

File No. 016526

SUBJECT

Nov 26, 1919  
NAME Nellie Louise Lester  
(Estate)

SUBJECT Appn lct. 2533 4/27/10

CROSS REFERENCES

Form 101, L. D. — 2,000-10-19.

Lands Department

When replying refer to  
District Office File No. 3019



THE GOVERNMENT OF  
THE PROVINCE OF BRITISH COLUMBIA

2  
Department File No. 58805

GOVERNMENT AGENT'S OFFICE

New Westminster, B. C.

25th November, 1919.

81344

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LANDS DEPARTMENT  
NOV 26 1919  
G. R. Naden, Esq.,  
Deputy Minister of Lands,  
Victoria, B. C.

Sir: Re Lot 533, Group 2, New Westminster District

I have the honour to hand you herewith the following documents in support of the application of Nellie Louise Tester, heiress to the late Pte. Henry John Tester who was a squatter within the boundaries of Timber Leasehold known as Lot 439, Group 2, New Westminster District, for a Crown Grant of the above mentioned lot under the provisions of the "Pre-emptors' Free Grants Act".

Letter from the Director of Records, Ottawa, dated 30th October, 1919.

Certificate of Enlistment of Henry John Tester.

Certificate of Death of Henry John Tester.

Certified copy of the Will of Henry John Tester.

So far as I am aware this will has not been probated. I procured the certified copy enclosed from The Director of Records, Ottawa. However, as Mr. Tester died while a Member of the Canadian Expeditionary Force I am not sure whether probate is required, consequently concluded it better to submit these documents to your Department before asking for probate if same is necessary.

NOV 26 1919

G. G. Branch, L. Dept.

Encl  
FCC/MD

I have the honour to be,  
Sir,  
Your obedient servant,

*H. Campbell*  
Government Agent.

3  
Nov. 28th, 1919.

Sir:

Please refer to File 016526

Your File 3019

I have the honour to acknowledge receipt of your letter of the 25th inst. submitting an application on behalf of the Estate of Henry John Tester for a Crown Grant of Lot 533, Group 2, New Westminster District.

In reply I have to advise that it will be necessary for you to request the Estate to have the Will probated and a certified copy of same submitted to the Department, for which purpose I am herewith returning the documents submitted by you, and would also point out that you have failed to submit the Statutory Declaration usual in the case of squatters on this timber leasehold.

I have the honour to be,  
Sir,  
Your obedient servant,

H.C.

Superintendent of Lands.

Government Agent,  
NEW WESTMINSTER, B. C.

Reply to Lands Branch, attention of "Grants".

Enc. Reg.  
CEH:DB.

223  
CEH

FORM OF WILL.

I. - Henry John Tester

(Name in full)

Regimental Number 294515 serving in 223rd O.B. of the  
~~the Overseas Military Forces of Canada~~  
by me made and declare this to be my last Will.  
I bequeath all my real estate unto

Miss Nellie Louise Tester

Dormans Cross, Lingfield

Surrey, England.

)  
) Name and Address  
) of person or  
) persons to whom  
) it is to go.  
)

absolutely, and my personal estate I bequeath to

Miss Nellie Louise Tester

Dormans Cross, Lingfield

Surrey, England

)  
) Name and Address  
) of person or  
) persons to receive  
) personal estate.  
) (See note).  
)

IMPORTANT NOTE

This must be signed  
and dated by the  
Soldier Himself.

this 25th day of January A.D. 1917.

Henry John Tester

Signature of Soldier.

N.B. Personal estate includes pay, effects, money in bank, insurance  
policy, in fact everything except real estate.

Signed and acknowledged by the Testator as and for his last Will in  
the presence of us both present at the same time, who in his presence at  
his request and in the presence of each other have hereunto subscribed our  
names as Witnesses.

294190 Sgt

Signature of First Witness Thorlakur Johnson 223 O.B.

The Two Address of Witness 907 Selkirk Ave Winnipeg Man

Witnesses Occupation of Witness Lather  
Must Sign 294786 L/Corp. 223rd O.B.  
Here. Signature of Second Witness Theodore Johnson

Address of Witness Manchester Wash. U.S.A.

Occupation of Witness Locomotive Firesman

I hereby certify the above to be a true copy of the original Will now on  
file in Estates Branch, O.M.F.C.

Date Dec. 1918. for OFFICER I/C ESTATES, O.M.F.C. Lieut.

NOTE Died 28-10-18. 25-T-1879.

Transferred 2-12-18.

No. 294515 Pte. H. J. TESTER. 27th. Bn.  
(BAC.) 33382.

MILITIA AND DEFENCE

In reply please quote

H.Q. 649-T-12473.



Ottawa, October 30th, 1919.

81342

From-

The Adjutant-General,  
Canadian Militia.

To-

Government Agent,  
New Westminster, B.C.

3019

294515, Pte. Henry John Tester,  
Canadian Expeditionary Force.

Sir,-

With reference to your communication of the 10th instant, addressed to the Director of Military Estates, I beg to enclose herewith official certificates of enlistment and death in respect of the late marginally noted soldier.

Records at Militia Headquarters show that the late Private Tester enlisted with the 223rd Battalion at Saskatoon, Sask., on the 19th of June, 1916; proceeded overseas to England May 3rd, 1917, and was transferred to the 27th Battalion. Proceeded to France on the 7th of September, 1917. This late soldier died at No. 3 Canadian General Hospital, Boulogne, on the 28th October, 1918, of broncho pneumonia.

The next of kin are shown as,- Misses Nellie L. and Alice G. Tester, Dormansland, Surrey, England.

*J. Meredith*

Lieut.,  
for Director of Records,  
for Adjutant-General.

GFS/MJD  
Q



When replying refer to  
District Office File No. 3019



6  
GOVERNMENT AGENT'S OFFICE

Department File No. 016526

New Westminster, B. C.  
December 4th, 1922.

291647

The Superintendent of Lands,  
Victoria,  
B.C.

Sir:-

I have the honour to hand you herewith the following documents in support of the application of Henry Clarkson Major, Official Administrator of the Estate of Henry John Tester, for a Crown Grant to Lot 533, Group 2, New Westminster District, under the provisions of the "Pre-emptor's Free Grants Act":-

Certified copy of letters of administration,  
with certified copy of Will attached. ✓

Statutory Declaration made by Chas. V. Ekstrom,  
as to entry by Henry John Tester. ✓

Letter from the Director of Records, Ottawa,  
dated 30th October, 1919. ✓

Certificate of Enlistment of Henry John Tester. ✓

Certificate of Death of Henry John Tester. ✓

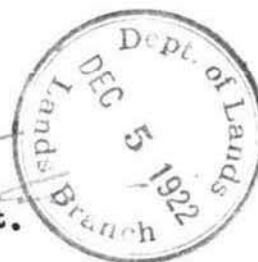
Certified copy of the Will of Henry John Tester. ✓

The Official Administrator's address is - Westminster Trust  
Block, New Westminster, B.C. ✓

The Lot in question is situated in the Municipality  
of Chilliwack.

I have the honour to be,  
Sir,  
Your obedient servant,

Government Agent.



FCC/MT.

Encls.

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396

File. 016526

Crown Grant No. 887/479....dated. Dec 11, 1922  
covering. Lot 533 Group 2 N.W. Dist  
in favour of. Nellie Louise Tester

Forwarded District Registrar of Titles at. New Westminster.  
Date. DEC 26 1922

Whom notified. Geo. H. Agnew & Associates  
New Westminster  
S. C. Clarkson, Westminister Trust Bldg,  
New Westminster, B.C.

Date. DEC 26 1922

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OFFICIAL ADMINISTRATOR.

NEW WESTMINSTER, B.C. December 28th, 1922.

The Department of  
Lands & Works,  
Victoria, B. C.



Sir,

Re. Henry J. Tester, deceased.

I beg to acknowledge receipt of your communication notifying me that Crown Grant 887/479 covering 41.30 acres of Lot 533 Group 2 had been forwarded to the Land Registry Office in this city. The Crown Grant being issued in the name of Nellie Louise Tester.

I applied for and was granted Letters of Administration of the estate of Henry J. Tester, deceased and then made application for the Crown Grant of the above described property which, so I was informed by the Government Agent, would issue. I presumed that this would be in my name as Official Administrator of the above estate (File 75175 June 30th, 1914) the same as others had been issued to me as Administrator.

Nellie Louise Tester resides in England and is an infant. I cannot deal with the property the way it now stands and as there are certain accounts that have to be paid by the estate



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OFFICIAL ADMINISTRATOR.

NEW WESTMINSTER, B.C.

I would ask you if you can have the Crown Grant which is now in the Land Registry Office returned to you for cancellation and have another issued in my name (Henry Clarkson Major) as Administrator of the estate.

I have the honour to be,

Sir,

Your obedient servant,

*H. C. Major*

Official Administrator.



10  
29th Dec. 1922.

Sir:

Please refer to File 016526.  
Attention "Grants."

-----  
I beg to acknowledge receipt of  
your letter of the 28th ultimo, re Henry J.  
Tester, deceased.

In reply I have to inform you that  
Crown Grant No. 887/479 issued in favour of  
Nellie Louise Tester covering Lot 533, G.2,  
New Westminster District, has been issued in  
accordance with the Statute. These squatter  
claims in New Westminster District were treated  
as pre-emptions and the Crown Grant was issued  
free under the provisions of the "Pre-emptors'  
Free Grants Act." Section 31 of Chapter 129  
of the Revised Statutes of B.C. 1911" being  
the "Land Act" provides that in the event of  
the death of a pre-emptor that the Crown Grant  
shall issue to the heirs or devisees as the  
case may be. Heretofore it was the practice  
of the Department to issue Crown Grants in  
favour of the Official Administrator upon the  
production of the Letters of Administration  
but this practice was ruled to be contrary to the  
Statute by our Legal Department.

I regret, therefore, that the Department  
cannot agree to recall the Crown Grant and reissue  
as requested.

I have the honour to be,  
Sir,  
Your obedient servant,

Superintendent of Lands.

H.J. Major, Esq.,  
Official Administrator,  
New Westminster, B.C.

CEH/SG.

922.

FILE

DATE

Nov 26

CH

5-12-22

Wagner

2-9-12-22

Wagner

13-1-8

Wagner

11-1-29

6-7-37

Wagner

2-9-48

Wagner

11

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