-emptor of the land was a man named James Blake.

There were three ways to acquire land from the Crown in those days, 1) pre-emption, 2) direct purchase of government surveyed land, and 3) military grant. The first laws granting the right to "pre-emption" were made by Proclamation of Governor James Douglas in 1860. I say Proclamation because in those days the Governor ruled by "fiat". There was no legislature to pass laws.

On January 4, 1860 Governor Douglas made the following unnamed Proclamation:

"1. That from and after the date hereof, British Subjects and aliens who shall take the oath of allegiance to her Majesty and Her successors, may acquire unoccupied and unreserved, and unsurveyed Crown land in British Columbia (...) under the following conditions:

2. The person desiring to acquire any particular plot of land of the character aforesaid, shall enter into possession thereof and record his claim to any quantity not exceeding 160 acres thereof, with the magistrate residing nearest thereto, paying to the said magistrate the sum of eight shillings for recording such claim...The claimant shall give the best possible description thereof to the magistrate with whom his claim is recorded, together with a rough plan thereof, and identify the plot in question by placing at the corners of the land four posts, and by stating in his description any other land marks on the said 160 acres, which he may consider of a noticeable character.

3. Whenever the Government survey shall extend to the land claimed, the claimant who has recorded his claim as aforesaid, or his heirs, or in the case of a grant of certificate of improvement hereinafter mentioned, the assigns of such a claimant shall, if he or they shall have been in continuous

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occupation of the same land from the date of the record aforesaid, be entitled to purchase the land so pre-empted at such rate as may for the time being fixed by the Government of British Columbia not exceeding the sum of 10 shillings per acre.

4. No interest in any plot of land required as aforesaid, shall before the payment of the purchase money, be capable of passing to a purchaser unless the vendor shall have obtained a certificate from the nearest magistrate that he has made improvements on the said plot to the value of 10s. per acre.

5. Upon payment of the purchase money, a conveyance of the land purchased shall be executed in favour of the purchaser, reserving the precious minerals with a right to enter and work same in favour of the Crown, its assigns and licensees. 6...."

As a result of this Proclamation, lands in British Columbia were available for homesteading. Not surprisingly the first three Crown Grants issued on the North Shore were at the mouths of its most important watercourses, DL 193 at the mouth of Seymour River, DL 204 at the mouth of Lynn Creek and DL 237 at the mouth of Capilano River.

Over the next ten years these rules were refined to expressly exclude indigenous people. Governor Seymour, who took over from Governor Douglas, revoked all pre-emptions by natives retroactively, on March 26, 1866.

They also barred women and non-British subjects from pre-empting. On **June 1, 1870, the "Land Ordinance, 1870"** was enacted by the Governor, with the advice and consent of the Legislative Council of B.C. consolidating all previous Acts, Ordinances and Proclamations affecting Crown lands, except the Military and Naval Settlers Act. The definition of who may pre-empt was limited to men and the ban on "Aborigines" pre-empting was expanded to any Aborigines from North America. It also created an age restriction of eighteen and over, which was not in the previous Acts. Section 3 stated for the first time:

"3. From and after the date of ... this Ordinance, any male person being a British Subject, of the age of eighteen years or over, may acquire the right

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to pre-empt any tract of unoccupied, unsurveyed and unreserved Crown Lands (not being an Indian Settlement) not exceeding ... one hundred and sixty acres... Provided that such right of pre-emption shall not be held to extend to any of the Aborigines of this Continent, except to such as shall have obtained the Governor's special permission in writing to that effect."

**These were the laws in effect when John Thomas sought to acquire land.** Some of the procedures changed but what continued throughout was essentially the following process.

**First step:** Find unsurveyed, unoccupied and unreserved land, place posts on the four corners of up to 160 acres, then file a rough map with the Land Commissioner in order to obtain a "Record of Pre-emption". This Record gave you the right to temporarily occupy this land but you had no right to sell this interest. It was not transferrable.

**On April 3, 1872, James Blake obtained a Record of Pre-emption over the lands that would later be described as DL 775. The original Record of Pre-emption is shown as EXHIBIT 6 and the sketch he used to describe the land is shown as EXHIBIT 5.**

### EXHIBIT 5

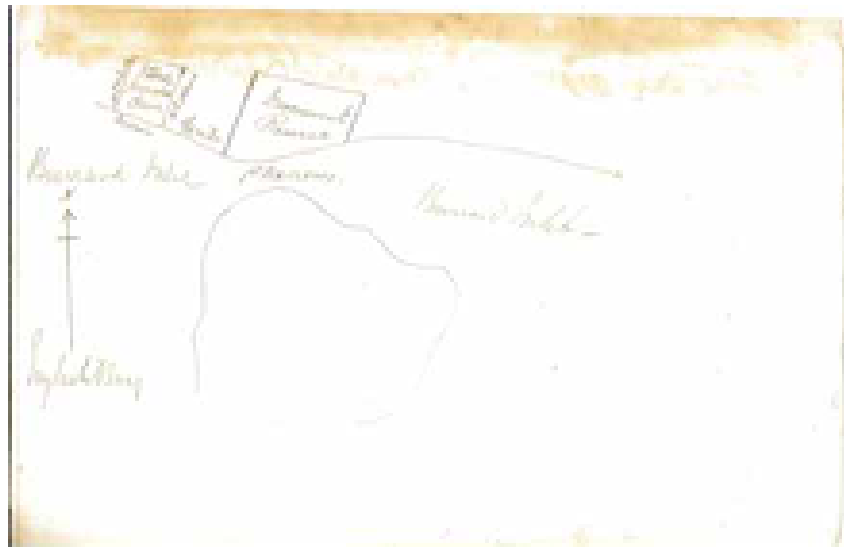





EXHIBIT 6

138

DUPLICATE RECORD.  
 Forwarded to Chief Commissioner of Lands and Works,  
 On 26 April 1872



British Columbia.

LAND ORDINANCE, 1870,  
 FORM A.

CERTIFICATE OF PRE-EMPTION RECORD.

COUNTRY LAND. \_\_\_\_\_ [No. in District Register 936]

PRE-EMPTION CLAIM.

District of New Westminster

Name of Pre-emptor, (in full) James Blake

Date of Pre-emption Claimed 3<sup>rd</sup> April 1872

Extent of Area, (in acres) One hundred and sixty

Where situated Quinn's Inlet

Description of Boundaries of Claim commencing from a stake about 1/2  
of a mile west of the Government Reserve on the  
North beach of Quinn's Inlet outside the East Wharf  
running thirty four chains along the coast in a  
South Westerly direction thence North eight chains  
& 2 lines thirty four chains S. by E. and thence to the  
point

Blair  
 Signature of Commissioner

The Hon. the Chief Commissioner of Lands and Works  
 and Surveyor General.

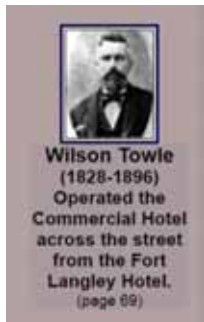
*I. J. Simpson*  
 I, J. Simpson of the Claims to be drawn on the back of this sheet.

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**Second step:** To "improve" and continuously occupy the land for up to two years and if you could prove that you have made the prescribed improvements within that time you were granted a Certificate of Improvement. This Certificate gave the holder a legal interest in land that could be sold, mortgaged or leased.

**On March 26, 1873 a Certificate of Improvement (shown as EXHIBIT 7) was issued to James Blake based on three statutory Declarations. The first statutory Declaration (shown as EXHIBIT 8) was sworn by James Blake swearing the he has been in continuous occupation of the land since he pre-empted it, that he built a house on the land and cleared two acres thereby adding over \$400 of improvements to the land. He added that he chopped another two acres to prepare it for clearing. The second statutory Declaration was sworn by Wilson Towles (shown as EXHIBIT 9) stating essentially what James Blake had said but added that five acres of land had been drained. The third statutory Declaration was sworn by James McGinnis (shown as EXHIBIT 10) repeated what Wilson Towles had said.**

I researched who all the people were who were named. Little information has been found on James Blake. The 1871 Directory shows him on a list of mill employees for either Burrard Mill owned by Sewell Moody of Hastings Mill. An




extract of this Directory is shown as EXHIBIT 11. He disappears from the next Directory in 1874 but the name does show up in Victoria as a sailor or later as a mariner but research does not confirm if it is the same man. Online searches of BC Archives death records did not show him. The other deponents named were Wilson Towles and James McGinnis. Both these names show up in the Langley Directory of residents. Wilson Towles was recognized

as an early pioneer of Langley who arrived in 1871 and built a hotel in Langley called the Commercial Hotel immediately after arriving. His history is partly outlined on the Langley Municipal website. No further information was found on James McGinnis.

EXHIBIT 7

ORIGINAL.



British Columbia.

LAND ORDINANCE, 1870. *See Lot 775 S. 1*

FORM 8.

CERTIFICATE OF IMPROVEMENT.


*Na 7*  
District of *New Westminster*

I hereby certify that *James Blake*  
has satisfied me by evidence of *himself Wilson Louie and James Malin*

[Having the Witness, and deposing their and any other evidence upon which the Commissioner has come to his judgment] that *James Blake* of *Portland Canal* has been in occupation, as required by the said Ordinance, of his Pre-emption Claim, recorded as No. *936* in this District, from the date of such record to the present time, and that he has made improvements to the extent of Two Dollars and Fifty Cents as Appn. *160* Area of Crown Land, situated at *English Bay, Portland Canal*

Signed this *26th* day of *March* 187*0*  
*Henry T. Edmunds*

EXHIBIT 8

  
 Territory of Columbia  
 LAND ORDINANCE, 1870.  
 FORM C.  
 DECLARATION.

*Lot 775 G. 1*

Town of *New Westminster*  
*James Blake* of *Harvard Inlet*  
 do solemnly and sincerely declare that I have been in occupation of  
 my prescriptive claim since I presumped it, that  
 I have cleared about two acres of timber about two  
 acres ready for clearing and built a house on it  
 that these improvements are worth one thousand  
 dollars

[Have been specifically the improvements and have declared to be having been made by the Pro-  
 ceedings on the Claim, which shall be a full and complete Declaration conclusively settling the  
 same to be true and by virtue of the 7<sup>th</sup> Ordinance, 1870.]

Declared and signed by the within named *James Blake*  
 on the *26<sup>th</sup>* day of *March*, A. D. 187*8*.

*James Blake*  
 There for signature of Declarant.

*Henry Edwards*  
 Sheriff  
*New Westminster District*

EXHIBIT 9


  
 British Columbia  
 LAND ORDINANCE, 1970.  
 FORM C.  
 DECLARATION.

*See Col 775-9, 1.*

*District of New Westminster*  
*Wilson Towle - Bernard Inlet*  
 do solemnly and sincerely declare that I know that James H. B. has been in occupation of his presumed claim since he pre-empted it, that he has built a house there about two acres, chopped ~~2000~~ more ready for clearing and drained about five acres. I consider the improvements worth one four hundred dollars.  
(I have filled specifically the requirements and fees defined in an Inland Title, under the Department of the Crown, which define) and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oath of Office, 1968."  
 Declared and signed by the witness named *Wilson Towle*  
 on the *26<sup>th</sup>* day of *March*, A.D. 19*70* before me  
*Wilson Towle*  
 Place for signature of Deponent  
  
*Henry J. Edwards*  
 Assistant Commissioner  
 District of Columbia

EXHIBIT 10

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United Kingdom

*See also 775-41*

LAND ORDINANCE, 1870,  
FORM C,  
DECLARATION.

*District of New Westminster*

*James Maclean* a Purveyor of Salt  
do solemnly and sincerely declare that I know that *James Maclean* has  
been in occupation of the prescription claim since  
he procured it that he has built a house, cleared  
about two acres, chopped the wood ready for clearing  
and drained about five acres & consider the  
improvements worth over four hundred dollars

(I have stated specifically the improvements and have declared to us having been made by the Pro-  
prietor or his Estate, which being) and I make this solemn declaration conscientiously believing the  
same to be true and by reason of the "Gold's Ordinance, 1868."

Declared and signed by the within named *James Maclean*  
on the *25th* day of *March* A. D. 187*3* before me

*James Maclean*  
Proprietor  
Place for Applicant of Declaration.

*Henry T. Edwards*  
Assistant Comptroller  
New Westminster District

*William A. White*

## EXHIBIT 11

Burrard Inlet Names.

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## Burrard Inlet Names.

Burrard Inlet Mill—*Proprietors*, Moody, Dietz & Nelson;  
(S. P. Moody, Geo. Dietz, H. Nelson); *Accountants*. J. C. Hughes,  
Coote M. Chambers.

Hastings Mill—*Manager*, J. A. Raymur; *Accountant*, Chr.  
Loat; *Machinist*, P. Leadbeater;

## MILLMEN AND OTHER EMPLOYEES:

Ashton, T.	Foster, R.	Milman, R.
Aikman, Thos.	Forbes, G. M.	Merrifield, A.
Boyce, E.	Fitzgerald, J.	Murphy, J.
Boune, A.	Gauche, A.	Nichols, Ch.
Butler, G.	Garnon, F.	Newman, A.
Bardin, W.	Grafton, C.	Parr, J.
Boyce, E.	Gibson, J.	Plant, Peter
Bradford, G.	Hamilton, G.	Perkins, H.
Beedy, J.	Harman, L.	Phinney, W.
Brew, J.	Handy, O. W.	Powers, W.
Bushwell, H.	Haynes, G. W.	Paul, C.
Bridges, N.	Hartnon, M.	Paul, A.
Blake, J.	Hutton, G.	Porter, J.
Burr, H.	Humphreys, J.	Patterson, R.
Burr, W.	Heywood, F.	Rivers, P.
Cadwallader, A.	Hall, J.	Reed, J.
Challenger, R.	Hunt, C.	Reed, D.
Cole, Geo.	Hackett, D.	Richardson, F.
Cooper, Thos.	Hayward, T.	Russell, L.
Coutlee, F.	Jackman, P.	Rodgers, J.
Cotterell, J. A.	Knowles, F.	Ridgeway, C.
Cunningham, J. H.	Lewis, C.	Sullivan, P.
Chick, J. N.	Linn, L.	Spear, F.
Crawford, W.	Lister, J.	Slater, G.
Creary, A.	McAndrews, J.	Sweet, P. H.
Camp, J.	McNeil, H.	Smith, A.
Cysrenne, John	McDonald, A.	Sweeney, Ch.
Devine, W.	McDonald, J.	Thornton, J.
Davis, J.	McDonald, J.	Voight, A. T. J.
Daggett, C.	McLachlan, J.	Wilson, T.
Decker, S.	McBroom, A.	White, A. F.
Dickson, T.	McEwen, Walter	Walker, Ch. W.
DeBeek, G.	McEwen, W.	Wilson, T.
DeBeek, Warren	McDougall, J.	Watson, J.
DeBeek, Ward	McKenny, W.	Wilcox, J.
Donnelly, W. C.	Main, G.	Wood, Silas
Folkingham, J.	Marmion, J.	Weir, Hugh J.
Fisher, T.	Milward, J.	Wharton, H.

## Navy Jack House Citizen Group

After James Blake acquired the Certificate of Improvement in March 1873 he had the legal right to sell, mortgage or lease his interest in the land. **On November 27, 1874 James Blake signed over his interest in DL 775 to John "Navy Jack" Thomas.** The Transfer of Interest is shown as EXHIBIT 12 below.

### EXHIBIT 12





# Navy Jack House Citizen Group

When a Transfer of Interest in land takes place a new Pre-emption Record is issued to the buyer, in this case John Thomas. This is shown below as EXHIBIT 13.

## EXHIBIT 13

**ORIGINAL.**  
To be handed to the Pre-emptor.

Date ..... 187 .  
No. Date  
Certificate of Improvement..... 3 28 March 1873  
Do. Purchase .....  
Do. Notice.....  
Do. Survey Fee.....  
Crown Grant..... **British Columbia.**

**LAND ORDINANCE, 1870.**  
**FORM A.**  
**CERTIFICATE OF PRE-EMPTION RECORD.**  
COUNTRY LAND. [No. in District Register. 12261]

**PRE-EMPTION CLAIM.**  
District of *New Westminster*  
Name of Pre-emptor, (in full) *John Thomas*  
Date of Pre-emption Record *24<sup>th</sup> November 1872*  
Number of Acres, (in words) *One hundred & sixty*  
Where situated *Burrard Inlet*

Description of Boundaries of Claim *commencing from a stake about 1/2 of a mile west of the Government Reserve on the North beach of Burrard Inlet outside the first narrows — running thirty four chains along the beach in a westerly direction thence forty eight chains N.E. thence thirty four chains S.E. and thence to starting point*

*Henry J. Edwards*  
Signature of Commissioner.  
The Hon. the Chief Commissioner of Lands and Works and Surveyor General.

*N. B.—Plan of the Claim to be drawn on the back of this sheet.*

*C.C. 11/27/74*

GR-3097 BRITISH COLUMBIA. CROWN LAND REGISTRY SERVICES AND THE OFFICE OF THE SURVEYOR GENERAL.  
Volume 0045 Crown land grants 4077/0045 to 4171/0045  
1889 - 1891

## **Navy Jack House Citizen Group**

After acquiring the Certificate of Improvement (or Transfer of Interest as Navy Jack did) the holder could apply for a Crown Grant. After BC joined Confederation on July 20, 1871, the federal government agreed to build a national railway to the coast. In 1882 there was a freeze on the issuance of Crown Grants imposed until the final route of the national railway was confirmed. The Provincial government likely did not want any Crown granted land to be in the way of the eventual railway route because that land would have to be bought back. Speculators may have tried to deliberately grab land along the railway route to profit from any buy back.

As such, all the pre-emptions on the North Shore had to wait until the government was ready to start issuing Crown Grants again and that did not happen until 1890. This may be why Navy Jack's Crown Grant was not issued until October 28, 1890 even though he resided on the land for at least seventeen years prior. It is odd however that some lands pre-empted after Navy Jack obtained his pre-emption had Crown Grants issued much earlier such as DL 237 covering east of Navy Jack's land to the reserve. DL 237 was pre-empted in 1877 and the Crown Grant was issued in 1884 during the freeze period. This may have something to do with that pre-emptors social position. Josias C. Hughes was the first President of the Mechanics Institute in Moodyville and was certainly well connected in other ways.

In any event, Navy Jack married in or around 1875 to the granddaughter of Chief Kiepilano. Historians note her name as Rowia however historical documents and oral history show four other names, Slawia, Annie, Madeline and her name that she was baptized on June 1, 1888, just before her death, as Magdeleine. His first daughter, Emma, was born in their home December 6, 1876 and the second daughter Christine was born September 25, 1877. Their third daughter Mary was born January 18, 1880. His son William "Samson" was believed to be born in 1881, however very limited information is available on him. There is no record of any change in the status of the land until the Crown Grant was issued in 1890.

### **FIRST SUBDIVISION PLAN - MAP 627**

The first transaction on title after issuing the Crown Grant was the filing of a subdivision plan on October 10, 1892. It is described as Map 627 but the system would change later to calling them Plans. Part of every property's legal description today is a Plan number so if this Plan had not been cancelled it would have been called Plan 627, not Map 627. This subdivision is also measured in chains, not feet, which shows how old this Plan is. It represents an end of an era that was about to transition into a new vernacular and culture.

This Plan varied from the norm in one other way; it showed the locations of the existing buildings which is not normally done. This feature of it has been vital for historical purposes because it reveals the original location of Navy Jack's house in 1892. We know the house was moved to its current location circa 1920. This survey plan gives the very best evidence of where the buildings were before that.

In order to sell land it must be sold in definable units so that a title can be created for the sold property. Normally that is done by a subdivision Plan created by a surveyor and that is what Navy Jack did when he deposited Map (Plan) 627 with the LTO.

Navy Jack divided up all but the West 100 acres into 84 defined lots that can be sold individually once the Subdivision Plan has been accepted for "deposit" at the Land Title Office. As can be seen on Map (Plan) 627, shown below as EXHIBIT 14, the plan was signed by the owner John Thomas as required, as well as the surveyor, Henry Warren, on October 5, 1892. The District Registrar of the LTO then signed it on October 10, 1892 when he accepted it as deposited in the LTO. From that point on, John Thomas had the ability to sell the individual lots described on the Plan.

EXHIBIT 14



**FRAUDULENT TRANSFER OF NAVVY JACK'S TITLE**

In the meantime, a transaction took place that Navy Jack was not aware of until later. On November 2, 1892, one Joseph Hartford Gill fraudulently filed transfer documents dated October 31, 1892 to transfer Lots 1,2,3, 28, 29, 30, 31, 32, 33, 57, 58, 59, 60, 61, 62 and 69 all of Map 627 from John Thomas to Joseph Hartford Gill. The entry in the Charge Book is shown as EXHIBIT 15.

**EXHIBIT 15**

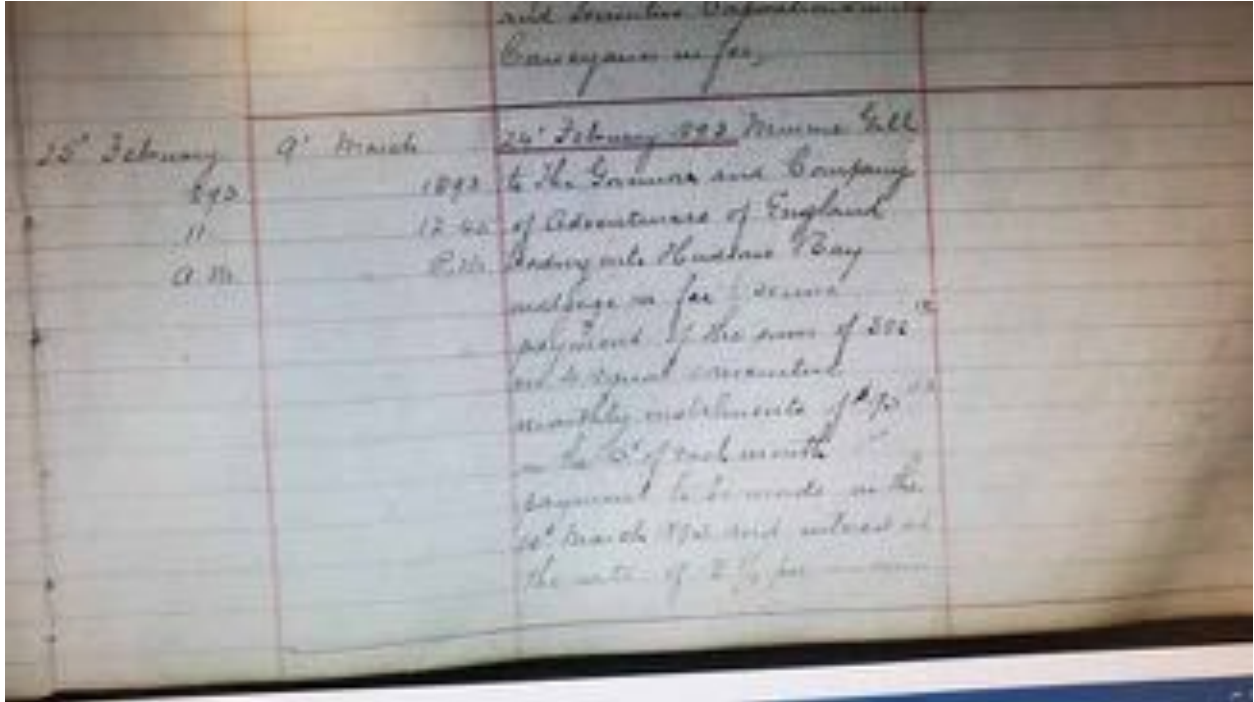


On February 6, 1893 Gill transferred his interest to his wife Minnie Gill and she put at least two mortgages on the property. One of the mortgages was to Alfred Gray who later brought foreclosure proceedings against the property. In separate proceedings Navy Jack sued the Gill's for cancellation of the transfer of title in order to obtain a court Order transferring title back to Navy Jack. He was successful but in the foreclosure proceeding it was determined that even though the transfer of title was fraudulent, once transferred, the mortgagee Alfred Gray was a bona fide lender for value entitled to rely on the state of title showing Gill as owner. Navy Jack was required to pay back the mortgage himself in order to avoid foreclosure. He also had to pay back a mortgage to the Hudson Bay

## Navy Jack House Citizen Group

Company that was registered on title on February 25, 1893 (Shown as EXHIBIT 16 below).

### EXHIBIT 16



The cost to redeem the two mortgages was around \$800, however, the cost of legal proceedings to obtain a Court Order to transfer back title to Navy Jack would have been very high, in the thousands. Furthermore he had to pay the legal cost of defending the foreclosure proceeding to prevent foreclosure of his land. In 1892 a teacher would have earned \$60 a month so the mortgages alone would have been over one year's wages. This must have been a terrible ordeal to discover your own property had been transferred out of your name behind your back and to have to pay back the mortgages put on it by the fraudster.

It appears Navy Jack borrowed \$2750 that was registered in the LTO on February 9, 1893 using west 100 acres of DL 775 as collateral. These funds may have been used to pay off Gill's mortgages to prevent foreclosure and as a retainer for his legal expenses to have the fraudulently conveyed property returned to him. The Supreme Court action granted Navy Jack his relief on May 17, 1894.

### **SALE OF WEST 100 ACRES TO EDWARD MAHON**

Another way to sell land, other than by subdivision, is to define the property in a way that can be determined with surveyors precision. Navvy Jack did that when he sold Edward Mahon land defined as "the west 100 acres of DL 775". There is a reference on Map 627 (EXHIBIT 14) to "E. Mahon 100 acres" west of the lots but LTO documents show the sale taking place July 13, 1893. Therefore some arrangement had clearly been made to sell Edward Mahon the west 100 acres well before the final sale agreement was executed. The sale price for the west 100 acres was \$12,500, a small fortune at the time and amounting to \$125/acre. The location of this land is roughly from between 18th and 19th street as the eastern boundary to 22nd St as the western boundary. North/south Mahon's purchase went the full extent of DL 775 from the waterfront to just above Haywood Ave.

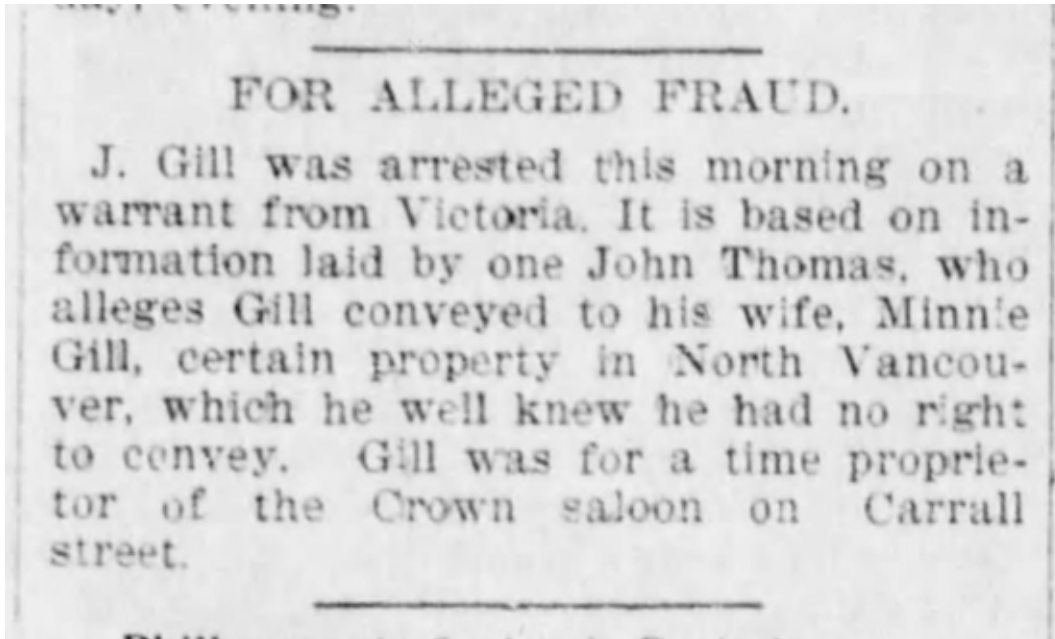
### **NAVY JACK ELECTED TO THE FIRST COUNCIL OF NORTH VANCOUVER**

Edward Mahon and John Thomas have an interesting connection to North Vancouver Council at the time. The Municipality of North Vancouver originally incorporated in 1891, just before these events took place. Its boundaries included all of West Vancouver. The first election of Council took place on August 29, 1891. The problem was they were required to elect five members to Council but there were only about five people across the whole municipality that were qualified to run for Council and Navvy Jack was one of them. In order to qualify to run for Council you had to be a male property owner and a resident. Almost all the landowners were speculators living elsewhere. Moodyville did not join the municipality the landowners who lived in Moodyville, if any, could not run. Navvy Jack did not want to run for Council but if they did not have five people elected there would be no first Council so Navvy Jack agreed to be elected as Councillor at the very first election of the Municipality of North Vancouver on August 29th. His resignation was accepted at the Council meeting held October 31, 1891 and Edward Mahon took his place on Council. This residency requirement only applied to the first election. After that you only had to be a male British subject and property owner to run for Council (except for a short time between 1896 to 1898 when the province changed the law to require residency for all elections).

**CHARGES AGAINST JOSEPH HARTFORD GILL**

Navy Jack did get a judgment against Joseph Gill for his losses but that was almost certainly a "dry Judgment" since there was likely no money to execute against. A newspaper article dated May 18, 1894 disclosed that criminal charges were brought by Navy Jack against Joseph Gill (See EXHIBIT 17).

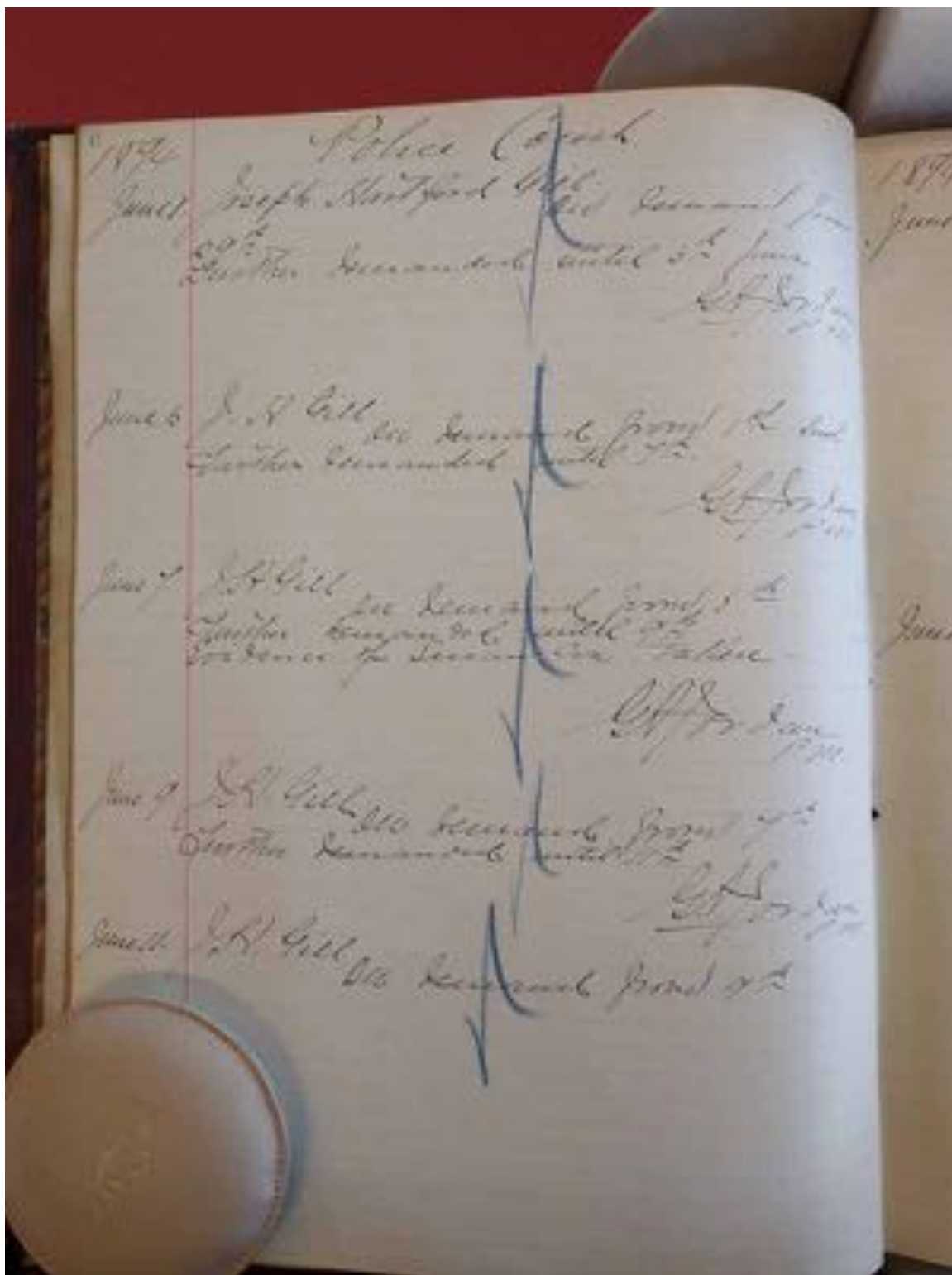
**EXHIBIT 17**



The newspaper followed the proceedings which were held in Police Court. It is odd that they were held there because only minor offences are dealt with in Police Court unless it was a preliminary hearing. The last newspaper report was on June 6, 1894 which reported that after hearing evidence, the decision was reserved. Nothing was reported after so it appears that the criminal proceedings were likely dismissed due to reasonable doubt or insufficient evidence. The last police court entry for the charges against Joseph Gill are shown on EXHIBIT 18.



EXHIBIT 18



SALE OF LAND TO WILLIAM R. JONES

## Navy Jack House Citizen Group

On June 22, 1894, LTO records show that Navy Jack sold a large strip of DL 775 between his house and the west 100 acres that he previously sold to Edward Mahon. The property sold is shown in yellow in EXHIBIT 19 below.

### EXHIBIT 19



### NAVY JACK'S MORTGAGE TO MARY GREET

On August 17, 1894 John "Navvy Jack" Thomas obtained a loan of \$1200 secured by a mortgage of all his remaining property within DL 775. The court proceeding, and legal bills that go with them, were complete and it appears the money from the sale of the west 100 acres to Edward Mahon was gone. If those funds all went to legal fees to get his property back, then it would have been a pyrrhic victory indeed. He would have paid more to get the property back than it was worth. The fact that he had to mortgage his property in 1894 rather than sell more lots was likely because Vancouver, and the world for the most part, was going through a depression in the 1890's. Vancouver lots were cheaply available and a lot more accessible. The decline in sales led to the Moodyville mill going into receivership. This was not a time to be able to sell land. In hindsight the market demand for land did not reach West Vancouver until after 1906.



Navvy Jack's daughters

Navvy Jack died long before that on November 14, 1897 and the property was foreclosed out by Mary Greet in 1905, just before the market for land took off. Navvy Jack's wife, died circa June 1888 of unknown causes. His daughter Emma first married Pierre Domminick on July 1, 1894 so Navvy Jack would have been able to see one daughter marry before he died. It was soon after that he is reported to have gone to Barkerville to find gold. Mary Greet's loan a month later was likely seed money for that venture as well as the sale proceeds from William Jones. On July 17, 1895 a newspaper reported that "Navvy Jack, of the Jack of Clubs claim, Cariboo", is in the city (EXHIBIT 28). So he must have returned for a visit one year later. There is no information yet on what happened after that other than his cause of death was heart failure up in the gold fields and the information from the Probate of his estate.

Mary Greet's foreclosure sale was completed on November 16, 1905 with a sale of the whole property remaining, which included the house, to James Cooper Keith. Keith sold it the following year to John Lawson who would come to be known as the father of West Vancouver.

**PROBATE OF NAVVY JACK'S ESTATE**

Upon Navy Jack's death on November 14, 1897, only the administrator of his estate or the court had legal authority to transact any business over DL 775.

The estate of John "Navy Jack" Thomas ended up being administered in the County Court of BC in Ashcroft by a person who did not know him and thought he had no next of kin. John Fraser, who describes himself as a bookkeeper from "Quesnelle", swore an Affidavit saying Navy Jack died with no next of kin in the Province and only owned a fee simple Crown Grant of land and mineral claim on Jack of Clubs Creek. Fraser knew nothing of Navy Jack's family or of his land holdings on the North Shore because he failed to post notice in any Vancouver newspaper. His main purpose for filing for letters of administration of the estate was to obtain the authority to sell the land containing the local mineral claim to pay the estates local debts.

The first two Affidavits sworn February 12, 1898 and February 24, 1898 were filed in court to support John Fraser's application to administer the estate. They are shown as EXHIBIT 20 and 21 below. The next document shown is the Order granting John Fraser administration of Navy Jack's estate, shown as EXHIBIT 22, that was made on February 25, 1898.

The next document is a Petition filed by the Administrator October 5, 1899 to seek authority to sell the only real estate they knew of the pay the estate debts. The Petition is shown as EXHIBIT 23. With it was filed an Affidavit in support sworn on October 5, 1899 shown as EXHIBIT 24. This Affidavit provides the only real description of his real estate as "the Discovery Claim". In those days around Barkerville, Crown Grants were issued with a number identifying it as well as the name of the Claim. The Discovery Claim was part of its legal description. The Order allowing sale of the land was made on October 19, 1899 (EXHIBIT 25).

The next Affidavit was sworn in support of an application for the final Order in the proceeding authorizing distribution of the estate proceeds to pay the estate debts "rateably". It was sworn December 9, 1899 and is shown in Exhibit 26. The final Order for distribution was made December 19, 1899 and is shown as EXHIBIT 27.

EXHIBIT 20

IN THE COUNTY COURT OF CARIBOO HOLDEN AT *Isberg Station*

In the matter of the goods of John Thomas deceased intestate.

BE I, John A. Fraser of Queenelle Mouth, clerk, make oath and say as follows:-

1. I am the Official Administrator for the County of Cariboo.
2. John Thomas died at the Royal Cariboo Hospital, on the 14th day of November 1908 as I am informed and verily believe.
3. That I have searched amongst the papers of the said John Thomas and in his repositories where he usually kept his papers of account and business and I have been unable to find any will and I verily believe that the said deceased died without leaving will or testamentary paper whatsoever.
4. That I will well and faithfully administer the estate of the said deceased by paying his just debts and by distributing the residue thereof as the law directs and as far as the said estate will extend and that I will exhibit a true and perfect inventory and account of the said estate whenever required by law so to do
5. That the total value of the said estate does not exceed fifty dollars ~~US~~ as I am informed and verily believe.

Sworn at Queenelle Mouth this  
twelfth day of February 1909  
before me

*J. F. Smith J.P. John A. Fraser*

EXHIBIT 21

IN THE COUNTY COURT OF CARIBOO HOLDEN AT *Isberg Station*

In the matter of the goods of John Thomas deceased intestate.

BE I, John A. Fraser of Queenelle Mouth, clerk, make oath and say as follows:-

1. I am the Official Administrator for the County of Cariboo.
2. John Thomas died at the Royal Cariboo Hospital, on the 14th day of November 1908 as I am informed and verily believe.
3. That I have searched amongst the papers of the said John Thomas and in his repositories where he usually kept his papers of account and business and I have been unable to find any will and I verily believe that the said deceased died without leaving will or testamentary paper whatsoever.
4. That I will well and faithfully administer the estate of the said deceased by paying his just debts and by distributing the residue thereof as the law directs and as far as the said estate will extend and that I will exhibit a true and perfect inventory and account of the said estate whenever required by law so to do
5. That the total value of the said estate does not exceed fifty dollars as I am informed and verily believe.

Sworn at Queenelle Mouth this  
twelfth day of February 1909  
before me

*J. F. Smith J.P. John A. Fraser*

EXHIBIT 22

IN THE COUNTY COURT OF CARIBOO HOLDEN AT ASHCROFT STATION

In the Matter of the Estate and Effects of John Thomas deceased

Upon reading the affidavit of John A. Fraser the Official Administrator  
of the County of Cariboo and the certificate of death of the said John  
Thomas IT IS ORDERED that Letters of Administration do issue to the said  
John A. Fraser the Official Administrator as aforesaid  
Dated this 23<sup>rd</sup> day of February 1898

*Clement A. Jernwall*

Judge of the County Court of Cariboo



GR-1999 BRITISH COLUMBIA. COUNTY COURT (Ashcroft).  
Probate files, 1875-1942.

EXHIBIT 23

IN THE MATTER OF THE INTERSTATE ESTATE ACT  
AND IN THE MATTER OF THE ESTATE OF JOHN THOMAS LATE OF BARKERVILLE  
DECEASED INTERSTATE

TO HIS HONOUR JESSE GREENWALL, Judge of the County Court of Cariboo

The humble petition of the undersigned respectfully sheweth:

That he is the Official Administrator for the County of Cariboo and  
that as such letters of administration were issued to him out of the  
Honourable Court on the 26th day of February 1898

2. That the said John Thomas died possessed of a real estate  
placer mining claim known as the Discovery Claim situate on Jack of  
Clubs creek near Barkerville in the County of Cariboo.

3. That the personal estate of said deceased is insufficient to  
pay his debts.

4. That the said real estate is in the opinion of your Petitioner  
not worth more than \$500.

5. That your Petitioner verily believes that said deceased left  
no relatives in the Province of British Columbia

6. That the whole of the moneys which your Petitioner expects to  
receive for said claim will be required to pay the debts of deceased.

YOUR PETITIONER THEREFORE PRAYS for an order authorizing him  
to enter upon take possession and sell the said real estate  
placer mining claim and for such purpose to make do and execute  
all necessary deeds receipts grants assurances and acts as may  
be necessary to carry out such sale  
And your Petitioner will ever pray

*Dated this 5<sup>th</sup> October 1898*  
*Jos A. Fraser*  
*by his Solicitor*  
*Dennis Murphy*

GR-1969 BRITISH COLUMBIA. COUNTY COURT (Ashcroft).  
Probate files, 1875-1942.



EXHIBIT 24

IN THE MATTER OF THE WITESTATE ESTATES ACT  
AND IN THE MATTER OF THE ESTATE OF JOHN THOMAS LATE OF BARKERVILLE  
DECEASED INTERSTATE

I John A. Fraser of Quemeselle Mouth, Book-keeper take oath and say as follows:

1. That I am the official Administrator for the County of Cariboo and that as such letters of administration were issued to me out of this Honourable Court on the ...*24th* day of *February*, 1898.
2. That the said John Thomas died possessed of a real estate placer mining claim known as the Discovery Claim situate on Jack of Clubs creek near Barkerville in the County of Cariboo.
3. That the personal property of said John Thomas is insufficient to pay his debts.
4. That I verily believe that the value of said real estate placer mining claim is not more than \$300.
5. That I verily believe that said John Thomas left no heirs or next of kin in the Province of British Columbia.
6. That the whole of the moneys for which said claim is to be sold will be required to pay the debts of the said deceased.

Sworn at Quemeselle Mouth this *fifth*  
*8th* day of October, 1898 before me *John A. Fraser*

*S. D. Williams*  
Justice of the Peace in and for the County of Cariboo

EXHIBIT 25

IN THE MATTER OF THE INTESTATE ESTATES AGE

AND IN THE MATTER OF THE ESTATE OF JOHN THOMAS LATE OF BARKERVILLE  
DECEASED INTESTATE

UPON HEARING Mr. Lewis Murphy of Counsel for John A. Fraser the official  
Administrator for the County of Carleton and upon reading the petition of  
the said John A. Fraser and the affidavit of the said John A. Fraser sworn  
on the 5th day of October 1899 and filed herein

IT IS ORDERED that said John A. Fraser as such Administrator be at liberty  
to enter upon, take possession of and sell a certain real estate place  
bearing claim known as the Discovery claim situate on Jack of Clubs  
Creek near Barkerville and for such purpose shall have full power and  
authority to do make, execute and deliver all deeds, notes, assignments,  
and receipts requisite or necessary for the purposes of carrying out  
such sale.

Provided Always that such sale shall not be made till after this order  
has been published for at least two consecutive issues in the Ashcroft  
Journal published at Ashcroft B.C.

Provided Further that any sale so made shall be subject to the approval  
of this Court.

Dated at Ashcroft this 14<sup>th</sup> day of October A.D. 1899

*Alement J. Lowndall*  
*C.L.L.*

GR-1959 BRITISH COLUMBIA. COUNTY COURT (Ashcroft).  
Probate files, 1875-1942.

EXHIBIT 26

IN THE COUNTY COURT OF CARIBOO HOLDEN AT ASHCROFT  
IN THE MATTER OF THE OFFICIAL ADMINISTRATORS ACT  
AND IN THE MATTER OF THE ESTATE AND EFFECTS OF JOHN THOMAS DECEASED  
INTERVENE

I John A. Fraser of Queensville Mouth Book-keeper make oath and say as follows:-

1. That I am the official Administrator for the County of Cariboo and as such letters of Administration were issued to me out of this Court to the estate and effects of John Thomas deceased intestate.
2. That I have carefully examined the assets and liabilities of the said estate and that the assets thereof amount to a sum not exceeding \$1000 <sup>00</sup>/<sub>100</sub> while the liabilities amount to \$2500 <sup>00</sup>/<sub>100</sub> and I verily believe that the estate is insufficient to pay the just debts of the said deceased in full.

Sworn before me this 9<sup>th</sup>  
day of December A.D. 1888 at  
Queensville Mouth

*John A. Fraser*

*W A Johnston*  
Notary Public

Notary of the Peace and for the County of Cariboo

9  
12  
1-5-5  
5-5-1-0

GR-1959 BRITISH COLUMBIA. COUNTY COURT (Ashcroft).  
Probate files, 1875- 1942.

EXHIBIT 27

IN THE COUNTY COURT OF CARIBOO HOLDEN AT ASHCROFT  
IN THE MATTER OF THE ESTATE AND EFFECTS OF JOHN THOMAS DECEASED  
INTESTATE

AND IN THE MATTER OF THE OFFICIAL ADMINISTRATORS ACT

AFTER HEARING Mr. D. Murphy, of Counsel for John A. Fraser of Quesmelle  
Month 2, 1900, the Official Administrator for the County, of Cariboo and upon  
reading the affidavit of the said John A. Fraser IT IS ORDERED that the  
proceeds of the estate of the said John Thomas deceased intestate be applied  
from time to time in payment of all his just debts ratably and in proportion  
to their respective amounts.

Dated at Ashcroft this 19<sup>th</sup> day of December A.D. 1900

*Clarence F. Cornwall*

Judge of the County Court of Cariboo

MEDICAL CERTIFICATE OF DEATH OF JOHN "NAVY JACK" THOMAS

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES ACT.

MEDICAL CERTIFICATE OF DEATH

To the Registrar of District No. 7

I, *J. J. Adams* hereby certify that I attended *John Thomas*

who was apparently aged, or was stated to be aged,

*Sixty eight* years, that I last saw *him* on the *14th* day of *November* 18*97* that he died on the *14th* day of *November* 18*97*

at *Royal Naval Hospital* that the cause of his death was *Gravel disease*

and that the disease continued about *\_\_\_\_\_* weeks

Signature: *E. A. Hunt*  
Profession: *M. D.*  
Residence: *Bakerville*

*Deceased born me at Parkville June 26 day of November 1857 High & Johnson Attorney Parkville*

### **IMPACT OF PROBATE ON DL 775 (NAVY JACK HOUSE AND LAND)**

There is no written record found by the author of any attempt by Navy Jack's heirs to sell his remaining property. All indications are that they did not even know that he died. He went to Barkerville and the last newspaper reference to him was a notice in The Daily World that Navy Jack had come to town (see EXHIBIT 28). His daughters could not have sold his property themselves if they thought he was alive. The failure of the Administrator of Navy Jack's Estate to post notice in a Vancouver newspaper is arguably negligent. It certainly led to the failure of his friends and family finding out about his death so as to allow them to take the proper steps to manage his estate. The court record makes reference to posting notice in the Ashcroft Journal. Clearly Navy Jack's family could not be expected to read the Ashcroft Journal.

This failure also provides a strong indication that Navy Jack never talked about his family and land holdings to people in Barkerville. If he had, the word would likely have gotten back to the Administrator of the Estate that there were next of kin.

The legal complexity and cost of managing the estate would have been exacerbated by these failings because the probate proceedings would have to be reopened based on the new information. This would drive up the legal costs and make it that much more difficult for Navy Jack's daughters, his only heirs, to deal with the estate when they eventually did find out about his death. I suspect that DL 775 was already sold by the time the daughters found out about his death which would make any application regarding that property moot.

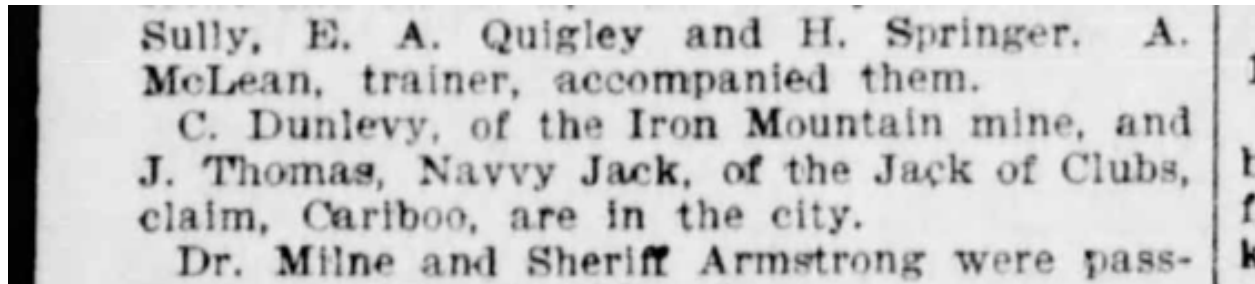
The history books and newspapers have many stories about Navy Jack, but nothing was said about the daughters and whether they attempted to redeem the mortgage. They could have if they had known he had passed away. They could taken conduct of the estate and sold enough lots to pay the mortgage. Not knowing whether he was alive or dead would have left them in a precarious situation.

Doing nothing, however, led to the property being acquired at a fire sale price by local banker, politician James Cooper Keith who then sold it to John Lawson. This

## Navy Jack House Citizen Group

land was already subdivided so it was ready to be sold as individual lots at a time when the population was rapidly expanding. This would have been a great investment for the daughters to share but circumstances prevented them from being able to do anything to clean up the mess that the estate was in. It would have taken substantial legal resources to reopen and properly manage the estate and to take care of the mortgage that was in default at the same time.

### EXHIBIT 28



### EPILOGUE

The homestead known as DL 775, which now forms the core of West Vancouver's business district and civil life, with the City Hall now at one end and the community's main Recreation Centre at the other, went through a very strange history at its early formation. How often do you hear about land being stolen under the owners nose by fraudulently filed land transfer documents. Then there was the sad loss of the land, by the family who were raised there, due to a negligently managed estate when Navy Jack died. The one legacy that did survive to the present was the original house that was built when the land was first settled (pre-empted) by colonial immigrants. This legacy is a reminder of the colourful history of this land where two cultures first met, the original indigenous inhabitants, and the early colonial settlers.