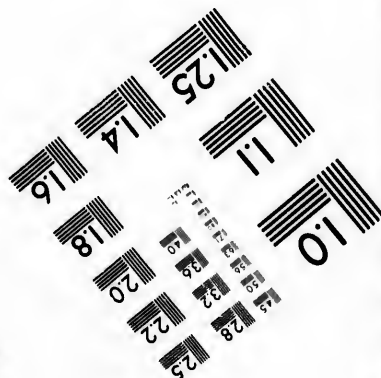
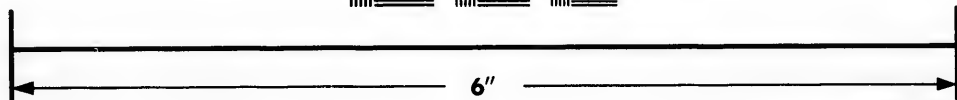
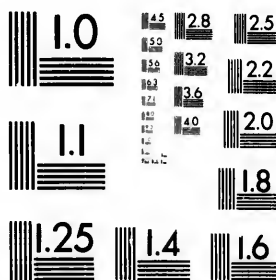


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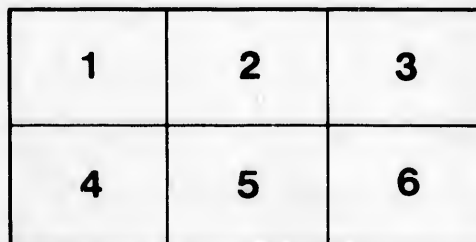
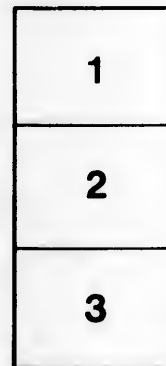
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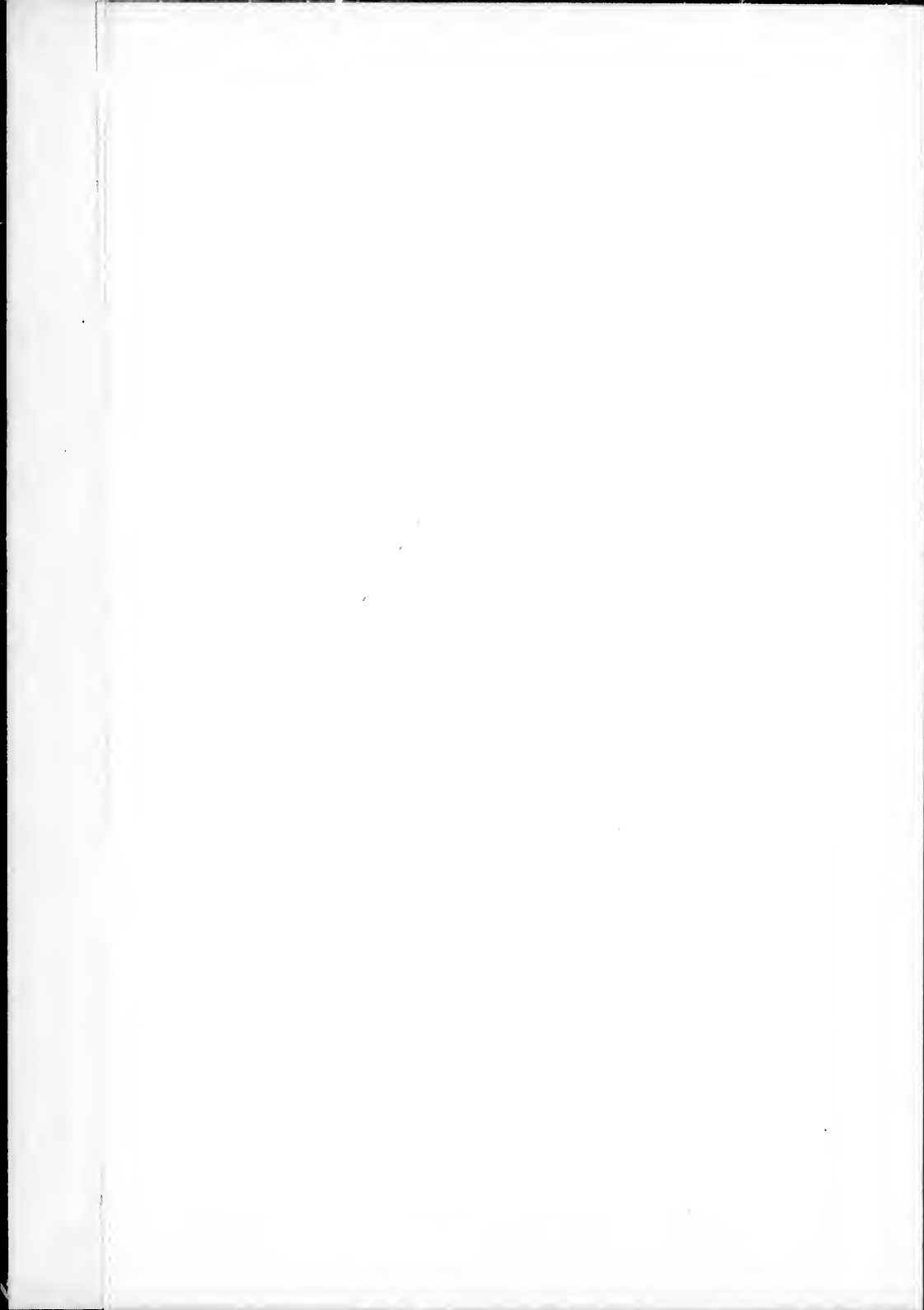
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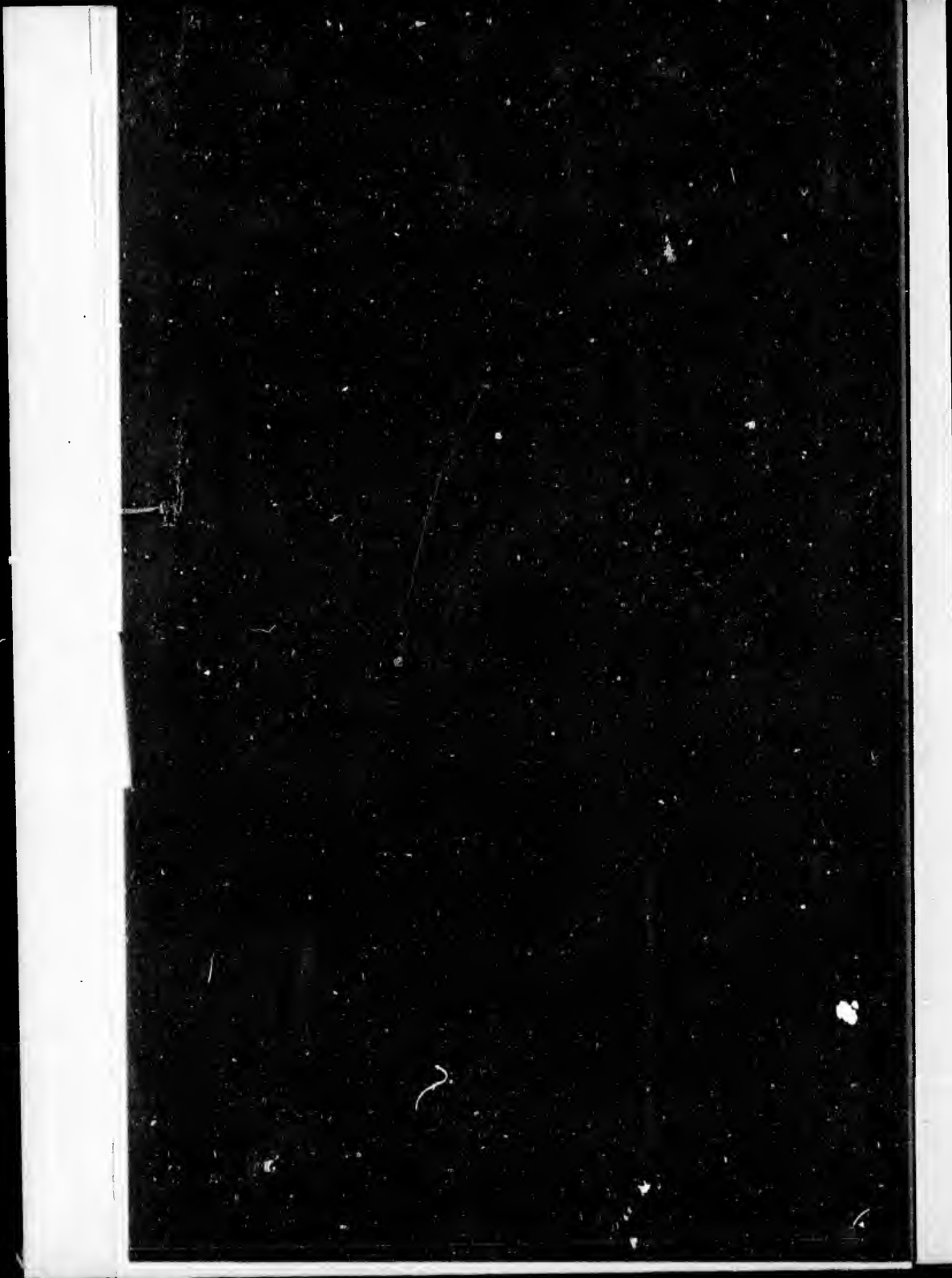
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THE
Celebrated Greer Case

THE SUBJECT AND THE CROWN.

The Government of British Columbia
and the C. P. Railway Co.
Versus
Samuel Greer.

**The Rights of the Subject in Jeopardy by an unprincipled
Government and an Ironclad Monopoly.**

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The Celebrated Greer Case.

TO THE ELECTORS OF THE PROVINCE OF
BRITISH COLUMBIA.

AS the principle involved in this issue is dangerous to the Commonwealth of this country—the only source by which Responsible Government can live and have its being—I commence by asserting that I do not believe that any man can be the proper custodian of vested rights who will not protect them. My case is well-known to the public, inasmuch as it has been before them by means of a “Royal Commission” and the various courts of law, from the Police Court to the Supreme Court; both at the Assizes Divisional Court and Full Court, which said Courts have passed opinions on it during a period of four years in which the case has been carried on against me, first by the Government itself and subsequently by the Railway Company. Perjury, forgery, rebellion and conspiracy have been charged against me; shackles and the dungeon with all its concomitant terrors have been meted out to me; twenty-three days’ trial in the Police Court at Victoria, thirty days at the Court of Assizes were experienced by me. I ask is not this tyranny and despotism unworthy of a Province called British and under the flag of Great Britain; and I have come through it all unscathed and without the slightest stigma on my character. My only crime, if such it be, is that I claimed my just rights from the Government and asked them to carry out the contract with one of their subjects, which was entered into in good faith. If such be a crime, I plead guilty to it. But such is only a crime in the eyes of a corrupt and unprincipled Government, who have pillaged the country and have divulged Cabinet secrets to their friends and to cover their tracks have thrown the onus on their subordinates. With respect to my land, all the answer I can get is, “The Queen can do no wrong, and the land is too valuable.” My object in pub-

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ishing this is to lay the matter before the electors and to ask them, as lovers of British independence, to give their opinion of such doings at the hustings; to speak out what they think of such injustice and that in no uncertain voice and to ask if they will allow their representatives to be treated with contempt by the Government and the resolutions of the House be ignored by them. I now refer to the Sessional Papers of 1888, when Mr. Bole, M.P., asked the Hon. John Robson the following question: "Why has the Government ignored the express commands of this House by not issuing a Crown Grant to Samuel Greer, in accordance with a resolution of this House which appears on the journals of last Session, which said resolution was carried by a large majority?" Hon. John Robson answered, "Greer has no rights in law or equity." In answer to another question the same gentleman said, "Several Crown Grants were issued to other parties, but the parties were told when they were issued that they were not worth the paper they were written on." My neighbour on English Bay, Jerry Rogers, and his successors, who were in full enjoyment of a Crown Grant for sixteen years were totally ignored and a second Crown Grant issued to other parties. Mr. Fisher, of the Bank of British Columbia, has held land by Crown Grant for a number of years in the vicinity of English Bay and about two years ago the Government issued several pre-emption records on the same land and the parties holding these, viz., B. Duncan McPherson, James Andrews, Capt. Alcock and Angus McInnes, are now residing on the land and have put improvements thereon. Still another of the unjust acts of this incompetent Government is the way in which they have treated John Thomas, better known as "Navy Jack." He has held a pre-emption on the shores of English Bay for almost twenty years and has been a *bona-fide* resident during that time, but we find the Government have ignored his rights and have issued Crown Grants to other parties. The case is now in litigation. The outer world will surely think there is something radically wrong at English Bay; but to me everything is quite clear and the whole secret lies in a nutshell.

The Hon. John Robson & Co. are the owners of Sub-division Lot 192, on English Bay. The great Continental Railway, the C.P. Railway ends on the eastern boundary of Sub-division 192, which is also my western boundary line. They cannot use 192 to advantage as long as I hold the key to English Bay or that part of it where it is proposed to put wharves and docks for the various ocean steamship lines. The Government conveyed my land by Crown Grant to the C.P. Railway Co., land held by me on Pre-emption Record 1003; but the then Chief Commissioner, the late Hon. William Smithe, endorsed thereon that "I, William Smithe, will not be responsible for anything herein contained."

The Legislature, in making the agreement, inserted a clause No. 9, protecting the rights of the third party, that is the Railway

Company; but Mr. Van Horne, on their behalf, knowing that a Royal Commission was appointed to settle with regard to the Greer property, asked for a bond of indemnification in case they lost the land and payment of the expenses of litigation in the matter. The question now arises, are the people of this country willing to pay this bond in order to enhance the value of Lot 192? For that is what it amounts to.

The Hon. John Robson and his ministry, well-knowing that I was falsely imprisoned, refused to compensate me for the large outlay and expense I was put to with a view to driving me from the land of my nativity and my property; but that hon. gentleman will remember that I pointed out to him, at the time of his visit to me in the Provincial gaol, his own position behind the bars when this *Western Hemisphere* was heavily loaded with groans from the dungeon. I further called his attention to the fact that the soup and bread was of inferior quality, in fact no better than that with which he was provided in New Westminster gaol, although the magnitude of our crimes was vastly different: mine was in obedience to the laws, whilst his was in direct defiance of the same. But the recent arrivals in this country may not be aware of the fact that the Provincial Secretary, better known as "honest John," through his obnoxious conduct to the Supreme Courts and its administration of law and the Government of the country, was incarcerated in New Westminster gaol till he came to his senses, which he seldom retains only when personal interests are at stake.

The public may not be aware that the Sheriff (an officer who is supposed to carry out the administration of justice) when attempting to expel me from my home, placed a pistol at my head and told me that he had "\$30,000 security and would take possession, right or wrong."

As this case has covered a number of years and litigation being very expensive, and further, finding my means inadequate to fight a powerful Company backed by the Government, I have, in order to meet further expenses, concluded to offer a portion of this valuable land for sale by auction, with an upset price at the following places throughout the Province, viz., Kamloops, Chilliwack, Langley, Ladner's Landing, New Westminster, Victoria, and Nanaimo. Due notice will be given of the dates of sales.

CONDITIONS OF SALE.—Only those who are registered voters and eligible to exercise the Franchise in this Province will be qualified to purchase at auction or enter into agreement with me for the said land. Hereto annexed are full particulars of my legal position with regard to this land and I may state that apart from its advantages in position as a harbor and for the construction of Docks, I am preparing to develop its resources as a coal-field. The geological reports issued by the Dominion Government at Ottawa have all pointed out that everywhere the indications for coal on this property are highly favorable, and I

may state, that in my own prospecting trips I have discovered
croppings of coal in several different parts of it.

[Record.]

[Royal Arms.]

BRITISH COLUMBIA.

Land Ordinance 1870.

FORM A.

Certificate of Pre-emption Record.

Country Land.

No. in District Register, 1003.

PRE-EMPTION CLAIM.

District of New Westminster.

Name of pre-emptor in full--Samuel Preston.

Date of pre-emption record--14th April, 1873.

Number of acres (in word)--One hundred and sixty.

Where situated--English Bay.

Description of boundaries of claim--Commencing from the
south-east corner of Lot 192, group 1, running forty chains east ;
thence forty chains north, to the beach ; thence along the beach
to the north-east corner of said Lot 192 ; and thence along its
eastern boundary line to the point of commencement.

(Signed) HENRY V. EDMONDS,

Government Agent.

N.B.--Plan of the claim to be drawn on the back of this
sheet.

[Plan of Claim.]

Certified correct copy of original record,

(Signed) C. WARWICK,

Government Agent.

[L.S.]

Dated 2nd December, 1886.

Before the above could be granted, it was necessary that a
permission to pre-empt should be obtained from the Manager of
the Hastings Saw Mill Company, which had a lease of the ground
for timbering purposes. Such permission was accorded in
October, 1871, and the permission filed in Lands and Works
Office at New Westminster, and a copy thereof was made by me
through the courtesy of a subordinate official in that office 18
months ago ; but on my application for a copy of the same on
the 14th of May last, I was informed that the document according
permission to Samuel Preston was not forthcoming, could not be
found, although the agent admitted it had been in the office.

This is a copy of the permission to Robert Preston, which is
similar to the missing one to Samuel Preston, which was copied
by me

BURRARD INLET,

OCTOBER 13th, 1871.

Mr. Robert Preston has permission, as far as this Company is concerned, to pre-empt Land on the Timber Reserves held by the Company, providing he does not cut or destroy any of the timber thereon.

(Signed) J. A. RAYMUR, MANAGER.

The British Columbia & Vancouver Island Spar, Lumber & Saw Mill Company Limited.

The above looks like "Another trick of this Government's." Making away with Public Documents.

TRANSFER FROM SAMUEL PRESTON TO SAMUEL GREER,
DATED 2ND DECEMBER, 1886.

I, William Norman Bole, certify that on or about the 2nd day of December, 1886, Samuel Preston executed a transfer of his pre-emption claim, No. 1003, to Samuel Greer, in my presence, of which transfer the annexed document is a copy.

Victoria, B.C., April, 1888.

W. N. BOLE.

[Royal Arms.]

BRITISH COLUMBIA.

LAND ORDINANCE, 1870.

FORM D.

Transfer of Interest.

No.

I, Samuel Preston, of Mud Bay, logger, being the registered holder of Pre-emption Claim No. 1003, on the Pre-emption Register of the Land Office, hereby transfer to Samuel Greer all my right, title, and interest therein absolutely, but subject to the same conditions under which I hold the same.

Dated this 2nd day of December, A.D. 1886.

(Signed) SAMUEL PRESTON.

Witness: (Signed) W. N. BOLE.

And, secondly, we, Isaac Hayden and William Mashiter, for ourselves, declare that the above named Samuel Greer has been in the occupation of his pre-emption claim from the date of the record thereof, and has made permanent improvements thereon to the value of two dollars and fifty cents per acre, the details whereof are correctly set forth above by the said Samuel Greer.

And we make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Oaths Ordinance, 1869."

Declared and signed by the within named, on the 6th day of February, A.D. 1887, before me.

(Signed) J. J. BLAKE, S. M.	Signatures	} (Signed) SAMUEL GREER, WM. MASHITER, I. J. HAYDEN.
	of	
	Declarants.	

Commissioner.

MONDAY, April 16th.

Minutes last meeting read and adopted.

Present—Messrs. Allen, Duck, Ladner, and Thomson.

Samuel Greer appeared before the Committee, and Mr. Hett on his behalf.

Samuel Greer, sworn, deposed as follows:—I gave Mr. Jackson, solicitor, the notice as handed to me by Mr. Thomson, secretary. He read it in my presence and said nothing. I am in possession of some land at English Bay, about 160 acres, more or less. I agreed with S. Preston, in the summer of 1884, to purchase the land. He had a certificate of record certified by the Government Agent, Henry V. Edmonds. I produce the same record, dated 14th April, 1873. There were improvements made when I agreed with Preston in 1884 to the value of about \$500. I took possession of the land in 1884, and have been in possession ever since. Preston did not obtain his certificate of improvements, on account of the Indians disputing the title of a portion of the land referred to. I produce the map showing the plan of the land. The Indians disputed that portion where the improvements were made. I have improved the land ever since I took possession, planted fruit trees, fencing, and building. I produce a copy of transfer from S. Preston to me of the claim. The original is deposited with Mr. Warwick, Government Agent. I produce the original declaration for certificate of improvements, dated 6th February, 1887. I applied for certificate of improvements to Mr. Warwick, and tendered the sum of \$2.50. He refused, and said he could not take the money. The Indian Department made no claim whatever to the land disputed, which is about 15 acres, more or less, nor the Indians. I have a transfer from the Indians. The C.P.R. Co are disputing it. When I heard that a Crown grant would be issued to Smith & Angus I went to Mr. Smithe, Chief Commissioner, and told him I understood that they were about to transfer the land to the R. R. Co. He said the matter would be thoroughly investigated and all private rights protected. Smith & Angus commenced an action against me to obtain possession of this land. I have defended that action ever since in the Courts. Upon the trial the jury found I was in possession of the land since June, 1884. The Chief Justice said that my redress was in the Legislature, and I now ask that justice may be given me.

SAMUEL GREER.

FURTHER REPORT OF SELECT COMMITTEE.

CLAIM OF SAMUEL GREER TO CERTAIN LANDS AT ENGLISH BAY.

Mr. Speaker :

Your Committee appointed to enquire into the claim of Samuel Greer to certain lands in the vicinity of English Bay beg respectfully to report as follows:—

We met on Saturday, the 14th April, 1888, at 10 o'clock, and inasmuch as it appeared to us that the C. P. R. Co. had adverse claim to said land, we directed written notice to be given by our Secretary to Messrs. Drake and Jackson, Solicitors for the C. P. R. Co., that the Committee would meet at 10 o'clock on Monday, the 16th April, 1888, and the notice was duly delivered to Mr. Jackson, as he himself admits

Your Committee adjourned and resumed our sitting at 10 o'clock A.M. on Monday, when Mr. Hett appeared for S. Greer, but no person appeared for the C. P. R. Co. After taking Greer's evidence, we adjourned till 10 o'clock on Tuesday, 17th April, 1888, when Mr. Hett and Greer again appeared at 11 15. After the evidence was closed, and we were considering our report, Mr. Jackson came before us and asked us to hear Mr. Drake's evidence on behalf of the C. P. R. Co.

We pointed out to him that due notice had been given him of our sittings, which he admitted, but stated, as we wanted to hear both sides, we would meet again at 1; 30 P.M. this day and take Mr. Drake's evidence at that hour.

On the re-assembling of the Committee, Mr. Drake's evidence was duly taken, and certain documentary evidence on both sides was handed in, which is referred to in Schedule to this report.

After hearing all the evidence, and carefully considering the same, we are of opinion that Samuel Greer *bona fide* acquired Samuel Preston's pre-emption claim 1,003, New Westminster District, and that he (Greer) has since *bona fide* occupied said land and made improvements thereon.

We think that Greer has been subjected to much persecution and expere in respect to same, in endeavouring to remove him therefrom.

We beg most respectfully to recommend to the Government to take into their earnest consideration the advisibility of issuing a Crown Grant of the land comprised in pre-emption 1,003 to Mr. Greer, or take such other steps as may be proper to secure Mr. Greer's title to the land.

All of which is respectfully submitted.

E. ALLEN, *Chairman*,
GEO. THOMSON,
WM. H. LADNER,
W. NORMAN BOLE.

MINORITY REPORT.

OF THE COMMITTEE APPOINTED TO ENQUIRE INTO THE CLAIMS OF
SAMUEL GREER TO CERTAIN LANDS ON ENGLISH BAY.

Mr. Speaker:

Your Committee have had under consideration the Report referred back to them for reconsideration and amendment, and having made a further examination of the evidence, are of the opinion that the question, involving as it does rights in equity and law, is of such a complicated character that they do not feel justified in adjudicating upon the claims, but would suggest that the matter be dealt with in a Petition of Right by Samuel Greer in the Supreme Court, and that the 6th, 7th, and 8th paragraphs of the first Report be struck out.

Respectfully submitted.

SIMEON DUCK.

INDIAN OFFICE,
New Westminster, 17th February, 1880.

Mr. R. PRESTON,
False Creek.

SIR,—Two of the Indian Chiefs from False Creek—William George and Charlie—complain that you claim part of the land set apart for their reserve. By the Act providing for the organizing of the Department of the Secretary of State of Canada and for the Management of Indians and Ordinance Laws, it is not lawful for any person without the License in writing of the Secretary of State, or of some officer deputed by him for that purpose, to trespass upon any of the said lands set apart for Indian Reservations, or for the use of Indians not hereinbefore provided, or it shall be lawful to proceed by information in the name of Her Majesty in the Courts of Law, &c., &c. I give the complainants this to advise you as to their statement.

I am, &c., &c.,

(Signed) G. PITTENDRIGH,
Indian Agent.

NEW WESTMINSTER,
October 15th, 1884.

CHARLEY, AN INDIAN,

I regret to hear that you are giving a great deal of annoyance to Mr. Samuel Greer. You sold him all your improvements on the place you lately occupied. I was present at the agreement between him and you. Mr. Greer paid you the amount you asked for your improvements. Now, if you give him further annoyance I will be obliged to go out and interfere. I request you to be good enough not to give Mr. Greer any further trouble.

I fear you have some parties who are not advising you for your good.

Yours truly,

(Signed) P. McTIERNAN.

Indian Agent.

NEW WESTMINSTER,

7th November, 1884.

SAMUEL GREER, Granville, B.C.

SIR,

I have the honor to inform you, in answer to your letter of the 2nd instant, that I have given no authority to any person to enter upon or take possession of Indian Charley's improvements at False Creek. I have no authority to do so without the consent of Charley.

You are the only person I know of who have negotiated with Charley for the improvements in question.

Charlie has repeatedly told me that parties wanted to put him off the place without giving him any compensation. I advised him not to leave the place until he was paid for his improvements. You are the only person that came forward and paid the Indian what he demanded for his improvements and good-will of the premises lately occupied by him at False Creek.

I have, &c.

(Signed) P. McTIERNAN,

Indian Agent.

[Here follows a map or plan of the Greer Property.]

To all to whom these Presents shall come, we

Indians of the Squamish tribe or Band of Indians of British Columbia, being of the age of twenty-one years and upwards, whose names and marks are hereunder written and set.

Whereas we have agreed with one Samuel Greer in presence of Peter McTiernan, Indian Agent, and the Chief of the said tribe or band, for and in consideration of the sum of one hundred dollars (\$100) to grant, release, surrender, yield up and forever quit claim to him the said Samuel Greer, his heirs and assigns, all our rights, title and interest, whatsoever to all the lands and parcels of lands, and to all improvements made by us thereon, said lands and parcels of land, being those lately occupied by us between lot 192, and the Indian reserve at False Creek, and distinguished by the color red on the map or plan annexed hereto.

Now these presents witnesseth that in consideration of the said sum of one hundred dollars to us in hand, paid by the said Peter McTiernan, Indian Agent, we grant, release, surrender, yield up and forever quit claim unto the said Samuel Greer, his heirs and assigns, the said lands and parcels of land and all our rights, title and interest to all the improvements consisting of

fencing, buildings of all kinds and other structures, orchards and fruit trees, and all improvements of whatsoever kind and nature made by us on the said land lately occupied by us and lying along the shore of English Bay and between the said lot 192 and said Indian Reserve at False Creek, and distinguished by the color red on the map or plan annexed hereto.

In witness whereof we have hereto set our hands this twenty-fourth day of November, A.D. 1884.

Witness :
(Signed) A. D. CAMPBELL,

Witness :
(Signed) A. RUSSELL.

(Signed) KANACHUCK, his
x
mark

„ MRS. SALPCAN, her
o
mark.

„ SWILLAMCAN, his
x
mark.

By INDIAN CHARLEY, Chief.

In conclusion I ask you, Electors, at the hustings to record your votes for men who will pledge themselves to see an end put to such a state of corruption and injustice and a state of things which is a crying shame, and a blot on the escutcheon of a Province claiming to be British. All I ask for is justice that justice which has been accorded me by your representatives (vide Parliamentary Report) but refused in defiance of your representatives, by the present Government of British Columbia. It is my intension to forward a copy of this to all members of the Houses of Parliament at Ottawa, and also to all members of the Imperial Parliament, and as a last resource in default of justice will carry it to the foot of the throne.

Declared before me this 5th day
of June, A.D., 1889.
M. A. MACLEAN,
Notary Public.

SAMUEL GREER.

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LEY, Chief.

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