
"Acts," "Deeds," and the Violences of Property

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Property: Persuasion or Violence?

I f we want to make sense of the historical geographies of a city like Vancouver (and many western North American cities), we would do well to look at the workings of property relations, particularly as they relate to land. As geographers, we have tended to focus on the economic dimensions of property, to the neglect of its legal and political dimensions. Considered thus, property is both important to social relations between individuals as well as to the workings of broader economic and political structures. It seems significant at both levels; our sense of ourselves, as well as our social locations, are partly shaped by the uses to which real property is put, as well as the meanings that we assign to it.¹

Real property is usually thought of in somewhat abstract terms—either as of purely legal interest, or as a subject for moral and political philosophy. There is, however, a small literature that concerns itself with the social dimensions of property. Carol Rose, in particular, draws on common law and property theory to argue that property is not individualistic, but is social to the extent that it requires continuous and persuasive communication to others. "Persuasion ... is what makes property available to action."² At both the individual and social level, she argues, the advancement of a claim to property entails "a commonly understood and shared set of symbols that give significance and form to what seems the quintessentially individualistic act: the claim that one has, by 'possession,' separated for one's self property from the great commons of unowned things." "A private property regime," she claims, "holds together only on the basis of common beliefs and understandings." In that sense, property is not static, but must be continuously "enacted."³

Such enactments of property are said to occur through the telling of narratives. "[P]roperty needs a tale, a story, a post hoc explanation," suggests Rose.⁴ Milner, for example, considers the ways in which popular struggles over ownership in contemporary Hawaii entail competing stories of identity and settlement.⁵ The narrative form, moreover, has been shown to be far from innocent—it can serve to legitimize some highly contingent and oppressive forms of ownership. A case in point (of importance to my story) is the issue of original title:

How do things get owned? This is a fundamental puzzle for anyone who thinks about property. One buys things from other owners, to be sure, but how did those owners get those things? Back at the beginning, someone must have acquired the thing, whatever it is, without buying it from anyone else. That is, someone has to do something to anchor the very first link in the chain of ownership. The puzzle is, What was that action that anchored the chain and made an owned thing out of an unowned one?⁶

Rose explores, with considerable insight, the ways in which Western culture has relied upon various forms of “story telling” to answer this puzzle, such as John Locke’s influential account of the origins of property.⁷ So persuasive is the narrative framework that it can serve to gloss over some contradictions within the story, as well as naturalizing prevailing forms of inequity. In a critique of those stories, Rose herself turns to oppositional narrative, deploying different meanings to unravel and contest dominant stories.⁸

Thinking about the ways in which law inscribes powerful meanings, combined with the explication of oppositional legal meanings, is a central device among critical geographers interested in law, in keeping with a wider interest in narrative in sociolegal studies.⁹ There’s a lot to be said for such an enframing; I have used it myself on many occasions, and I aim to recount just such a set of contested stories below. However, I take seriously Vera Chouinard’s argument that “texts are not enough” for the critical geographic study of law, but must be supplemented by careful attention to the material grounding of those “texts” in lived relations of power, oppression, and resistance.¹⁰

Indeed, thinking about property exclusively as a set of persuasive stories does seem to raise problems. Most immediately, to speak of property as performative, cultural, and communicative—even when property disputes occur—can imply that the arena in which those stories are told is one characterized by more or less civil dispute. But there will always be occasions when the dispute is less civil and the outcome less amicable. Take, for example, the question of “original title” in North America. Here, of course, the establishment of a colonial property regime necessarily required a dispossession of the indigenous peoples. How did this occur? For some property theorists, dispossession occurred because of an intercultural breakdown in meaning and persuasion. For Rose, colonial settlers assumed native people had no viable claim to land precisely because they “had done nothing to signal their proprietary claims.” Or, to be more exact, if they had signaled their claims, they had done so in a way that was not “persuasive” to colonial settlers. “Such culture-conflict stories,

incommensurability. Violence is where property is not; property serves to displace violence. There appears to be a profound disassociation between violence and the law within civil society and political discourse.

Yet, as Robert Cover insists, law “deals pain and death.”¹⁸ He insists that violence of all kinds is done with the involvement or acquiescence of legal institutions and officials. The use of “lethal force” by police officers, the violence done in the battlefield, or the execution of convicted felons are all clear examples of legal violence. But violence is also imposed on other bodies through more routine legal acts, or through forms of legal inaction. “[L]aw’s violence,” Sarat and Kearns remind us, “is not coextensive with law’s malevolence.”¹⁹ The violence visited upon an abused woman following a police decision not to intervene in a “domestic dispute” or the suffering visited upon a welfare recipient when their benefits are reduced could all be seen as acts of violence, despite intentionality. Violence “seems to constitute a component of social order in general, and of punishment in particular.”²⁰ Moreover, as Cover notes, violence need not be meted out for it to be operative, but also operates as an internalised form of self-discipline. The acquiescence of the prisoner before the court, for Cover, is not a reflection of the respect that he or she feels for the bar, but the realization that resistance will ultimately be met with corporeal force.²¹ Indeed, some of the occasions when it is made explicit (such as the use of riot police) signals a breakdown in the economy of violence that characterizes the legal order.

Elsewhere, I have tried to map out the ways in which violence, space, and a property regime might be mutually constitutive.²² I argue that violence is integral to, not an adjunct to, western property law. Corporeal injurious violence, in other words, is present—whether implied or actualized—not only in extreme cases, such as the forcible eviction of squatters, or acts of colonial dispossession. It is also integral to the day-to-day reproduction of a property regime. At the same time, the legal violences of property are spatialized in diverse ways, as spaces, place, and landscapes are continually worked over, invoked, constructed, and represented. Space gets produced, invoked, pulverized, and policed through forms of legal violence. Law’s violence itself is expressed and legitimized, while perhaps also complicated, through such forms of spatialization.

Borrowing a framework developed by Sarat and Kearns, I try to reveal the violent legal geographies of property at three levels—that of legal origins, legal legitimation, and legal action.

- (a) In its founding moment, a property system seems to frequently entail acts of violent dispossession. Legal orders, Cover reminds us, are commonly “staked in blood.”²³ The English common law, for example, conceals a violent past, premised on dispossession and violent insurrection. Contemporary geographies of land ownership in North America, in turn, are premised on often violent dispossessions.
- (b) Legal violences, in turn, are legitimized as a necessary evil, that

upsetting as they are, must reinforce the point that seeing property is an act of persuasion" Rose argues, "and seeing property also reflects some of the cultural limitations in imagination."¹¹ At an extreme, this analysis lends itself to the possibility that had indigenous land claims been discursively "persuasive," dispossession would not have occurred. The danger is that of essentialising the aesthetic, and neglecting the materiality of property. Surely if property is performative, that performance was (and is) also violently and physically inscribed on the bodies of native peoples. In critiquing a narrative-based analysis of property, then, I am expressing my reservations of the tendency to reduce property to discourse, where discourse is understood as always and only textual and linguistic. Objects and acts, for Foucault can still have a real, material existence in the world, but are rendered meaningful through discourse.¹² Indeed, following Laclau and Mouffe, it is impossible to determine such meanings independent of use and action.¹³

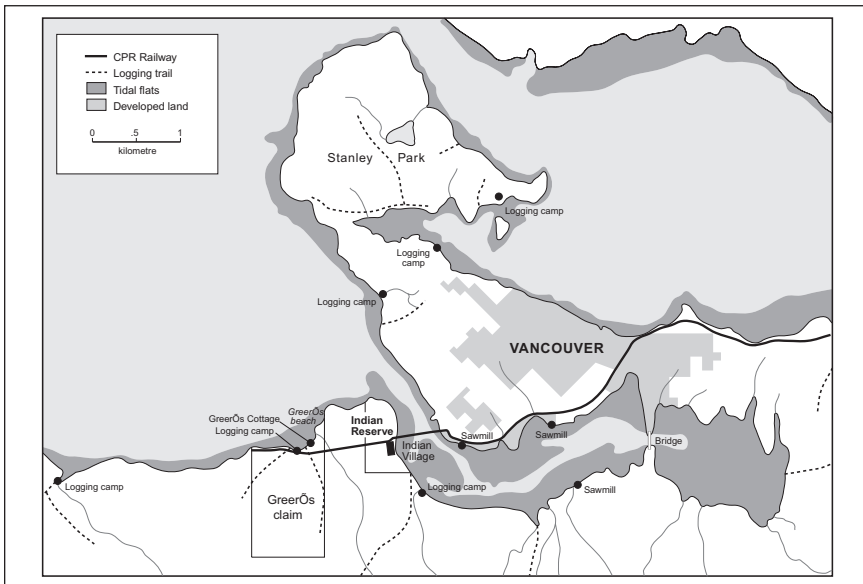
Perhaps, then, we need to supplement a narrative analysis when making sense of the social dimensions of property. In so doing, it is useful to consider the textbook definition of property: property, it is commonly said, entails the right to expel others from the use or benefit of a thing. Such physical practices are frequently recognized in law—the common-law doctrine of adverse possession, for example, provides that if someone else uses your property unopposed for some period of time, they may acquire title to that portion of land. In both cases, physical practice may be determinative. Either you expel that person or, through their physical presence and actions, they can remain. Expulsion, then, entails a right. The powers of the state can be invoked to assist in that expulsion. Police can be called to physically remove a trespasser; injunctions prepared, criminal sanctions sought. As such, expulsion is a violent act. Violence can be explicitly deployed or (more usually) implied. But such violence has state sanction and is thus legitimate.¹⁴

This returns us full square to a definition of law (and property) that is too frequently glossed over. For many commentators, law can be defined as that which has the legitimate monopoly on violence. I choose to define violence restrictively as the injurious use of physical force under the sign of law.¹⁵ Weber, in particular, carefully defined a legal order as that "which is externally guaranteed by the probability that coercion (physical or psychological), to bring about conformity or avenge violation, will be applied by a staff of people holding themselves ready for that purpose."¹⁶ Yet, despite these acknowledgments, very few scholars have fully confronted the claim: "the general link between law and violence and the ways that law manages to work its lethal will, to impose pain and death while remaining aloof and unstained by the deeds themselves, is still an unexplored and hardly noticed mystery in the life of the law."¹⁷ In large part, perhaps, this is because the association between violence and property (and law more generally) is usually assumed to be one of

\$50. However, the arrival of the Canadian Pacific Railway (CPR), which chose the site for the western terminus of its transcontinental rail line, sparked frantic growth. When the first train arrived in 1887, the population of what was now Vancouver had jumped to 5,000; by 1892 it had reached 14,000. Property assessments increased from \$2 million to \$20 million in the same period.²⁸

The effect was to usher in intensive speculation in land. As some have noted, the city's initial expansion was largely a product of land speculation, rather than expansion in the production of goods and services.²⁹ In financial terms, the ownership of property was suddenly a very serious matter. Boosterist publications marveled at the leapfrogging of prices, and the fact that areas of "wild land" could become "first-class property" in a matter of months.³⁰ A district lot that had fetched \$200 in the 1870s, sold for \$2,000 in 1882, but was then flipped for over \$20,000 in 1889, following the arrival of the CPR.³¹

One of many who sought to gain was Samuel Greer, a Scots Irish settler.³² In 1884, Greer acquired a 160-acre parcel of land on English Bay (just to the south of what would become the downtown peninsula) at what was to become known as "Greer's Beach" (see Map 1). The parcel was part of a massive 19,000-acre timber lease. In 1873, logger Robert Preston had preempted the parcel, known by its preemption record number, 1003.³³ However, according to Greer, Preston had not obtained his "certificate of improvement," granting him full title to the land, because of a dispute with two Indians ("Indian Charley" and "Jim") who lived on the property. By



June 1884, Greer claimed to have successfully acquired the disputed land from the Indians, and commenced clearing brush and building a house.

Shortly thereafter, as noted, the CPR chose Vancouver as its terminus.

hold in check the anarchy and violence beyond law's borders. Law's violence—construed as rational and regulated—is seen as not only necessary because of the anomic violence beyond law, but also as different. Similarly, liberal property regimes (and their implied violences) are often legitimized by comparing them with the violent spaces where property is absent. Jeremy Bentham, for example, mapped out the "two empires of good and evil" within the North American colonial landscape, comparing the "implacable rivalries" of the "fierce tribes" who roam the wilderness where property is assumed to be absent, to the security and civilization present in areas of colonial settlement.²⁴ Contemporary American gentrification draws upon the language of the frontier to similar effect.²⁵

- (c) As noted above, violence is deployed whenever law is enacted. Thus, imprisonment and policing all entail physical force, whether implied or carried out. Property itself is premised upon expulsion. But violence does not need to be meted out for it to be operative. Rather, as Norbert Elias' discussion of "self-restraint" reminds us, the violences of regulation are increasingly internalized in modern society, as the policing of the self becomes a reflexive act.²⁶ A spatialized property regime—in which meanings are assigned to specific lines and spaces—is a powerful means by which we police our daily lives and activities.

Such an account seems far removed from those such as Rose—in-deed, she herself argues that violence is the undoing of property, given its supposed consensual basis: "Property regimes cannot bear very many or very frequent uses of force; force and violence are the nemesis of property and their frequent use is a signal that a property regime is faltering."²⁷ While I think she is mistaken, I do not wish to abandon her attention to meaning. Rather, I think the challenge is to think about the ways in which both acts and meanings intersect in violent ways. I find the following struggle interesting because—like many other instances of the workings of property and its origins—it alerts us to the complex ways in which the two combine in the production of urban space. Persuasion, stories, and material acts are all in evidence, as well as violence and the construction of consensus.

Property in Vancouver

Perhaps even more so than in many cities, the ownership of land was of particular urgency in early Vancouver. Although logging had been conducted in the area since the mid-1860s, the white population was still sparse in number. Land values were generally depressed. When lots were sold by public auction in the newly surveyed town site of Granville in 1870, most received no bid, while those that did sell went for around

citizens of Vancouver of the legality and morality of his claim. Certain themes and practices reoccur in Greer's narrative. Aimed at buttressing Greer's self-presentation as a bona fide property owner, all draw from the rich ideological soup that combined rights, citizenship, and law with Britishness. Greer defended his claim with vigor, imagination, and considerable tenacity. Indeed, until a few years before his death in 1925, he continued to seek "justice." Long after his eviction, many Vancouverites seem to have sympathized with Greer.³⁹ Yet, as we shall see below, the enactment of property by both the CPR and Greer cannot be reduced to linguistic claims. Acts of violence—real or threatened—were also interwoven with the words of property.

a) Legality

Time and again, Greer argued that the lands were his by virtue of a valid legal transfer. Its validity depended not only on the existence of textual documents but also on first possession. Unlike the CPR, he had acquired the land from those who had been there for many years. As a local newspaper put it, "Mr Greer is in possession and has vindicated his rights thereto. He claims the property in question to be legally his by virtue of an assignment from an occupant who was on the land as far back as 1862 from other documents executed later on. Mr Greer is determined to defend his rights even at the peril of his life."⁴⁰ This claim is echoed in an early letter written by Greer to the local press (over the signature of "Fee Simple") in which he denied he was a squatter.⁴¹

One of the components of the "bundle of rights" associated with ownership is the right to alienate that property. While Greer sought to sell parcels of his property, the rationale for this was not simply speculative. Rather, it was designed to inscribe his property claim. Greer sought to sell land to voters across the province, with auctions across the region—and in so doing to embarrass the government. As soon as he began to advertise lots, the CPR issued a stern notice, warning potential buyers that Greer had no right or title to any part of lot 526, group 1 (that being the legal description of the parcel they claimed), and any sales made by him would be void. Greer countered with his own mocking proclamation:

Now may it please your Lordship, I have never offered for sale any lots in 526, for that would be deception on the public, as the highest legal authority in British Columbia pronounced the title to that lot straw—not one cent in consideration being given. Now if your Lordship will adjust your wig and recover from your deep studies of Blackstone and the laws of estoppel, you will be able to see that the four judges who threw your case out of court last April were fully able to comprehend the difference between 526 and preemption record 1003, this being the registered number of my land on English Bay. Come down and see us. I have a few corner lots (with a smattering of coal) yet left All parties are hereby warned that Angus

As so often, however, this entailed some financial inducements from the provincial government, who issued a Crown Grant to Donald Smith and Richard Angus, trustees of the CPR, guaranteeing them 6,300 acres of what was obviously now prime real estate. The CPR was also reassured by William Smithe, chief commissioner of lands and works, and Premier, that "squatter's claims have been otherwise disposed of, there are no known claims against the land."³⁴

Yet there were other "claims against the land," one of which was Greer's. Greer's site, in fact, proved of particular importance. Given navigational concerns, the CPR's terminus was to be located at the westernmost edge of Greer's claim, with a rail line running right through it. Indeed, the CPR threatened that the deal could not be completed if they were unable to gain access to the waterfront at this location.³⁵ Litigation, wrangling, and conflict ensued. The outcome was equivocal. Greer was unable to obtain his certificate of improvement, guaranteeing him full title. A Commission of Enquiry in 1885 held that the documents transferring ownership from "certain Indians" to Greer were forged. Greer was held in custody for thirty days while he was tried for forgery, but was acquitted. Then in 1888, a special committee of the provincial legislature found Greer's transfers from Preston to be genuine, and urged the provincial government to issue a Crown Grant to Greer, noting that Greer had been subjected "to much persecution and expense." The province chose to ignore the report until again prompted, when it announced that it could not do so, as it had already issued a Crown Grant to the CPR.³⁶

The CPR was forced to take the initiative and began legal action against Greer in its own name. A number of attempts were made to eject Greer, which entailed the destruction of some of his buildings and property. Greer resisted both in the court room and on the land. Finally, the British Columbia Supreme Court found in favor of the CPR, and issued a writ of ejectment in January 1891.³⁷ On September 26, 1891, a large party led by Deputy Sheriff Tom Armstrong arrived to eject Greer. In the confusion, Greer shot Armstrong. The posse returned the following day, arrested Greer and finally forced Greer and his family out. He was given an eighteen-month sentence for his assault on Armstrong, which was later reduced.

Persuasive Enactments

The bare facts of the case do not do it justice. For it was also enacted in court rooms, the provincial legislature, and on the pages of the local press. Challenged in his grounding claims concerning his original possession, Greer was forced to constantly restate his claim. As we shall see, he did this in two related ways. Echoing the claims of Rose³⁸ and others, this partially entailed an array of linguistic claims and narratives designed to persuade the state, the CPR and—perhaps most importantly—the

was only accessible by boat: "Forest surrounded the entire area ... wild animals abounded, bears had to be scared away, wolves came into the garden at night."⁵²

Thus, in judicially and physically advancing his claim, in other words, he was not just defending a legal abstraction, but protecting his "hearth and home." During the trial for the shooting of Armstrong, for example, Greer justified his actions in these terms. He was quoted as saying that "he saw a crowd of men advancing on the place in a threatening attitude,"⁵³ stating that "I did not know either of the men who were trying to get in my door or that they were there with any legal authority."⁵⁴

But the land was also morally Greer's because he had "subdued" it. There is a deeply rooted presumption in liberal property discourse that one must dominate and mark nature in order to both enter into possession of it, and to signal that claim to others. On this view, people are outsiders to nature, and the earth and its creatures are "given over to those who mark them so clearly as to transform them, so that no one will mistake them for unsubdued nature."⁵⁵ For Locke, of course, it is necessary to mix your labor with the soil in order for it to be legitimately yours.⁵⁶ However, it was also important for Greer to make this argument, given prevailing legislation affecting the preemption of land. It was necessary for Greer to demonstrate "beneficial use" and show his improvements. He argued that "I have improved the land ever since I took possession, planted fruit trees, fencing and building." He describes himself as "in peaceable possession, improving the land."⁵⁷ Perhaps because of this, when Greer was evicted, the CPR felt compelled to destroy his improvements, including his house and barn, burning them to the ground.

c) British Order

As a provincial property regime was unable to guarantee Greer peaceable possession, he sought justice in a higher court, that of the rule of law, which promised impartiality and justice. For Greer, that higher legal order was quintessentially and obviously British. His audience were "lovers of British independence."⁵⁸ Hence, Greer presented himself as a British subject, guaranteed certain inherent rights. To be a British subject, for Greer, meant that he was under a particular obligation to prosecute his case. "I consider no British subject the proper custodian of vested rights," he argued, "who will not protect them in a lawful manner."⁵⁹ Yet, at the same time, a British legal order should deliver justice. The actions of the provincial government, characterized by "tyranny and despotism," were "a blot on the escutcheon of a Province claiming to be British."⁶⁰ Again, Greer's claims had a persuasive purchase. An appeal to British national identity was not only powerful in the context of a (then) relatively isolated and newly emergent province, confronting American territorial pressures at the border, and the strangeness of alien cultures within, whether native

and Smith have no title to Lot 526 till confirmed by the Legislature and all sales will be void.⁴²

Greer's claim—and the evident sympathy which many Vancouverites felt for him—also rested on the degree to which he positioned himself as an individual oppressed by collective interests. He was not only the underdog, but also acting alone. His case, as he put it in the subtitle to one of his broadsides, entailed "the Rights of the Subject in Jeopardy by an Unprincipled government and an Ironclad Monopoly."⁴³ Ideologies of liberal property turn precisely on the distinction between the celebrated "dominion" of the individual and the threatening "imperium" of collective interests.⁴⁴ In an era when emergent corporate "syndicates," such as the CPR, were regarded with ambivalence, this became a powerful claim. A local newspaper noted that while the majority of local observers did not understand the difference between the parties, "Greer has the sympathy of the majority of the people, probably because it is a man against a corporation, the weak against the strong, a man endeavouring to retain his homestead, a rich company endeavouring to take it away from him."⁴⁵ "NIL DESPERANDUM must be Greer's motto," for another media observer, "and if he ever owns a carriage his coat of arms ought to be a lion rampant, holding aloft in its paws a bound volume of the Consolidated Statutes, and trampling under foot a mass of railroad materials and men."⁴⁶

b) Morality

Unlike the CPR, the land was of value to Greer, he claimed, because it was his home. As he had dominion over the land, so was he the pater familias, in rustic domesticity. This was a theme that he occasionally played upon; it was certainly at issue when he finally faced eviction. As noted above, he was particularly keen to present himself as an owner, rather than a squatter. As such, bearing in mind the link between property and propriety,⁴⁷ he could present himself as a respectable citizen. Despite his humble background (prospector, sailor, farmer) his claim played on two registers—first, an appeal to masculine white respectability that, as has been argued, cross-cut class divisions within early Vancouver society⁴⁸ and, second, the particular attraction of the environment in which he lived—a modest home set in a rural environment. As has been noted, white Vancouverites were powerfully attracted by the image of the domestic, suburban cottage even at this early date.⁴⁹ Greer's home was described by his daughter as "a small four room cottage of sawn lumber with a log cabin, used as a milk house, attached. It was surrounded by a picket fence with a gate leading to the sea shore. Within was a garden with strawberries, raspberries etc."⁵⁰ As one later commentator notes: "In this sylvan setting, he built a home for his wife and young children and put up a barn."⁵¹ The juxtaposition of this domestic space to the "wilderness" outside made this claim all the more powerful. Initially, the area

build a spur line on his lands, despite a pending Supreme Court case. Greer quickly responded: "Awaiting the Majesty of the law I was forced to protect my property and called to my assistance some of the sapplings [sic] of the forest and spread them over the track. This proved to have the desired effect."⁶⁴ In the same year, he also cut telegraph lines, and, according to the CPR, drove repair crews from the site with a gun and an ax. Greer went even further, building a barricade from 200 railway ties, stuck end on end, upon which he mounted a brass swivel gun, with which he "threatened to shoot the next party that dared to invade his privacy." The ten-foot-long gun, with a range of two miles, would do "terrible execution."⁶⁵ An attempt by the CPR to obtain an injunction was dismissed by the court, noting that Greer believed he had a bona fide claim, and therefore could not have acted maliciously. Further, the CPR should have served a notice upon Greer before attempting to erect poles.⁶⁶

The CPR managed to obtain an eviction order, yet found problems serving them on Greer, given the violent ways with which he repelled them. In 1887, Deputy Sheriff Thomas Armstrong, leading a deputized party, attempted to serve papers on Greer. An observer described Greer picking up an ax to prevent removal of his furniture. He then "stood in the doorway and defied any one to enter."⁶⁷ On this occasion, at least, they returned to Vancouver.

Despite their violence and possible extralegality, such acts were seen as legitimate by many observers. Local reporters described "Sam, with his usual coolness and indomitable pluck" driving off the CPR.⁶⁸ Greer was careful to position his actions, as noted above, in the persuasive languages of property. Greer was not engaged in random violence, in other words, but was deploying legitimate force in defense of his property. "If protecting my property is a crime" he argued, "I plead guilty." Greer described the previous scene as thus: "The Sherriff [sic], with a band of railway men, broke into my house, threw out my furniture, broke the windows, doors, etc. I was covered with a revolver, while I defended myself as well as I could with an axe, and finally succeeded in driving the party off."⁶⁹ Greer subsequently served writ upon the CPR for \$10,000 damages for entering the plaintiffs land "... and breaking the same" and for assaulting and arresting Greer in his own house and drawing revolvers.⁷⁰

Other observers seem to have not only found Greer's actions justified, given his discursive claim to the land, but read these violent acts themselves as a further enactment of his title. Journalists celebrated his "indomitable perseverance, undaunted courage and staying qualities that are bound to tell in the long run." Echoing the notion that an Englishman's home is his castle, frequent mention was made of the "fort at English Bay." News stories were headed similarly: "The Fort Still Held," "Preparing for War," "Gritty Greer," and "The veteran defender of his castle against the Syndicate invaders"⁷¹ In other words, the material ways in which he "staked" his claim were further proof of his title.

peoples or Chinese settlers, but also given the long-standing association between the common law and a Protestant English/British cultural identity. Contemporary constitutional lawyers such as Dicey, as well as earlier ideologues of the English common law such as Blackstone or Coke, made clear the particular association between Englishness, liberty and common law.⁶¹

In summary, then, linguistic attempts at persuasion, in which Greer told and retold his story, were clearly central to his property claim. Even while behind bars and dispossessed, he pressed his claim in a way that combines many of the ideologies of property noted above:

I have always shown the highest respect for Her Majesty's law when administered in a constitutional manner. But neither prison bars nor the dungeon will make me forget that I am the custodian of a vested right which has been entrusted to me, and for which I paid my money as well as the sweat of my brow. Seven years in litigation and three times committed to be tried for supposed infractions of the law, is not sufficient to enforce me to submit to an armed band of subservient creatures doing the bidding of a tyrannical company, who attempted to ship my wife and children from their home in a cattle car with closed doors⁶²

Violent Enactments

Yet if we treat the Greer case purely in terms of narrative and persuasion, our analysis is incomplete. At minimum, we need to attend to the link between words and violent acts:

The question is, which argument, which interpretation, among available alternatives, will be sufficient to validate the use or withholding of violence or the threat of violence Part of how law works is to effect a spatialisation of violence by authorizing acts of exclusion, expulsion, and confinement, or not.⁶³

Put another way, a legal claim that is purely textual is not sufficient. It must be enacted on the ground. Central to property rights, as noted earlier, is the physical ability to exclude others. Ultimately, it was the ability to physically exclude Greer and his family that decided the dispute for the CPR. However, until that time, Greer attempted to deny the CPR and its workers access to his property. Physical violence, threatened and enacted, was ever present. Those material, violent acts, however, were themselves rendered meaningful by prevailing interpretations of property, rights and law.

Greer physically expelled the CPR in defense of his putative property rights in a number of ways. In 1886, CPR construction crews began to

through the door. About five shots buried themselves in the sherriff's [sic] left cheek, another went through his shirt just by his neck ... He was standing about five feet from the gun, and had not the shot been spent in the door, it would have killed him⁷⁵

The authorities withdrew, returning the next day with a warrant for Greer's arrest. Reportedly, Greer had arrayed a number of guns before his house, but was prepared to be taken into custody. The writ of ejectment was then formally served. Furniture was removed from the house, the barn and house burnt, Greer arrested and his family removed.⁷⁶

Violent Origins

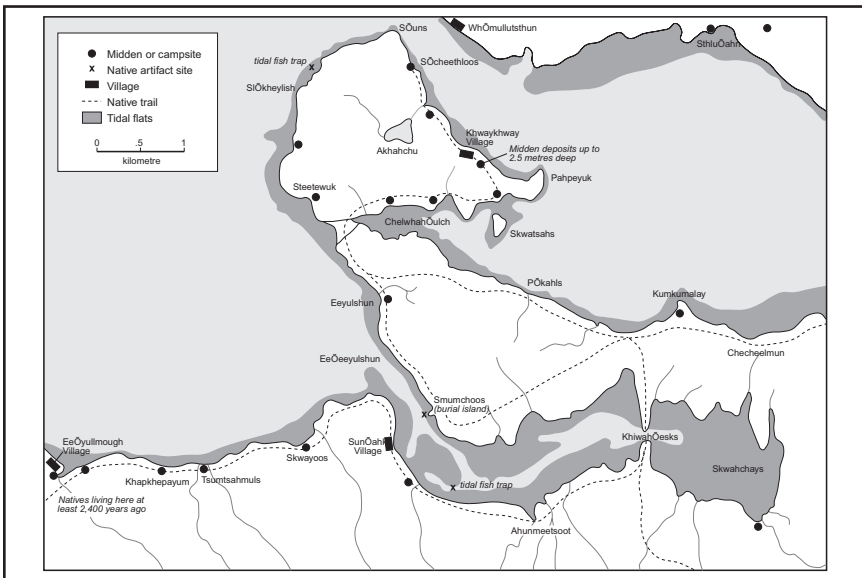
Yet even this accounting is insufficient. We need to return, more carefully, to the issue of original title and the "chain of ownership" whereby unowned things become owned. The links in this chain proved at issue, as did the "anchor" that "made an owned thing out of an unowned one." For both Greer and the CPR, the chain began with the establishment of a 19,000-acre timber lease. Lumber from these lands fed the Hastings Sawmill, the original nucleus and economic engine for Vancouver's urbanization. Robert Preston, whose preempted land was acquired by Greer, was logging on the timber lease. For Greer, the chain was straightforward. Preston had preempted land, and then transferred it to Greer. Further, Indian Charley and Jim had transferred their property to Greer.

Conversely, the province argued that Greer could not be in possession for a number of reasons, many of them centering upon preemption policy⁷⁷ or on claims that Greer had forged or defrauded his claim. However, much turned for the province on the supposed transfer of property from the "two Indians" to Greer, with the accusation that this was fraudulent. We know very little about who the "two Indians" were. They were men, and were probably Squamish, likely working in the nearby logging camps. A Commission of Enquiry noted that prior to Greer's arrival, they were living on land "with wives and children; two houses, built Indian-wise of chance planks picked up along the shore, potato patches, and, in the interval of the stumps, some apple trees, currant and raspberry bushes, &c. The houses were also, to an extent, furnished—with a stove, &c."⁷⁸ There is a suggestion that they had proved "obstructive" to Preston, the original preemptor of the land. This was known to Greer, who according to Indian Charley's testimony, told him that "he had got the house and the land, and that I had better clear out."⁷⁹

Greer claimed that in 1884, Indian Charley and Jim ultimately agreed to transfer their chattels and land to him for \$100, so clearing the way for his sole ownership of the land (the land had to be vacant to satisfy pre-emption law). As noted, much discussion turned on whether this transfer had actually occurred. However, the province ultimately held the trump

But Greer also worked the violent relation between words and acts in other ways. Cover critiques the ways in which judicial "words" appear detached from the mundane violences that are carried out by the legal foot soldiers, such as the prison guards and police officers. He insists on tracing what he terms the "pyramid of violence" whereby "the judicial word is a mandate for the deeds of others" further down a legal hierarchy.⁷² Greer, similarly, seems to have taken pains to trace and personalize these connections and hence delegitimize them. In one of his broadsides, he accused the premier of seeking to dispossess Greer in order to personally profit from the sale of adjoining land, and denounced Sheriff Armstrong for placing a pistol at his head and threatening that he would take possession, "right or wrong." The CPR and its government allies were labeled "the most selfish gang of schemers that ever joined together to plunder the Public Domain."⁷³ In his appeal of his conviction for assault, he noted that Thomas Armstrong was the son of the sheriff of New Westminster, where the trial was held, who also directed the jury process during the trial.⁷⁴

But, inevitably enough, his final undoing entailed the mobilization of just such a violent pyramid, met with violent opposition from Greer. Authorized by the British Columbia Supreme Court, a party, again under the leadership of Deputy Sheriff Armstrong, arrived to eject Greer and his family in September 1891. Armstrong reportedly "... went to the door and knocked, saying 'Open the door Greer' Mr Greer in reply said 'Go away, or I will make it hot for you.' The officer again told him to open the door, when suddenly a gun was fired, and a charge of No. 6 shot came



While the arrival of Europeans marked the creation of a capitalist, liberal property regime, it does not signal first ownership. So how is it possible for those original entitlements to have been so profoundly obliterated that native peoples enter into the Greer melodrama as marginal characters, rather than viable property holders? Was it a discursive or a violent act, to return to my earlier discussion? In part, dispossession does seem to have occurred through more or less willful forms of cultural mistranslation and racialization. Canadian dominant culture has long coded native peoples, and their lands, in consequential ways (as mobile, as doomed, as children of nature, as obstacles to progress, as dissolute, and so on).⁸⁸

However, dispossession also entailed the threat and enactment of physical violence. One historical geographer sees the exercise of power in colonial British Columbia in violently Hobbesian terms: "Battles were unnecessary; shows of force and a few summary executions did much to establish the new realities. In a newly acquired territory where other forms of control were unavailable, the quick, brutal, episodic application of sovereign power established its authority, and fear bred compliance." Once enacted (through reserves, cadastral grids, etc.), the land system itself "became the most powerful single agent of disciplinary power." It mapped out rights and their denials, and sustained them with "sovereign power."⁸⁹ The creation of a western property system, then, entailed a violent dispossession; thus established, it itself operated as a disciplinary regime.

The effect in the area that became Vancouver, as elsewhere, was striking. In the space of a few decades, native geographies and property relations were erased from the map, to be replaced by the cadastral grid that provided the template for colonial land speculation and urbanization, as a comparison of Maps 1 and 2 demonstrates. While early European trade contacts with the Coast Salish living around the Strait of Georgia were relatively limited, the mainland north of the forty-ninth parallel became a Crown colony in 1858, and British law began to be enforced. The establishment of a land policy, although rather tentative in practice, was a priority. By the 1860s, a regiment of Royal Engineers began laying out and subdividing lands in the area. Given that the land was seen as unowned, it was a short step to vesting ownership in the Crown and allocating native peoples to reserves. Native people were denied the right to preempt land, and allocated reserve land on the basis of five acres per person, while a non-native person could preempt up to 160 acres.⁹⁰ In 1869, a reserve was laid out around the Snaug village site. This was enlarged (from thirty-seven to eighty acres) in the 1890s. In 1913, the reserve was moved to North Vancouver, following growing development pressures.⁹¹

And it was legal force and violence, as well as legal texts and narratives, that made possible this remarkable redrawing of the landscape. In 1860, for example, Colonel Moody of the Royal Engineers became con-

card, arguing that even if it had, it had no legal standing. McTiernan, the local Indian agent, testified before the Commission of Enquiry that looked at the transfers: "Greer wanted the Indians to convey a right to land, as well as chattels, crops, &c. McTiernan would not sanction any such conveyance, for, said he, they have no right or title to convey; they have no estate in the land, and if they had, they could not convey it away."⁸⁰

The phrase, "they have no estate in the land," of course, is the rub. Colonial settlement on the shores of what was to be called English Bay entailed the obliteration of any native claim upon the land. Colonial ideologies in British Columbia held that native peoples "had been and remained primitive savages who were incapable of concepts of land title and who most certainly should not be perceived as land owners."⁸¹ Yet for millennia, in complex, seasonal rhythms, Squamish and Musqueam peoples had occupied and used the lands the CPR and Greer both claimed, settling in summer village sites where they harvested berries, clams, and sturgeon,⁸² such as the village of Sun'auhk just to the west of the disputed land. Native trails crisscrossed the area; a large midden marks a camp site at Skwayoos (see Map 2). The lands, known either as preemption 1003 or Lot 526, had very different names and meanings for the Squamish: "These beaches gave us shellfish, crabs and eel grass. The forests and flatlands provided deer, large herds of elk, bear, and mountain goats. Food plants were harvested, and the trees supplied the wood for our houses, canoes, weapons and other ceremonial objects"⁸³

While colonial notions of property may have seemed strange to the Squamish, they were not people without property. These were not unowned lands. Indeed, property appears to have a central role in Squamish culture, shaping social standing and regulating access to economic resources.⁸⁴ Property relations defined access to personal items such as canoes, slaves, and hunting and fishing sites, and also regulated rights to use personal names, songs, spirit powers, and magic. Clan and kinship relations structured access to particularly scarce resources, so that deer, duck and fish nets, bird rookeries, and so on were owned by extended families, while access to other sites, such as clam beds or fish dams was open to all village members. Personal property was also recognized; notably, houses (perhaps such as Indian Charley's) were owned by the builders and their descendants. However, most forms of property, including resource sites, were not marketable or alienable from the family.

At the same time, property appears to have been a central means by which relations with others were defined, particularly in the context of significant events: "To assume a family name ... to commemorate a change in status growing out of a life crisis, or to publicize any event having a bearing on social status demanded a public distribution of goods."⁸⁵ Such distributions of property "were integral elements in the social fabric, and cannot be discussed apart from it."⁸⁶ The circulation of property reached its apogee in the klanak, or potlatch.⁸⁷

to the extent that they were rendered meaningful within a given social formation. However, they were not purely linguistic. It is not just textual acts and deeds that made property available to action, but the material and often violent "acts" and "deeds" of local social actors.

That said, the relations between acts, meanings, and the violences of property are fraught and complicated, and demand more careful scrutiny. At the very least, the Greer case tells us that we need to acknowledge two ways in which violent acts intersect with the linguistic dimensions of law. First, legal decisions (the "words" of law) had material and often violent outcomes. For Greer, judicial judgments meant the mobilization of legal violence against him, despite his efforts to disrupt both dominant acts and meanings. Similarly, legal presumptions made it possible to position native peoples as squatters and non-owners, and hence legitimize the mobilization of force, when needed. In a very simple sense, as Weber notes, law would not be law without that mobilization of violence.⁹⁶ Second, the material and corporeal dimensions of law, are themselves, discursive; that is, they are rendered meaningful in relation to a given social formation. Those meanings are important, precisely because of the violence that might be applied. The state needs to legitimize its violences, particularly when the economy of violence is disrupted by an individual such as Greer. Even extralegal acts, such as Greer's resistance, are interpreted and ethically evaluated. In this sense, then, I find Rose's analysis of property helpful, but partial. Identifying the narrative and persuasive dimensions of property seems a useful way to begin to consider its social dimensions. However, there is a tendency here, as elsewhere, to treat property as both non-violent and non-material.

While I have tried to attend to the relations between materiality and discourse, the present example also suggests that there is room for slippage in the movements between the two. As has been noted, the "translation from ... power as physical force to power as discourse is often a slippery business. A gap always exists between the different moments so that slippage, ambiguity and unintended consequences inevitably occur."⁹⁷ Thus, Greer was partially able to mobilize both the persuasive discourses of property and physical violence to undermine the state's exercise of sovereign power.

Both such movements and slippages, moreover, are caught up in the production and contestation of space. The persuasive enactments of property in early Vancouver relied upon certain representations of place, space, and nature, so that, for example, Greer was keen to name his claim as preemption record 1003, rather than the CPR's Lot 526. The renaming of Greer's Beach by the CPR, on the other hand, had the effect of effacing Greer's claim, as well as romanticizing (and erasing) an Indian past. The relation between the naming and mapping of space, and the reproduction or contestation of property relations is an important one.⁹⁸ But the

cerned that intertribal conflict in the Lower Mainland was threatening white settlers. He blamed the Squamish in particular, and threatened "to wipe out the entire Squamish Tribe with gunfire."⁹² Such violence need not have been applied for it to have operated. However, it was ever present. In 1862, for example, a local mill owner proposed to build a sawmill on a site in present day Stanley Park, which was also the site of a Squamish village known as Khwaykhway. Colonial officials noted that the mill owner "had no objection to their [the Squamish] remaining where they are. They can at any time be removed. The Ground does not belong to their Tribe."⁹³

Conclusions

The CPR never did develop their terminus at Greer's Beach, but as elsewhere, marketed what was now their land. In consultation with a local academic, Charles Hill-Tout (who had done much to record the "disappearance" of the Coast Salish peoples), they named it "Kitsilano," an Anglicization of a Musqueam chief's name. It was a short step—from original occupiers of the land, to romantic marketing gimmick. Greer's name also did not disappear. A Greer Street (appropriately enough, a short cul de sac) appears in a subdivision in the area. Following another round of struggle over the rights, meanings, and uses of property in the 1970s, Kitsilano became a fashionable gentrified residential area. Interestingly, in 1977, a nonprofit housing society fighting gentrification in Kitsilano named one of its co-ops "Sam Greer Place," noting that "Sam Greer was a fighter. He fought the CPR eviction."⁹⁴

I do not want to suggest that the dispossession of either Greer or Kitsilano and his people was comparable. Although both were ultimately dispossessed, they had very different legal standing. However, the means by which property claims were enacted and struggled over do bear some similarities. In both cases, persuasive words and violent actions intermingled. As I have tried to suggest, the enactment of property relations in urban space involves not only words, persuasion, and narrative, but also violent acts. Greer and the Musqueam, put another way, were not dispossessed through words alone. To think of property purely as a language game is insufficient: "Discourses can never be pure, isolated or insulated from other moments in social life, however abstract and seemingly transcendent they become."⁹⁵ Similarly, an exclusive attention to the linguistic or narrative dimensions of the Greer case would be incomplete. Although such narratives are implicated in the violences of property (for example, by semantically erasing native histories and geographies), they do not exhaust the ways in which property relations were created, enacted, and legitimated. Violent acts, such as physical expulsions, imprisonments, shootings, and dispossessions, were also an integral part of the "enactment" of property. Clearly, such material acts were also discursive,

4. Rose, *Property and Persuasion*, 38.
5. Neal Milner, "Ownership Rights and the Rites of Ownership," *Law and Social Inquiry* 18 (1993): 227-53.
6. Rose, *Property and Persuasion*, 11.
7. *Ibid.*; see also Antonio Azuela "The Landscape of Ideas on Property Rights," *Land Lines* (Newsletter of the Lincoln Institute of Land Policy) 10:6 (1998): 6-7.
8. See Joseph F. Cullon, "Retelling the Tale: Common Rights, Private Property and the Rise of Conservation in the Bois Brule River Valley, 1870-1940," presented at "Who Owns America II: How Land and Natural Resources Are Owned and Controlled," University of Wisconsin, Madison, 3-6 June 1998; Lynne Heasley, "Many Paths in the Woods: An Ecological Narrative of Property in the Kickapoo Valley," Presented at "Who Owns America II: How Land and Natural Resources Are Owned and Controlled," University of Wisconsin, Madison, 3-6 June 1998.
9. See Peter Brooks and Paul Gerwitz, eds., *Law's Stories: Narrative and Rhetoric in the Law* (New Haven: Yale University Press, 1996).
10. Vera Chouinard, "Geography, Law and Legal Struggles: Which Ways Ahead?" *Progress in Human Geography* 11:5 (1994): 415-40, 420.
11. Rose, *Property as Persuasion*, 295, 296.
12. Michel Foucault, *The Archaeology of Knowledge* (London: Tavistock, 1972).
13. Ernesto Laclau and Chantal Mouffe, "Post-Marxism Without Apologies," in E. Laclau, ed., *New Reflections on the Revolution of our Time* (London: Verso, 1990): 97-134.
14. For Rose, conversely, adverse possession illustrates only the need to continually communicate one's claim to others. While she recognizes the materiality and physicality of property relations (for example, the erection of a fence) she seems content to regard this exclusively as performative and persuasive.
15. See Thomas Platt, "The Concept of Violence as Descriptive and Polemic," *International Social Science Journal* 64:2 (1992): 185-91.
16. Max Weber, *Max Weber on Law in Economy and Society* (Cambridge: Harvard University Press, 1966): 5, see Karl Karlsrona, *Law as Fact* (London: Stevens and Sons, 1971).
17. Austin Sarat and Thomas R. Kearns, "A Journey through Forgetting: Toward a Jurisprudence of Violence," in A. Sarat and T. R. Kearns, eds., *The Fate of Law* (Ann Arbor: University of Michigan Press, 1991): 209-74, 211.
18. Robert M. Cover, "Violence and the Word," *Yale Law Journal* 95 (1986): 1601-29, 1609.
19. Sarat and Kearns "A Journey Through Forgetting," 210.
20. James B. Brady and Newton Garver, eds., *Justice, Law and Violence* (Philadelphia: Temple University Press, 1991): 2.
21. Other than the sources cited here, other useful treatments of law and violence include Susan Coutin, "Ethnographies of Violence: Law, Dissidence and the State," *Law and Society Review* 29:3 (1995): 517-39; Cover, "Violence and the Word," Jacques Derrida, "Force of Law: the 'Mystical Foundation of Authority,'" *Cardozo Law Review* 11 (1990): 920-1045; Edgar Z. Friedenberg, "The Side Effects of the Legal Process," in R.P. Wolff, ed., *The Rule of Law* (New York: Simon and Shuster, 1971): 27-53; Douglas Hay, "Property, Authority and the Criminal Law," in D. Hay, P. Linebaugh, J.G. Rule, E.P. Thompson, and C. Winslow, eds., *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London: Allen Lane, 1975); Alan Hyde, *Bodies of Law* (Princeton: Princeton University Press, 1997) and the essays in A. Sarat and T. R. Kearns, eds., *The Fate of Law* (Ann Arbor: University of Michigan Press, 1991). Henri Lefebvre, *The Production of Space* (Cambridge: Blackwell, 1991) also offers some interesting, albeit rather tantalizing, hints concerning the links

physical and violent enactments of property were also enacted in and on space in a more immediate and embodied fashion; Greer defended (and thus advanced) his claim through physical blockades, for example. This begs some important questions about the ways space, violence, and property intersect. Greenhouse, for example, explores how the landscape is imbued with “violent” meanings, echoing Foote’s discussion of the complicated and ambivalent ways American culture concretizes its understandings of violence in the landscape.⁹⁹

It is tempting to think of my story as both—as simply an historical footnote. Indeed, there is something of the Victorian melodrama to the story, complete with pathos and braggadocio, villains and heroes. Greer’s name now only surfaces as an amusing anecdote from the wilder “pioneer days” of Vancouver. Similarly, the lofts and New Age boutiques of present day Kitsilano seem to have obliterated both Greer’s and the Musqueam’s claims. But it is precisely because of this contemporary oblivion that an attention to the violences of property—both in the past and those that continue to sustain contemporary property relations—must figure in a truly critical human geography. Clearly, we must be cautious about reducing everything to violence, as Arendt notes, and also must guard against an instrumental interpretation of power and violence.¹⁰⁰ Also, violence needs to be differentiated: the implied violence embedded in everyday land ownership, for example, is not the same as the actual violence of, say, imprisonment. However, it is also vital to uncover the ways in which violence is not only encoded in our geographies, but perhaps integral to the very foundation, reproduction, and legitimation of such spaces.

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Notes

1. Harvey Jacobs, *Who Owns America? Social Conflict over Property Rights* (Madison: University of Wisconsin Press, 1998).
2. Carol Rose, *Property and Persuasion* (Boulder: Westview Press, 1994): 296.
3. See Patricia Seed, *Ceremonies of Possession in Europe’s Conquest of the New World, 1492-1640* (Cambridge: Cambridge University Press, 1995).

36. It should be noted that the period was one characterized by often-shady land deals, particularly among the elite, many of whom stood to gain financially by the CPR's developments.
37. The execution of the ejectment writ was delayed, reportedly while the CPR tried to buy Greer out for \$5,000.
38. Rose, Property as Persuasion.
39. A note of caution, however. The archival record on Greer was largely pieced together by Vancouver's first archivist, Major Mathews, who seems to have come to know and support Greer (he was executor of his will, for example, and settled at the turn of the century at Greer's Beach). Also, the support that the local press seems to have given Greer may reflect, in part, a hostility to the provincial elite in the capital, Victoria, which was seen as a rival city. That said, there does seem evidence of a deeper level of support for Greer, even when he threatened and used violence.
40. Unidentified news clipping, CVA, Add MSS 54, V. 13.
41. Letter from Greer to *Columbian* (10 March 1885) CVA, Add MSS 54, V. 13. Greer also felt compelled to reproduce the legal "paper trail" by which he claimed title in his broadside.
42. CVA, Add MSS 54, V. 13.
43. Samuel Greer, *The Celebrated Greer Case: The Subject and the Crown*. CVA, Add Mss 42, V. II, Folder 2, no date, title page.
44. Thomas C. Grey, "The Disintegration of Property," *Nomos* 22 (1980): 69-85.
45. CVA, Add MSS 54, V. 13.
46. CVA, Add MSS 54, V. 13.
47. Keith Minogue, "The Concept of Property and Its Contemporary Significance," J.R. Pennock and J.W. Chapman, eds., *Nomos* 22 (1980): 3-27.
48. Robert A. J. McDonald, *Making Vancouver; Class, Status and Social Boundaries, 1863-1913* (Vancouver: University of British Columbia Press, 1996).
49. Deryck W. Holdsworth, "Cottages and Castles for Vancouver Home-seekers," *B.C. Studies* 69-70 (1986): 11-32; Deryck W. Holdsworth, "House and Home in Vancouver: Images of West Coast Urbanism, 1886-1929," in G.A. Stelter and A.J. Artibise, eds., *The Canadian City: Essays in Urban History* (Toronto: Mclelland and Stewart, 1977): 186-211.
50. CVA, Add MSS 54, V. 13.
51. *Islander* (Daily Colonist), 16 February 1964, 6-7 and 11, 6.
52. CVA, Add MSS 54, V. 13.
53. CVA, Add MSS 54, V. 13.
54. CVA, Add Mss 17, V. 1. Later observers agreed. In the 1960s, one nostalgic review noted that "[i]t was Sir Edward Coke ... who voiced the axiom 'For a man's house is his castle, one's house is the safest refuge for everyone.' Coke, having been dead three centuries, Sam Greer hadn't the pleasure of knowing him, but instinct told him there was something in what Ed said!" *Islander* (Daily Colonist) (16 February 1964): 6-7 and 11, 6.
55. Rose, Property as Persuasion, 20.
56. "Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined it to something that is his own, and thereby makes it his property And hence subduing or cultivating the earth, and having dominion, we see are joined together. The one gives title to the other," John Locke, *Second Treatise of Government*

between the state, space, and violence.

22. Nicholas K. Blomley, *Legal Violence, Gentrification and Property* (Unpublished manuscript, copy with author, 1999).
23. Cover, “Violence and the Word,” 1607.
24. Jeremy Bentham, “Security and Equality of Property,” in C.B. Macpherson, ed., *Property: Mainstream and Critical Positions* (Toronto: University of Toronto Press, 1978/1843): 39-58, 56.
25. Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London: Routledge, 1996).
26. Norbert Elias, “The Social Constraint Towards Self-constraint,” in S. Mennell and J. Goudsblom, eds., *Norbert Elias on Civilisation, Power and Knowledge: Selected Writings* (Chicago: The University of Chicago Press, 1998): 49-66.
27. Rose, *Property as Persuasion*, 296, (my emphasis).
28. Corporation of the City of Vancouver, *Annual Report—year ended 31 December 1908*, CVA (City of Vancouver Archives) Microfilm PS1(1), 1908 1.
29. Robert A.J. McDonald, “City-Building in the Canadian West: A Case Study of Economic Growth in Early Vancouver, 1886-1913,” *B.C. Studies* 43 (1979): 3-28.
30. Donald A. McGregor, “The Marvel of Vancouver,” *British Columbia Magazine* (June 1911): 457-472, 469.
31. Bruce MacDonald, *Vancouver: A Visual History* (Vancouver: Talonbooks, 1992): 23.
32. Greer was born near Belfast in 1843. He served in the U.S. Navy between 1863-64 and was wounded and pensioned. He arrived with his second wife in Victoria in 1867, drawn by the gold rush in the Cariboo. This was followed by a stint at farming near Chilliwack (and service as a constable and customs officer) until 1884, when he moved his family to the land at English Bay.
33. The 1870 Land Ordinance allowed all male British subjects over eighteen years to preempt waste Crown land, excepting Indian reserves or settlements. The settler had to record his claim with the surveyor-general in Victoria. If the land was unsurveyed, the application had to include the best possible description in writing, and a map (Preston’s preemption claim included both). Two years after securing his certificate of record, and upon satisfactory evidence that he had continued in permanent occupation and had made improvements, the settler was entitled to a certificate of improvement. When this, and all payments for land were made, he was entitled to receive a crown grant to the land. Occupation was made the formal test of title; the settler had to occupy and improve the land or forfeit it to another who would put the land to “beneficial use.” Robert E. Cail, *Land, Man and the Law; The Dispersal of Crown Lands in British Columbia, 1871-1913* (Vancouver: University of British Columbia Press, 1974). In reality, these requirements were frequently not satisfied. Given inflating land values, as well as ambiguities in mapping, record keeping, and the fulfilment of the requirements of preemption policy, there were also frequent debates concerning the proper definition of a “settler” as opposed to a “squatter.” Thus, while Greer’s case was exceptional, early Vancouver seems to have had other cases of ambiguous and conflicting property claims amongst white settlers on “CPR” land; not surprising, perhaps, given the many squatters—both middle and working class—and the uncertainties surrounding colonial land policy, (CVA, Add MSS 54, V. 13).
34. CVA, Add MSS 54, V. 13.
35. Letter; Van Horne, 14 March 1885—CVA, Add MSS 54, V. 13. Subsequently, the CPR placed its terminus in the downtown core.