Hamilton Mack Laing 1893-1982

Why Hamilton Mack Laing is important to Comox and all Canadians ...

Internationally known as an ornithologist, the National Trust of Canada recognizes Mack Laing as an "esteemed naturalist, collector, author and educator". His extensive collections, illustrations, scientific observations, journals, and other writings, are in the National Museum and Archives of Canada, the Smithsonian Institute, the Yukon Archives, the Manitoba Museum of Man and Nature, the Royal BC Museum and others around the world.

In 1973, Mack Laing entered into a Charitable Trust Agreement with the Town of Comox to ensure that his home Shakesides, together with eight acres of waterfront, would be dedicated to the quiet enjoyment of the public forever.

Contrary to the terms of the Trust, Shakesides has never been opened to the public since his death in February1982. Instead, it was rented to a series of private individuals for the next 32 years. The accrued rental income went into General Revenue of the Town of Comox. In 2015, the Town of Comox attempted to demolish Shakesides without Court approval. Demolition was halted due to opposition from the MLHS (Mack Laing Heritage Society), the BC Attorney General, and the public.

This history/timeline includes only some outstanding details of Laing's life and his properties of Baybrook and Shakesides, from his diaries, books, photographs and other material - which are extensive and reside in BC Museum Archives. Detailed information and a comprehensive history of Mack Laing can be read in Richard Mackie's 1983 biography - "Hamilton Mack Laing: Hunter-Naturalist". This timeline also attempts to detail, as briefly as possible, activities, events, investigations and BC Supreme Court submissions by the Mack Laing Heritage Society of the Comox Valley (MLHS), a BC registered non-profit society.

History and Timeline of Hamilton Mack Laing and the

Mack Laing Heritage Society of the Comox Valley

Note: this is not intended to be a comprehensive record of ALL related matters. For reasons of brevity, some details of events/ documents/correspondence/news items/legal affidavits are not included. However, all public material referred to in this list is on file with the MLHS and may be viewed in its entirety upon request.

For easy reference, all legal entries are in red, instances of damage or neglect at Shakesides are in purple, records of invasives removal and site clean-up by MLHS or others are in green. Note that MLHS work parties always engaged with the public during clean-ups and raised awareness and support in this fashion.

Hamilton Mack Laing is born in Hensall, Ontario. His extended family moved to Manitoba, settling in Clearsprings, where he became a keen hunter and observer of nature.

1901-1911

Mack Laing taught school, then became principal of the high school in Oak Lake, Manitoba. He learned drawing and taxidermy, played sports, and became fascinated by birds.

1905

Mack earned a diploma from the National Press Association in Indianapolis, Indiana, for a commercial story writing course.

1907

Laing's first published piece of fiction, was 'The End of the Trail,' published in 1907.

<u>1909</u>

Mack visits BC, via steamer up the Sunshine Coast from Vancouver.

1911

Mack moved to Brooklyn, New York and enrolled in the Pratt Institute's program of Fine and Applied Arts. Three years later, he graduated with an Art Diploma.

<u> 1913</u>

Laing's first book, 'Out With The Birds' was published.

1914

Laing bought a early Harley-Davidson motorcycle and drove from New York to Winnipeg, the first of several "expeditions."

1915

Laing bought a new Harley Davidson motorcycle and drove from New York City to San Francisco, meeting his brother half-way. He kept a journal of the trip and later wrote a manuscript called '*The Transcontinentalist*'. This was edited by Trevor Marc Hughes and published in 2019 as '*Riding the Continent* (Ronsdale Press).

<u>1918-9</u>

Laing worked in the observation tower at RAF Beamsville, Ontario. He met three prominent ornithologists during those years - Hoyes Lloyd, who monitored migratory birds for the Dominion Parks Branch, J.H Fleming, a weathy man who later donated 25,000 bird skins to the Royal Ontario Museum, and Percy Tavener from the National Museum in Ottawa.

<u> 1920</u>

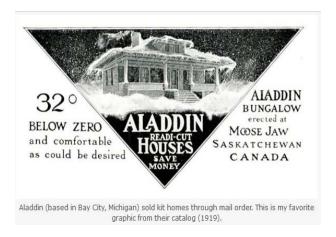
Canadian Field Naturalist published his article 'Lake-shore Bird Migration at Beamsville, Ontario', which was very well received. He left Ontario and after a visit to friends in Portland, decided to return to Canada. He began writing in earnest and sought work as a field naturalist.

1922

June: Laing takes the steamer 'Charmer' to Comox and camps on the shore with Ronald Stewart and meets Allan Brooks. He falls in love with the area. The townsite had been laid out in 1910.

October: Laing buys a five acre lot at \$150 an acre from local farmer Leo Anderson, on Brooklyn Creek and while living in a National Museum field tent, he began clearing the land with the help of neighbours

Laing purchases a "Stanhope" Aladdin Ready-Cut house kit from the Canadian Alladdin Co. The company guarantees, among other things, that the precut wood supplied will have no knots (and it will pay \$1 each for any found).



Laing names the property "Baybrook", named the creek through his property Brooklyn Creek. He logs and clears the land, and builds a road to his home, including a bridge across the creek. He completes his home late in the year, refusing all offers of employment in order to do so.



Baybrook House, completed

1924

Laing joins a sea expedition to the northern Pacific, Japan and Kamchatka, collecting over 200 birds.

1925

February: Supplies for the Mt Logan expedition, delayed a year, were transported from McCarthy, Alaska via sleds pulled by dogsdogsled and horses in custom-made wooden snowshoes to the base camp, by expedition leader Albert MacCarthy.



July: Mack Laing joins the first expedition to conquer Mt Logan in the Yukon, which travelled by foot from McCarthy, Alaska to the base camp on the upper Chitina River. He was commissioned to film

the expedition to the snowfield and base camp and then assess and report on the local flora and fauna for the Department of Natural Resources. The remainder of the expedition was filmed by Allen Carpe, using a special high-altitude camera capable of withstanding high altitude and extremely low temperatures. A film was made of the expedition "*The Conquest of Mt Logan*" using film footage from both Laing and Carpe.



The Mt Logan expedition members.

1927

Laing marries his life-long love, Ethel Hart of Portland, Oregon, at the age of 43 (Ethel is 31). They establish a successful and commercial orchard which included walnut, pecan, filbert, hazelnut, apple and plum trees. They also grew mushrooms and vegetables.



Wedding photo of Mack Laing and Ethel Hart

Laing writes a great many published articles for outdoor and naturalist magazines.

1928-1930

Laing goes on expeditions to Osoyoos, and Elko in the Rockies.

1931

The Depression hits and Laing cannot get work. He and Ethel concentrate on creating a viable orchard on the property. By 1943, they had cleared six acres and planted 866 nut trees (walnuts and filbert/hazelnut). They capture the nut market between Nanaimo and Campbell River, shipping to supermarkets. They also planted pear, prune, and several varieties of apple.



Ethel Laing dies of cancer. A grief-stricken Mack Laing becomes a recluse.

1949

Laing sells his Baybrook home and 10 acres to James and Elizabeth Stubbs. Over several decades, they add several additions to the original house and construct three cottages near the driveway. Later they sell the land, which still contained hazelnut and fruit trees planted by Laing, for development into single family homes (Baybrook and Orchard Park streets).

1950

Laing builds second home, "Shakesides" (inspired by Burroughs' *Slabsides*) on adjacent 10 acres, using the building plans for Baybrook, but adding a full ground level access basement and attic.



Shakesides in 1950, not long after its construction by Mack Laing.

Between 1912 and 1956 Mack Laing had almost 900 known articles published in various newspapers (most in the years before 1945). The Toronto Globe published 150, The Manitoba Free Press 427, and the Vancouver Province 50. Magazines which published significant numbers of his articles include Canadian Field Naturalist (12), Canadian HOmes and Gardens (7), Canadian Magazine (13) Field and Stream (29), Illustrated Canadian Forest and Outdoors (36), Game and Gun (15), Nature Magazine (9), Outdoor Life and Outdoor Life-Outdoor Recreation (18), Recreation (20), Sunset (17), and Travel (5). He also kept journals his entire adult life. He made carbon copies of all his articles and most can be found at the BC Archives.

1971

The Lieutenant Governor, J R Nicholson and the Premier of BC, W A C Bennett declare Hamilton Laing a "British Columbia Centennial Pioneer". The certificate extends thanks to Laing for his "contributions to Canada and British Columbia".

1973

September: Mack Laing, aged 90, signs a memorandum of Agreement with the Town of Comox regarding his 10 acre property be kept as a nature park and that he be allowed to reside in his second house "Shakesides" until his death. He states that the park should remain natural, have no vehicle access and the house should be used to enhance the park experience.

<u>1978</u>

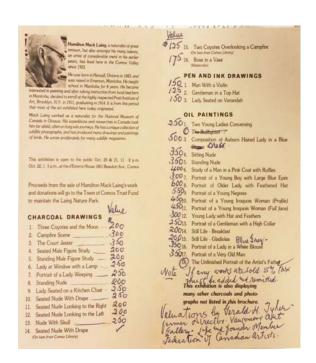
August 16: Mack Laing signs letter giving approval to the Comox Valley Community Arts Society to show his art work, also states that "any funds realized from the sale of the artwork I direct be held in a Trust Fund, which is to be used solely for the maintenance or development of the Mack Laing home property and surrounding parkland."

October 4: Alice Bullen writes a letter to the Community Arts Society offering to post a \$1,000 bond to restore, mount and frame and have certain of Mack Laing's artwork to be displayed at an art show sponsorted by the Society. The letter states the locations of some of the art:

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Mr. Gerald Tyler, at present a consultant to the National Art Gallery of Canada has 13 of Mr. Laing's oil paintings, he has cleaned and mounted them. He is prepared to frame them and estimates cost of material and labour to be approximately $600.00. Mr. Art Fulton has 17 Charcoal and pen & ink drawings which he has estimated will cost $500.00 to mount and frame. There will be additional costs of Advertising etc.
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(Note: The oil paintings were transported to Mr Tyler in Vancouver to be cleaned and m ounted. Art Fulton and his wife had a picture framing business in Comox. The whereabouts of most of these works is currently unknown.)

Laing, still hale and wiry at 95 years old, holds an art show at D'Esterre House in Comox and sells much of his artwork.



The art show brochure, annotated by Gerald Tyler.

1979

Laing's biography of a friend and colleague, 'Allan Brooks - artist naturalist' is published by the British Columbia Provincial Museum. A photo taken of Laing signing the book in a local bookstore, is presented to the MLHS in 2020.

January 5: Mack Laing presents a letter, witnessed by Ruth Masters, giving exclusive copyright to his nature paintings and drawings to the Comox Strathcona Natural History Society, in order that they can be reproduced for sale, with any proceeds "over and above the cost of production, be used towards the development of my present home property as a nature park and sanctuary, in conjunction with the Town of Comox, as registered owner of said property".



Mack Laing signing copies of his biography of Allan Brooks, 1979

February 13: Mack Laing purchases a cemetary license (plot) at Courtenay Civic Cemetary (#1035, Block J) for \$100.

March 26: The Town of Comox writes a letter to Mack Laing, thanking him for his generosity in permitting them to his paintings in the Municipal Hall, also stating that they had received many favourable comments.

April 16: The Comox Strathcona Natural History Society (president Jim Lunam), after meeting with Comox Alderman Alice Bullen, writes a letter to the Town of Comox offering to care for the Park and offers its assistance in creating a walk-in only nature park with some recommendations for its preservation and protection.

1980

Hamilton Mack Laing is presented with the Cliff Shaw Memorial Award by the Saskatchewan Natural History Society.

The Cliff Shaw Memorial Award is presented annually to recognize the type of achievement that Cliff would have wished to encourage—an outstanding contribution to the Blue Jay in the past year. Special consideration is given to articles by new contributors.

1981

July 11: Mack Laing signs an official consent allowing the Town of Comox to reproduce his original art works for commercial purposes, and grants them copyright privileges. It had two witnesses, including Alderman Alice Bullen representing the Town.

This is done under the condition that any profits from the sale of this art work will be used for maintenance of, or improvement to, grounds or buildings in the Laing Nature Park, Comox, B.C.

August 19: The Comox Valley Free Press publishes and article about Mack Laing "Honors (sic) for Naturalist" giving a brief history of his accomplishments and taking photographs of the 98 year old man.



Laing photographed on the front porch of Shakesides (CV Free Press photo)

September 9: The Comox Strathcona Natural History Society (president H Jackson) writes a letter to the Town of Comox stating that it is willing to form a steering committee to assist in creating and financing a nature museum in Shakesides house.

The Town of Comox and Alice Bullen, arrange for Mack Laing to receive Meals on Wheels at least once a week (per interview with Patricia Jackson, who delivered them).

The grounds of Shakesides are maintained by Comox Parks groundskeepers (one of whom was Al Fraser, later Parks Superintendent, Town of Comox, who related this information to the MLHS)

1982

February 15: Mack Laing dies at the age of 99, leaving a clear Will and \$70,000 in Trust "to be invested", and stipulating again that the house is to be used as a "natural history museum."

February 21: Hope Spencer writes a letter to Comox Mayor and Council reminding them of their responsibility to honour the terms of his Will and suggesting they "explore all possibilities of making the area a Nature Interpretive Centre for use by SD 71 and North Island College." She also states:

I had been long aware of the legacy and the thoughts for its use as I had known Mr. Laing since 1948, for he was a friend of my parents and spent Christmas with them in his later years.

Having the area appropriately used will make Comox an even more interesting place to live.

February 22: Mrs Hilary Wearne writes a letter to Comox Mayor and Council stating that she had met and visited Mack Laing at this house, stating her support for the Town to carry out his wishes regarding the 'house and grounds'.

March 12: The Comox District Free Press publishes 'The Legacy of Laing', interviewing historian Richard Mackie, who is hired to inventory Mack Laing's papers and possessions and to write a biography (Hamilton Mack Laing -Hunter Naturalist - 1985, Sono Nis Press) Laing's personal effects are moved to the Courtenay Museum for storage, while his diaries, photos and other archival material are transported to the Royal BC Museum Archives.

The BC Archives records the following data, showing how much and what material it stores related to Hamilton Mack Laing.

MS-1309
Hamilton Mack Laing
Originals 1900-1982 3.1 m

Hamilton Mack Laing (1883-1982) was a Comox naturalist, journalist and photographer. These records include correspondence relating to natural history, correspondence with publishers, with C.J. Guiguet, Allan Brooks, P.A. Taverner, various museums and naturalists, botanists and zoologists; personal correspondence with Ethel M. Hart Laing (his wife), Mrs. W.O. Laing (his mother), and other family members. There are also records relating to house building, property at Comox and Baybrook Nut Ranch, tax and

financial records. Photographs transferred to Visual Records accession 198310-1.

MS-1900
Hamilton Mack Laing
Originals 1870-1983 3.8 m

Hamilton Mack Laing was a naturalist, photographer and journalist from Comox, BC.

The accession contains correspondence, notes and manuscripts of articles and books concerning the birds, mammals and plants of Ontario, Manitoba, Saskatchewan, Alberta, Alaska, Oregon, Washington and much of southern and western British Columbia, ca. 1900-1982. The records also contain notes and correspondence concerning pioneering in rural Manitoba in the 1870s and at Comox in the 1920s; fiction and autobiographical manuscripts; and sketches and letters by Allan Brooks.

Photographs were transferred to Visual Records, accession 198310-2.

July 7: TOWN of COMOX COUNCIL (Excerpt from Council meeting Minutes, July 7, 1982)

"That Council support the recommendation that post-secondary educational institutions, to include the University of B.C., the University of Victoria, Simon Fraser University, Camosun College and North Island College, be approached to support and organize a management board to direct the development of the Mack Laing property as an educational facility, such request to be issued by the Mayor."

During the year, the Town converted the vehicle bridge at the end of Comox Avenue into a footbridge, to prevent vehicle access per Mack Laing's stated wishes. The Laing property began at this bridge and extended in a narrow strip to the waterfront. The Park area above the bridge was added later by the Town, and is not part of the original bequest.

Fall 1982- Fall 2014

The Town of Comox rents Shakesides to a series of tenants, and the rent goes into general revenue. The Trust fund is not used to create a nature museum and trust funds, which are not in a separate account, are not allocated interest. Some of the funds, according to data discovered by the MLHS, and which were presented to the BC Supreme Court in affidavits, were used to improve Mack Laing Park and other areas nearby. Ledger entries from the Town's records, state that Trust fund monies were used to pay for amenities in the upper Park, which was not part of the original land bequest, such as a fish ladder, wooden stairs (there are no stairs in the original Mack Laing Park area), and a footbridge across upper Brooklyn Creek, far outside the original boundary.

(Note: Without admitting errors, the Town later reimbursed some funds to the Mack Laing Trust account).

1984

A cairn is placed in Mack Laing Park, behind Shakesides House, in recognition of Laing's gift of the property to the people. (Plaque on the cairn behind Shakesides, erected by the Town of Comox). Under it is a box with Laing's military uniform and other mementos.



November: Picoides (Volume 2 Number 2), publishes a retrospective article about Mack Laing.



1992

Judy Hagen (wife of long time MLA Stan Hagen), begins her 'Hunt for History' newspaper columns under the auspices of the Courtenay and District Historical Society. She also wrote a book entitled "Comox Valley Memories". One chapter was titled 'The Birdman of Baybrook', and was a portrait of Mack Laing's life and accomplishments.

The Comox Archives and Museum Society (CAMS) is formed and housed in the basement of a Town-owned building next to The Lion's Den. A collection of Mack Laing artifacts and other materials being stored by the Courtenay Museum, are returned and housed in CAMS.

Early 2000s

Members of the Comox Town Residents Association (incorporated as a non-profit organization under the BC Societies Act on April 4, 1991), including Ruth Masters, a retired legal secretary, periodically ask the town about the disposition of the Trust and its monies. The answers from the Town of Comox are evasive and at one point they are informed by the CAO that the total amount of money in the account is only \$75,000. No explanation is given for the apparent discrepancy after over 20 years of interest and rent from Shakesides, despite Laing's wishes for Shakesides clearly not being honoured. There are regular tenants in the house, paying rent to the Town. The house appeared well-cared for, until the final tenant, with junk piling up in the yard behind it and along the side next to the swamp (it was later discovered that the interior was far worse).

2001

April 12: Ruth Masters, who typed Mack Laing's will as secretary in a law office, enquires of the Mayor and Council about the disposition of the money he left in his Will, and requests ledger sheets regarding the administration of the Trust Fund.

April 23: Town of Comox internal correspondence: Steve Ternant, Treasurer, gives an accounting report to Helen Dale, CAO, regarding the Mack Laing Trust, then amounting to about \$48,000. Over \$15,000 is shown to have been removed from the ML Trust for 'Capital Expenses', with no explanation for the expense. On inquiry by MLHS, tenants of Shakesides report that no maintenance was done on the house by the Town and one tenant had to pay for a new Hydro pole blown down in a storm.

November 8: Alice Bullen, former Councillor, and appointed guardian of Mack Laing in his last years, informed Comox Mayor and Council that she had wondered for some time if Laing could be considered a significant Canadian, and had put this question to the CEO of the Royal BC Museum on September 11, and the President and CEO of the CanadianNature Museum in Ottawa on September 17. She attached copies of the letters received in response.

October 11: Excerpts from the BC Museum, CEO Pauline Rafferty:

His contributions to research at the Canadian National Museum, the American Museum of Natural History, the Carnegie Museum of Natural History and to other institutions give him an importance beyond British Columbia and demonstrate Laing's contribution to Canadian natural history.

Little recognition has been given to the many individuals who pioneered research into British Columbia's natural heritage, and Hamilton Mack Laing was certainly a major contributor.

October 26: Excerpts from the letter from the Canadian Museum of Nature President and CEO Joanne diCosimo:

The national museum has relied heavily on knowledgeable collectors such as Mr. Laing in order to develop collections that reflect the diversity and range of natural history across Canada. We recently were able to contribute over 10,000 records to the Royal British Columbia Museum's *Living Landscapes* project and a number of these records were derived from specimens collected by Mr. Laing.

In summary, Mr. Laing deserves recognition for his important contributions to the study and understanding of natural history in British Columbia. His work has considerable significance for all of Canada.

May 14: Al Fraser, Parks Superintendent, reports to Comox Council on a walk-through of Shakesides and Mack Laing Park.

On May 9, 2002, an onsite walk-through of Hamilton Mack Laing's former residence was conducted in order to ascertain whether the house could be converted into an interpretive nature centre. In attendance were members of Town Council, Senior Staff, Building Inspection Department, Maintenance, Brooklyn Streamkeepers and the Heritage Committee. (Attendance list enclosed).

There were many ideas exchanged throughout the meeting and the general feeling was that, yes, Hamilton Mack Laing was a significant man in our community and that his work, as a naturalist, be remembered.

Mr. Laing's former residence is a rather old structure and because of a number of spatial and structural concerns was deemed not well suited as an interpretive centre.

The idea of constructing an information kiosk in close proximity to the former residence, providing text and photos on Mack Laing's life and work as a naturalist, was well received. This seems to be viewed as a practical approach to enhancing the park and once we determine what is to be placed on display, a location and conceptual design can be rendered. It was discussed at the meeting that monies from Mack Laing's will may be able to be directed toward this project but that a legal opinion regarding the disposition of these funds should be provided.

December: Mumby's Arboriculture Consulting's Vera Mumby presents a report to the Town of Comox Parks Department for the Town's Urban Forest Management Plan. The survey - ground inspections and visual checks - covered all major parks within the Comox boundaries. The section on Mack Laing Park has this comment:

Compared to other areas in Comox, Mack Laing Park has some of the highest incidence of invasive plants. There are areas where the ground and trees are completely covered with English ivy. Approaching Balmoral Road, some of the side bank is total carpet of lamium. As in all other infestations of invasive plants, the source appears to be the dumping of yard waste behind the fences of nearby residents. Within Mack Laing Park, Brooklyn Creek forms a partial barrier to the spread of invasive plants towards the east and MacDonald Wood Park, which has far fewer invasive plants.

2003

February 5: Town of Comox Chief Financial Officer presents a memo to Town Council regarding the Mack Laing Trust account (excerpt):

because the value of the trust fund has shrunk so much from inflation through the intervening 20 years since the bequest. The bottom line is that while the current balance in the trust fund makes the Town look bad, the current Council can say that it has credited the fund with every penny of interest earned during its (so far) brief term.

<u>2005</u>

On the death of her husband, Elizabeth Stubbs sells Baybrook to Greg Bay of Vancouver for over \$1 million. Bay claimed to want to construct a resort on the property. He was informed by the Department of Fisheries and Oceans (DFO) that he would not be allowed to do so because of the Brooklyn Creek salmon stream running through the property and the possible impact on a sensitive estuary shoreline.

A caretaker is installed in Baybrook house, as the owner is rarely in residence.

2006

Elizabeth Brooks publishes a booklet "the Pioneer Birdmen of Comox, outlining the life and work of Allan Brooks, Ronald Stewart, Hamilton Mack Laing and Theed Pearse. During this year the CVN celebrated its 40th Anniversary, and the Town of Comox, it's 60th.

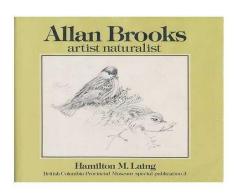
August: The Town of Comox purchases the Baybrook property 92.56 ha/6.3 acres for \$2.1 million, over three years, in cooperation with The Nature Trust of B.C, which also contributed towards the purchase of three parcels adjacent to Mack Laing Park. The three year purchase agreement between the Town of Comox, Greg Bay, and The Nature Trust of B.C. The Nature Trust leases the land to the Town for \$1 a year on a 99-year-lease. In exchange, the Town agrees to keep the land in its natural state. The Nature Trust of BC, contributed \$785,000 for .35 ha.

2013

The town opens the Baybrook property to the public, but expresses the desire to remove all structures on it. This includes Baybrook house, three cottages rented by the Town, and a very old barn built by Mack Laing.

June: A Comox Valley Naturalists week-end walk led by Betty Brooks (artist/ornithologist Major Alan Brooks' daughter-in law) discovers that the residents of cottages and Baybrook have been evicted and that they and Baybrook house are to be demolished. She informs several people in the community who are familiar with the property, expressing concern that a piece of valuable heritage may be lost.

Betty Brooks, in a letter in the Comox Valley Echo, urges the Town to preserve Baybrook for its historical and heritage value to the community. Her father-in-law, Major Brooks, was one of the four 'pioneer birdmen', and was both a friend of Mack Laing and the subject of a biography written by him



(Allan Brooks, artist naturalist, British Columbia Museum, Special Publication No. 3, The BC Provincial Museum, copyright1979).

June 13: A group of concerned local residents meet at the home of Paul Horgen (Project Watershed), to discuss the Town's intent for the Baybrook houseand to devise a plan to convince the Town to save it.

June 20: First presentation to Council to make a case to see if the two houses can be saved, by putting together a team of professional architects, engineers, heritage planners, biologists and historians. The purpose is to determine if Baybrook or Shakesides can be saved, whether they have heritage value, and whether an economic plan can be developed to re-purpose the building(s) and use it for public purposes, at no cost to the taxpayer.

June 21: Two well-known local organizations joined Comox residents in their fight to preserve Hamilton Mack Laing's original 1923 heritage home "Baybrook." Comox Valley Naturalists and Project Watershed made short presentations to the Town of Comox and called for the decision to demolish the Baybrook house to be delayed until after Sept. 30.

June 26: Town Council replies to a concern of area resident Frieda Home regarding demolition of Baybrook and informs her that after a presentation by Comox Valley Naturalists and Project

Watershed, a motion was passed: "That Council delay demolition, until September 30, 2013, of the o/d Stubbs' house, formally Hamilton Mack Laing's Baybrook House, to allow time for a community committee (as suggested by Dr. Loys Maingon) to research and make recommendations on the feasibility of Baybrook House being restored as a heritage house and possibly Wildlife Centre, including funding opportunities which have minimal financial implications on the Town of Comox's budget".

August: Comox Valley Naturalists (CVN) and Project Watershed (PW) form a technical Committee to save Baybrook for use as a nature house. The plan is publicized in the local media.

August 1: The Town appears to have no political will to save Baybrook (CV Record)

August 8: The Comox Valley Record publishes "A Look Back at the History of the Comox Valley' featuring 'Visit with Mack Laing', by Dick Stubbs (son of James and Elizabeth Stubbs).

September: CVN and PW make a second presentation to Comox Council, including a report detailing how Baybrook may be turned into a nature house for the benefit of the public. The report stated that Baybrook is a heritage building because of the historical importance of Mack Laing and would qualify for a BC Heritage grant. Baybrook is structurally sound and can be salvaged at reasonable cost.\



Baybrook House, date stamped Septeber 12, 2013.

The structure on the left forefront is the original Alladdin kit home built by Mack Laing.

September 15: JR Edgett Excavating Ltd informs nearby residents of Baybrook that they will be demolishing three cottages on the property. A barn is also demolished.



Shakesides in the summer of 2013, while occupied by a tenant

September 30: The Mack Laing House Report is published.

October 9: The Mack Laing Heritage Committee presents a report to Comox Council endeavouring to stay the demolition of Baybrook, the original Mack Laing home. The committee plan does not call for a low-maintenance, passive park; but a park with a Nature and Conservation Centre that has history, natural environment and cultural tourism all wrapped into one. It was the Committee's hope that council would see the potential for such a plan. The report was posted on the Project Watershed website. PW supports the plan and a member sits on the Committee.

November: The Town issues Baybrook a reprieve from demolition to allow for market analysis, tourism potential and funding (Comox Valley Record, November 29)

December: Town of Comox accepts the recommendations of the first report, and agrees not to demolish if a feasible economic plan is presented.

2014

January: The committee struck to examine the possibilities for Baybrook has its first public meeting. . January 14, 2013: First meeting of an embryonic committee to develop a business plan and for the "Mack Laing Heritage" Society. Report on the "Mack Laing Account, from Tom Knight, Heritage Planner, after meeting with Don Jacquest, the Town of Comox has grown \$55,000 in 1982 to \$72,000 in 2014.

February: First meeting of 7 founding directors + coordinator.

March: The group hires a consultant to produce a Heritage Crossroads Study into conservation tourism, in order to justify restoration and use of Baybrook for the promotion of local natural history.

The Mack Laing group registers a Canadian domain for its website: www.macklaingsociety.ca

A rudimentary website is created to give some history of Mack Laing, and provide a welcome page and photo gallery of historic photos. The site was ugraded to a Wordpress blog later in the month.

April: The Mack Laing Heritage Society of the Comox Valley (MLHS) applies to be registered as a non-profit under the BC Societies Act.

A silhouette image made of Laing in Victoria, part of archival material, becomes the group's logo.



A local resident, in letter to the editor of the CV Record and CV Echo, claims that Mack Laing does 'not warrant a place' among his peers, that his history was 'minuscule' and that he 'doesn't need another memorial', while making the assumption that the property would be used for 'commercial purposes'. The Mack Laing Society report makes no such suggestions.

April 26: MLHS has a display stand about Mack Laing and his life at Earth Day in Courtenay.



MLHS display at Earth Day in Courtenay

May 20: The Mack Laing Heritage Society of the Comox Valley is officially incorporated as a BC non-profit society under the Societies Act.

May: Conservation Tourism assessment report is submitted to the Town of Comox

June: A youth education strategy for Baybrook is developed around "Mack Laing Tree- School" The MLHS opens a bank account at the Comox Community Credit Union.

The Friends of Comox Lazo Forest Reserve AGM features a talk on Mack Laing.

June: Comox *a*rtist Ruth Dickson donates a considerable number of watercolours, originals art and a painting of Baybrook to the MLHS.



Baybrook by Comox artist Ruth Dickson, from a photograph by Krista Kaptein

July: Mack Laing House Report, proposing a nature house for Baybrook is completed and presented to the Town of Comox. As a nature house, Baybrook would work with local groups to encourage conservation tourism and operate in conjunction with a nature pre-school. Annual revenue would cover all expenses. The Town would continue to be responsible for the park.

August 14: A building restoration proposal and cost estimate by Cascadia Woodtech submitted an estimated cost of restoring Baybrook to be between \$120K - \$150K

August 20: MLHS issues the Phase 2 Report - Planning and Funding for the Baybrook nature house proposal and made a presentation to Comox Council. It proposed a strategy for the use and funding of renovations for Baybrook, which will not put any financial burden on the Town of Comox.

The MLHS announces a fundraiser banquet and auction at the Comox Valley Golf Club, proceeds of which will be used to preserve Laing's legacy at Baybrook.

August 20: The society holds a very well publicized, sold-out fundraiser @ \$45 a plate for 85 people, and a waiting list of 125, raises \$12,500 in 4 hours. Featured guest read excerpts from Mack Laing manuscripts, there was a tribute to 2013 Nobel Prize winner in Literature, Alice Munro, who spent two years writing in residence at Baybrook and Comox Valley historian and author Richard Mackie read excerpts from his biography, "Hamilton Mack Laing, Hunter and Naturalist".

Presentation of 2014 Mack Laing House Report assessing feasibility and costing restoration of Baybrook. Immediately available funding would have come to about \$185K (\$78K Ministry of Children and Families, \$72K, Mack Laing Trust, \$15K MLHS, \$10K CVN, \$10K BC Nature)

September: Meetings of MLHS directors with Mayor and individual councillors to clear up any questions and obtain permission for a formal local consultation.

Vicious personal and defamatory attacks against the MLHS begin in the press, led by three or four residents of the Baybrook area subdivision, formerly Mack Laing's nut orchard.

The MLHS produces a brochure outlining the history of Baybrook ad Mack Laing, the importance of the house as a heritage structure and an outline of the proposal for its use as a community asset.

Many citizens, in letters to the editor of local newspapers, laud the restoration and use of Baybrook for educational purposes.

September 9: MLHS board member meets with principals of the BC Nature Trust to discuss possible plans for Baybrook house. They are enthusiastic about it being a public nature house.

MLHS members Liz Stubbs and Angela Burns meet with Comox Mayor Paul Ives and CAO Richard Kanigan in Town Hall. The Mayor stated that any proposal on Baybrook house could not be voted on in 2014. Reasons given: staff report required, change in OCP designation for lot would have to be proposed, voted on and a Public Hearing be held, as it has not been officially designated park (despite being identified as such on the OCP map), election mode from October until November election, then new council swore in early December, whereupon Council would be working on the Budget and Strategic Plan - so no action could be expected before January 2015.

Kanigan seemed unfamiliar with the amount of money actually entrusted to the town (claiming it was in the range of \$20,000) or the percentages stated in the Laing will (he said it was 50-50 to the house and upkeep). His unfamiliarity with the exact details was puzzling. He also claimed that using the trust money to renovate Baybrook would require legal permission, which would be expensive (ed note: Later, Kanigan stated it would cost \$10k).

Ives and Kanigan claim Shakesides was unsuitable for any public purpose because of flooding and could not be saved.

September 26: Alice Bullen, in a legal, notarized declaration, as the alderman who was charged with helping Mack Laing in his last years in Shakesides, his second home, states her support for the restoration of Baybrook and that Mack himself would have approved the proposed plan.

The *Upper Island Women of Native Ancestry* write a letter expressing support for an educational nature house in Baybrook.

A petition is circulated in the local neighbourhood that that falsely claims that MLHS wishes to take over the park and build a convention centre. Mack Laing report clearly states that the park will remain walk in only.

Further letters to the editor express high levels of support for a nature house that will educate children about the natural world.

The Town of Comox evicts the tenants of the three cottages on the Baybrook property and demolishes the three rented cottages and a storage barn originally built by Mack Laing.

October 4: MLHS receives word via one of its board, that *The Nature Trus*t had withdrawn support for MLHS' Baybrook house proposal due to opposition from Nature Trust directors, one of whom was

associated with the former owner of Baybrook, and residents of the Baybrook subdivision who have been vocal in their opposition to any public use of Baybrook.

October 5: A petition and report by a few local residents in the subdivision sitting on Mack Laing's former Nut Orchard, is issued and presented to Town Council. It opposes any plans to retain Baybrook, or convert it for use as a nature house, preferring instead to let the park 'return to its natural state', is presented to Comox Council.

October 17: In a formal letter, the Comox Valley Conservation Strategy urges Comox Council to work with the MLHS and others to honour Mack Laing's legacy and preserve Baybrook.

It is accepted by the Mayor, who in his campaign promises to bring the parties together for discussion.

A battle of letters-to-the-editor between supporters of preserving Baybrook, and those opposed, takes place in local newspapers.

November: The MLHS sets up a Twitter account to distribute news and events. A YouTube account for videos is also set up.

Online petitions to Save Baybrook were set up on the website and attracted considerable attention from the public. The MLHS kept a record of respondents and used it to create a newsletter database.

November 7: MLHS announces it has joined the Comox Valley Conservation Strategy Community Partnership, as a full partner. The MLHS will take a seat as a full voting member of the CVCS and contribute to decisions determining the Comox Valley's environmental future.

November 13: Loys Maingon, president of *Comox Valley Nature*, who also sits on the board of MLHS, was guest speaker at the Comox Rotary Club, and gave an inspirational and dynamic presentation on the life, adventures and contributions of Hamilton Mack Laing.

November 19: After a meeting with a local nature pre-school operator, a proposal is presented to have a nature preschool as part of the use of a re-purposed Baybrook house. This would offer a steady income and introduce children to the natural world. The proposal is included in the MLHS Baybrook Business Plan." November 20: MLHS publishes a press release - "MLHS is here to stay"

"The Mack Laing Heritage Society (MLHS) will continue its mission, to 'maintain and promote the dissemination of Mack Laing's environmental values and legacy', no matter what decision is made regarding the Baybrook house. That commitment began in late 2013, when The Comox Valley Naturalists Society (CVN) and Project Watershed presented a proposal to the Comox Council, offering to re-purpose the Baybrook home into a public nature house to honour Mack Laing and our rich environmental history."

November 24: Denise Lawson, an NIC art student in her third year Emily Carr external degree at North Island College, installs a display of photographic transparencies, reflecting the surrounding landscape, and erects cheerful banners outside Baybrook House. Assigned the theme, 'More Than Human, a silent conversation' for her photography course, she found unique inspiration at Baybrook house in Comox.



(A window transparency by art student Denise Tessier Lawson)

MLHS issues a press release: "Baybrook House was 'Life's Best Adventure' for Mack Laing. Wouldn't it be wonderful if the accomplishments of Hamilton Mack Laing could be celebrated in the Comox home he describes as 'life's best adventure'! Laing was a recognized and respected naturalist, nationally and internationally, as well as a pioneer, historian, orchardist, photographer and lover of nature. Baybrook, built by Mack Laing in 1923, was where he did most of his work and gained national renown. He wrote books and articles that are still relevant and highly-regarded today."

MLHS publishes a leaflet: "Mack Laing - Comox Man of Distinction'

Project Watershed publishes a 'Birdmen Heritage Nature Walk' map for Comox, which begins in downtown, and includes houses of several birdmen (most no longer in existence) and a walk through both Baybrook and Mack Laing Park

A petition that falsely claims that MLHS is about to take over the park, and that a convention centre is about to be built is circulated. They also circulate the idea that there will be school buses driving over a footbridge, notwithstanding the fact that this park is a walk-in only facility.

A wooden outhouse, built by Mack Laing between Shakesides and Baybrook, and used as a public washroom, is removed by the Town of Comox without explanation.





Wooden outhouse built by Mack Laing.
The latch on the door is typical of his attention to detail and his skill as a carpenter.

December: Comox Council denies the MLHS the right to present their Financial Report for the proposed nature house in Baybrook House.

2015:

MLHS obtains copies of Hamilton Mack Laing's Will and Probate, the Memorandum of Understanding and Indenture with the Town of Comox.

January: An art card of Ruth Dickson's watercolour painting of Baybrook is produced.

February: Council meets to do the wealthy neighbours bidding and votes to demolish both Shakesides and Baybrook

February 5: MLHS holds a birthday party to celebrate Mack Laing in the home of Kate Panayotoff (Orchard Park Cres, near Baybrook).

February 16-21: The MLHS participates in Heritage Week in Comox Mall, using the site of the former Bobby's Deli patio to display historical documents and information. The display was well received and many people participated in the free raffles. Groups of school children visited and learned about Mack Laing.

The Comox Archives and Museum features some Mack Laing artifacts it holds.

The Victoria Archives highlights a display of material related to Ian McTaggart Cowan.

February 25: Comox Council votes to demolish both the Shakesides and Baybrook homes, justifying as recommended by Staff and noting that the Mack Laing Trust account had insufficient funds to restore (\$70,000 was quoted).

There were immediate questions from MLHS regarding exactly what the Trust funds were spent on, since obviously they were not spent on Shakesides. The MLHS began an investigation to get an accounting record from the Town of the Trust funds spent since 1982, and on what specifically.

Note: FOI ToC - refers to Freedom of Information requests made to the Town of Comox by individuals (who may be associated with the MLHS, but filed requests as private citizens).

FOIs ToC, requested by MLHS reveal that the interest from the GICs is spent on various projects and expenses (including wages and rentals) unrelated to the house, so that little remained as of January 1st in any year. Projects included a memorial cairn, a fish ladder and stairs in parts of the park that were not part of the original deed, commissioning of a biography from Richard Mackie. Town Councillor Alice Bullen and friends raise a cairn to honour Mack Laing in 1984. They were not told that the money came from the trust fund.

March: The MLHS and others continue to press for the preservation of Baybrook in letters to the newspapers and the Town of Comox

Photos taken at this time revealed the house was in good shape and had not been subject to vandalism.



(Baybrook House, March 2015)

Dr Briony Penn releases 'The Real Thing - The Natural History of Ian McTaggart Cowan', (Rocky Mountain Books). The book has extensive references to Mack Laing, who was a mentor of McTaggart Cowan.

The Mayor of Comox thanks the MLHS for its research work regarding Baybrook and states that the house will be demolished and the park designated for 'passive recreational use'.

March 10: Bob Castle's *Under the Glacier* (CV Record) editorial cartoon comments on the decision by Council to demolish a historical structure.

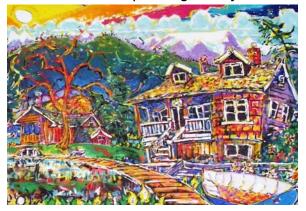


BC Nature sends a letter to Council expressing concern about the planned demolition of both Baybrook and Shakesides, and the erasure of the memory of Mack Laing and the decision not to honour his stated wishes regarding his property, which are beneficial to the town.

Artist Brian Scott donates two paintings for use as fundraisers to the MLHS. One features Baybrook and the other both Baybrook and Shakesides.



Brian Scott painting of Baybrook



Brian Scott painting of Baybrook and Shakesides

March 26: Kees Visser, President of BC Nature, writes a letter to Comox Mayor and Council expressing concern that the Town was planning to demolish not one, but both houses of a renowned naturalist. "... this potential act is of great concern to naturalists, not only in your area, but to all naturalists and environmentalists in British Columbia, and yes even in Canada. To erase his memory would be a cultural affront to the province, the Canadian Museum of Nature, to the Geological Survey of Canada and indeed to the Town of Comox."

The MLHS continues to explore options for honouring Mack Laing's legacy and contribution to history. Several offers are received and examination of them proceeds.

April: Stephen Hume, a Vancouver Sun columnist comments on the proposed demolition of Baybrook and the local opposition to the use by the public of a property that would recognize Mack Laing's legacy.

May 16: MLHS Annual General Meeting

June: The Town of Comox engages an environmental cleanup company to remove asbestos flooring and wall panels from the Stubbs extension of Baybrook. The removal took several weeks and cost an estimated \$17k. The original home section, built by Laing, had no asbestos present. An examination of Shakesides, by the same company, revealed only an asbestos wall panel behind the gas furnace in the basement.

Comox artist Ruth Dickson donates a watercolour painting of Shakesides and grants the MLHS the use of it. It was first published in her '*Three Friends*' children's book. She later donates all the watercolours from the book, which is about the Comox shoreline and local woods, including Baybrook and Mack Laing Park seen through the eyes of children.



Ruth Dickson watercolour painting of Shakesides

The MLHS posts a second online petition to Save Shakesides. Again, response is very positive and many comments are received/

June 20: A pro bono opinion by William Pearce QC stated that the Town of Comox had a legal obligation to honour the terms of the Mack Laing/Shakesides Trust, when they accepted the terms and the money associated with his Will and their agreement. Any official failing to do so would be a breach of trust. Demolishing a trust property without legal permission is an offense. He also stated that under the cy pres doctrine, should the trust property no long be suitable for the purpose agreed to, the money could be used to restore Laing's first home (Baybrook). He recommended contacting the Attorney General of BC, who act as parens patriae for charitable trusts. He also stated that an injunction should be sought to prevent demolition of the trust property.

Heritage BC writes a letter to Council stating that Baybrook should be conserved and offering assistance to this end. They also wrote a letter to the local newspaper expressing this opinion.

July: Vandalism becomes a problem at Baybrook and several windows and the door are boarded up by the town.

July 29: MLHS members compile a photographic record of the trash and junk stored outside Shakesides, which has been vacant for almost a year.

There are signs that entry has been successful into the house as additional rubbish is visible around the back yard, and there are signs that there may be people squatting inside the house, which has not been secured and can be easily entered via several windows.





(left) The side of the Shakesides house trust property with an illegal porch extension/lean-to and (right) under the front porch looking towards the front stairs.

The last tenant had left behind a great deal of rubbish.

July 31:The executive director of the National Trust of Canada, Natalie Bull, writes a letter to Comox Council and MLHS, expressing the importance of having Baybrook preserved and offering assistance in doing so. The letter is never formally acknowledged by Council.

August: The Town of Comox cuts down a row of cedars behind Shakesides to allow access by the heavy equipment needed for demolition of the house.

August 2: MLHS discovers old wooden beehives/frames in the woods next to Shakesides and informs authorities and the Comox Parks Department. A great deal of other rubbish is photographed in the same area, an area of young woods and heavy invasive undergrowth growing on a natural marsh.

A wooden driftwood bench, likely made by Mack Laing, which had stood on the front porch until this time, disappeared. It was very heavy, but no explanation was given, and the Town employees did not offer an explanation.



Driftwood bench on the front porch of Shakesides, July 31, 2015.

August 6: Baybrook was demolished after standing for 92 years. CHEK TV (CTV News) recorded the event and talked to MLHS members and other public observers. A clip was shown in the news broadcast that night - "Residents horrified to see demolition of landmark".

A letter is received by the Town and MLHS from the BC Attorney General, stating its role as parens patriae for charitable trust, and its concern that the stated wish of the Town to demolish Shaskesides contradicts the terms of the Trust. The AG remarked that the Town has had the Trust fund for over 30 years "and does not appear to have done anything much with them".

Therefore, the Town must apply to the Court to demolish the structure and use the trust funds for rehabilitation of the site. The AGBC will assess the application and approve it if it is satisfied that "the Town is doing now what it should have done some time ago with regard to the trust funds left by Mr Laing, the AG would be willing to give consent to the Town's application."

The cost of demolition to the /Town (and Comox taxpayers) was approximately \$60k, not including dumping fees.

During demolition, the chimney built by Mack Laing is revealed, which shows the twist in the brick structure caused by the 7.3 magnitude Courtenay earthquake of 1946. This is a very common historical reminder in the Comox Valley area.



Stephen Hume writes another column in the Vancouver Sun, including photos of the demolition of Baybrook: 'Wrecking Balls are destroying BC's heritage - and its character'.

Letters to the local newspaper, including one from the curator of a museum in Yarmouth, NS, condemn the demolition of Baybrook.

August 6: The demolition of Shakesides, a trust property, is prevented by an 11th hour intervention by the Attorney General of BC. The demolition order issued by the Town of Comox remained in place, but was not acted upon.



Shakesides House, May 2015, heavily overgrown and unsecured since the fall of 2014. A great deal of garbage is visible inside and out, with regular break-ins and acts of vandalism.

August 18: Bob Castle's *Under the Glacier* editorial cartoon depicts the demolition of Baybrook (CV Record)



September: In Focus Magazine publishes article 'The End of the Trail' about Baybrook, Mack Laing and Shakesides in its September/October edition.

September 17: Angela Burns, MLHS board member, had a meeting with Al Fraser, Parks Superintendent. He said he supported the Baybrook proposal, but was shocked at the animosity from some residents of the Baybrook subdivision (and their friends). He could not explain it, nor did he condone it. He was not familiar with the instigators, except one who approached him during the Baybrook demolition process, who was very aggressive (note: also to MLHS members in attendance). He said the Town would not be demolishing Shakesides in the near future and that a tender would have to be advertised. He was aware of the AG letter, but not the details.

At this point in time, Baybrook is still not designated a park.

He claimed that the last tenant left everything he owned behind and left the house. However, it was noticed by MLHS members that someone was gaining entry and that personal possessions (clothing, cutlery, etc), were being removed on a regular basis.

Beehives noticed (and photographed) in the woods behind the house (in the marsh area), are gone. Dept of Agriculture contacted Fraser and demanded they be burned because of the risk of spores in them that might be harmful to honeybees and the spores can be dangerous for up to 80 years. Fraser

told them he couldn't burn them, but he would bury them, which he did. Hives had obviously been there a very long time - possibly since Laing died.

September 18: Member of MLHS went to Shakesides at 8 am and discovered that one of the basement windows under the porch was open to the weather, and there was evidence that someone had been inside the house at this point. The window had three panes of glass, and all were gone. One had been noticed missing earlier in the week. Photos were taken and Parks Dept informed.

September 21: A member of the MLHS saw three people coming out from under the porch while he stood on the boardwalk in front. They were almost certainly inside the house. The member screwed a custom piece of 1/2 inch plywood over the window and threw away the "stool" that was being used to get in and out through the window.

September 26: Member of MLHS reported that there may be squatters in Shakesides. There were no obvious signs of entry, but a Hudson's Bay type blanket was nailed over the upper left window on the back of the house (which is the window in the den, where there's an old oak desk and ratty couch) A window covering was removed from the left small window on the front of the house. An old TV, that had been on the floor in the living room had been moved to the back room onto a TV tray and plugged in. There is no electricity in the house.

September 29: Two members of MLHS plus Parks Superintendent Al Fraser walk around the inside of Shakesides to possibly identyify objects related to Mack Laing. Several wood items were identified and Fraser said they would be stored at the Works Yard with other items from Shakesides.

October: The Town of Comox finally boards up the windows of Shakesides, over one year since it was last inhabited, but no security fence is installed to prevent access to the building itself.

Members of the MLHS meet with the legal advisor of the Campbell River of the Campbell River Arts Council. The purpose was to learn how the Sybil Andrews Heritage Society and the Arts Council gained the support of City Council and the community and fundraised to do the very extensive renovations needed to turn the artist's small, deteriorating cottage into a community meeting facility.

October 10: MLHS members conducts more invasives removal (Himalayan blackberry, ivy, lamium, etc) and rubbish removal of the swamp and forested area beside and behind Shakesides. Enormous piles of junk are collected and picked up by the Town of Comox Parks department, as agreed. They also begin to attempt to straighten an apple tree and save a large walnut on the property. To date, the group contributed over 40 hours of volunteer labour. In the process of clearing the invasives, the group has uncovered some unusual "artifacts", including a rototiller, a metal trailer, a plastic kayak, yards of plastic drain pipe, ropes, an iron axe head, bee hives and circular saw blades.

November: The Town of Comox announces the formation of the Mack Laing Nature House Advisory Committee, which will examine the use of Shakesides as a nature house. The committee is to be made of representatives of Council, Parks, The Comox Archives and Museum, the Mack Laing Heritage Society, and two citizens (from applications received).

November 4: The Town of Comox Council votes to reduce the representation of the MLHS to one representative, from two.

November 15: MLHS members continue cleanup at the rear and side of Shakesides, also clearing out invasive lamium front left of the house, freeing a rambling rose on the right front and pruning the apple tree on the left front. Considerable trash was also removed from around the house and stacked behind the house, to be hauled away bny the Town.





(left) Before MLHS invasives cleanup - August 2015) (right) After MLHS cleanup and the Town boarding up the windows - November 2015

December: Reports from the Town Treasurer, Don Jacquest, provide details of the use of the Mack Laing Trust monies from 1982 to that date. The report indicates that monies were not used as required, that they amounted to considerably more than was made public, and that interest was not paid on the balance until 2000. An accountant commissioned by MLHS determined that missing interest until 2000 would amount to several hundred thousand dollars in missing funds.

CV Echo publishes feature article (by Mary Lee, Echo Staff: 'A future for natural History in Mack Laing Park')

MLHS issues press release regarding their removal of invasives since July, showing before and after photos of back of house, and several work in progress photos.

December 1: MLHS takes a photo record of the considerable amount of rubbish, old wood, old car tires, lawn furniture, discarded equipment and other junk piled beside Shakesides on the swamp side. It is also obvious that there have been breakins through the basement window under the front porch. The house has been uninhabited since the fall of 2014 and has not been made secure by the Town.

December 8: Harold Bates, P.Eng, Bates Engineering, at the request of MLHS, submits a "Preliminary Structural Assessment" of the Shakesides house. Conclusion:

Provided the building envelope is repaired, structural repairs completed and the loads on the building are un-changed, the building structure will continue to perform adequately in the future.

Town of Comox releases final appointments to Mack Laing Nature House Advisory Committee (Angela Burns, MLHS; Terry Chester, Community at large; Al Fraser, ToC Parks Superintendent; Marg Grant, Comox Council; Christine Hodgson, Brooklyn Creek Watershed Society Director; Pam Moughton, Comox Archives and Museum Society, chair; Mark Ouellette, Community at large; Maureen Swift, Comox Council; Russ Arnotte, Comox Council, alternate.

2016

January 4: On the recommendation of Heritage BC, the MLHS submits a digital package of information about its activities regards Mack Laing's heritage and legacy, for consideration of a Heritage BC Award.

January 5: The Town of Comox releases a package of information to the Mack Laing Nature House Advisory Committee, related to Mack Laing Park and the Mack Laing Trust. At that time the CFO reports that the Trust Fund (as of December 2015) amounts to \$76,672.49.

The package also revealed, per the CFO, how the Town held the Mack Laing Trust funds (note that this method of accounting is contrary to BC Law regarding the administration of Trust accounts):

We do not keep the Mack Laing Trust in a separate investment account (it remains invested in a single MFA account with other Town reserves), but we have separate accounts for it in our General Ledger (both an asset account for the investment and an offsetting equity account)

from it, we have annually determined the interest earned on the fund, and have deducted the costs of maintaining the house and sometimes the costs of the park, together with a couple of capital projects (new stairs and Nature Panels). By the end of 2000 the fund had only grown to \$48,047 because generally, these annual costs exceeded the interest earned, so nothing was credited to the fund. Personally, I felt that this approach (using fund interest to offset Park & Maintenance costs) was stingy, and therefore for 2001 and 2002, I have credited the fund with all the interest earned. This is motivated by my personal experience that it is best to be generous when interpreting trusts. In all honesty, we could still be more generous and credit the fund with the \$4,200 we receive annually for rent on the house, but haven't. So, at the end of 2002, the fund had \$51,177 in it.

The CFO continues: " As you can see ...

because the value of the trust fund has shrunk so much from inflation through the intervening 20 years since the bequest. The bottom line is that while the current balance in the trust fund makes the Town look bad, the current Council can say that it has credited the fund with every penny of interest earned during its (so far) brief term.

Included was the memo from February 5, 2003 in its entirety, which had not been made public previously, which admitted that no attempt had been made to make Shakesides into a nature museum, and stating that the terms of the gift of the park and house, although a gift, "attached impossible conditions" (The Town maintained that the house was too small for a 'museum' - but neglected to consider that the house was perfectly suitable for a 'nature house' - a modern term which fits more precisely with Mack Laing's stated intent).

The above documents were included as exhibits in the CFOs Affidavit of April 4, 2017.

February 6: The MLHS holds a well-attended, Mack Laing 133rd Birthday Party on the grounds of Shakesides

February 10: Glacier Environmental Cleanup empties Shakesides of all detritus and finds a number of items, which were photographed by a member of the MLHS Executive (who recommended that they be given to the Parks Superintendent for storage). The cost to Comox is estimated at \$75k.

A visit by MLHS reveals that Glacier environmental left a large attic opening on the swamp side of the house, completely open to the weather. They had used it to toss out rubbish from the attic. It was closed with scrap wood on February 21.

February 15: The MLHS is awarded Heritage BC Award for Heritage Education and Awareness at a ceremony in Vancouver, attended by several members of the MLHS executive, Richard Mackie, and others.

February 25: The board covering one of the basement windows on the east side of the house was pried off and left on the ground. There was considerable damage to the frame around the window.

March 17: Town of Comox releases a package of information to the public, related to the Mack Laing Trust, revealing that the Trust money was mishandled and sometimes misused for purposes other than that stated in the Will of Mack Laing.

March 18: The Town of Comox presents the packages of legal documents to the Mack Laing Nature House Advisory Committee for their interest, after Council approved the release in camera.

Included are a letter from Gordon Olsen detailing his knowledge of Mack Laing, the Park and Shakesides, a table of "Mack Laing Trust Investments December 31, 2000 - December 31, 2015"; a background document on the Mack Laing estate presented to Council on February 5, 2003 (requested by Councillior Patti Fletcher); a Memorandum from Parks Superintendent Al Fraser - "Report on the Mack Laing Residence" dated May 14, 2002; A letter from Town of Comox Treasurer Steve Ternant to Helen Dale, city clerk, dated April 23, 2001, outlining the disposition of funds from the Mack Laing Trust account from September 1983 to 2000; and a letter from Ruth Masters to the Mayor and Council, dated April 12, 2001. She stated that she had worked in a legal office and had typed Mack Laing's Will. She inquired about the disposition of the \$45,000 deeded to the town by the Will, and asked for some assurance that the provisions of the Trust were being adhered to as the donor wished.

Late March: Members of the MLHS spend several days removing invasive vegetation from around Shakesides and the adjoining swamp area. A huge pile of Himilaryan Blackberry and ivy was set aside for pickup by the Towb.

Spring: BC Nature (the magazine of BC Nature - Vol 54 No1) publishes an article about Mack Laing April: MLHS members continue invasives and rubbish removal around Shakesides.

April 4: The MLHS issues a press release "It's time to honour Mack Laing's Will".

April: MLHS issues a white paper stating that the The Mack Laing Nature House Advisory Committee failed its mandate to consider a nature house in Shakesides.

A further letter is written to the Town of Comox condemning the process by which the Advisory Committee reached its conclusions, none of which were part of its mandate, and stating where the failings occurred.

April 27: Members of MLHS spend most of the day cleaning up the heavily overgrown right front corner and side of the Shakesides property (as viewed from the shoreline), freeing a rambling rose bush and removing invasives.



Shakesides front in June 2016, after extensive invasives removal by MLHS and with painted 'window treatments' created for the Art in the Park event.

May: MLHS gets cotton shopping bags and t-shirts printed. Artist Brian Scott, who donated two paintings (Baybrook and Baybrook and Shakesides) and rights for its use to the MLHS, is given a t-shirt and cotton shopping bag, with the reproduced image of his paintings, at the Filberg Lodge, where he is having an art show.

The Town boards up all the windows of Shakesides.

May 13-15: The BC Nature Convention is held in Courtenay, attended by MLHS, who had a display table and participated in some of the events.

May 18: Dr Briony Penn receives a \$1,000 Mack Laing literary prize from the MLHS for her book: The Real Thing", a biography of lan McTaggart-Cowan, which also has extensive mentions of Mack Laing, one of his mentors.

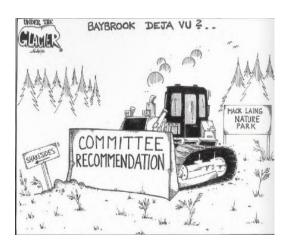
May 27: The Comox Valley Echo published a full page article "The fate of Shakesides hangs in the balance" - Committee to recommend that naturalist's historic second home be demolished".

May 30: MLHS members re-plant fawn lilies rescued from Tsolum River lands where the Courtenay Connector is under construction.

May 31: Barred Owls and owlets are spotted in Mack Laing Park and the MLHS posts an interpretive poster with information about this native raptor.

June: MLHS has more cotton shopping bags printed with a reproduction of the Brian Scott painting of Baybrook and Shakesides, for sale to the public.

June 2: Bob Castle's *Under the Glacier* editorial cartoon tin the CV Record, takes a dig at the Advisory Committee decision regarding Shakesides.



June 11: MHS Annual General Meeting and Art in the Park event at Shakesides. Several artists attended and attendance by the public was good. A team of artists paint curtains and other decorative accents on the wooden boards covering the windows. This was to deter graffiti artists and make the house look less unbecoming.

The MLHS website receives considerable attention from the public and has proven very useful for distributing information, with the emailed newsletter and posting of the link to Twitter.

The comments received from the public while MLHS members are working around Shakesides, and from the online petition to save Shakesides, make it plain that there is considerable support for a natural history museum in the house.

June 17: Article in the CV Echo: "Town of Comox fails to follow Laing's will, says friend"

June 24: the ML Nature House Advisory Committee issues its final report.

June 23: Terry Farrell of the Comox Valley Record newspaper publishes an article with the headline "What would Mack Laing think? (second page headline) Where has all Mack Laing's money gone? (subhead) Questions arise regarding accounting of Mack Laing's bequest to the Town." Town Officials contacted by the CV Record responded that the Town 'has done its best' and questioned the logic of 'putting money into old structures'.

June 25: Mark Ouellette, the citizen on the ML Advisory Committee, writes a letter to Mayor Paul Ives stating that the committee did not meet its mandate goals and failed to deliver an action plan, and declined to discuss the scope of any possible project to make Shakesides into a nature house.

June 26: Bob Castle's Under the Glacier editorial cartoon in the CV Record is titled "What REALLY happened to Mack Laing's money".



June 30: Mark Ouellette and Angela Burns issue a Minority Report regarding the Mack Laing Nature House Advisory Committee and submit copies to the Town of Comox and the Attorney General of BC

July/August: Island Word publishes a special feature edition "Honouring Mack Laing"

MLHS conducts a petition regarding Shakesides and discovers that the public is not in favour of ignoring Laing's wishes or demolishing the house.

Letters by members of the MLHS executive are written to the newspapers, BC Attorney General Susan Anton, and Sointula Kirkpatrick at the Ministry of Justice, AGBC.

July 6: Comox resident Barb Tribe, in a Letter to the Editor "Resident gives Comox council a failing grade" "We are halfway through the Town of Comox council's four-year term so perhaps it's time you received your report card. Sadly, it's not looking very good"., gives Comox Council a 'failing grade': Listening skills: F; Planning skills: F; Preservation of town's heritage: F - two words - Baybrook, Shakesides; Environmental stewardship: F; Fiscal Responsibility: F; "Normally, with these kind of marks, you would be required to repeat the grade but this town can't afford to have this group repeat so hopefully you don't do too much more damage in the next two years and we can be done with you."

July 26: Richard Mackie, the historian who was hired by the Town of Comox to organize Mack Laing's papers and other items, and who was the first to reside in Shakesides after Mack Laing's death, writes a report entitled "Reflections on Shakesides".

July 27: The Comox Parks Department reverses the decorated boards over the windows of Shakesides, to put the paintings to the inside. Members of the MLHS, one of them an accomplished artist, spent over 18 hours decorating the plywood boards with painted window treatments, giving the house a more "homey" and attractive appearance to passers-by in time for their *Art in the Park* event.

July 30: The board covering one of the basement windows under the front porch is pierced, probably with a pry bar or brick. The hole was not large enough to allow entry.

August 6: A memorial is held on the Baybrook site by MLHS, one year after its demolition, to honour Mack Laing and his legacy.

August: A Condition Assessment of Shakesides is conducted by Elana Zysblat, Canadian Association of Heritage Professionals, and John Atkin, Heritage Consultants and Ance Building Services Co. Inc. Vancouver, BC

A Statement of Significance is also conducted on Shakesides by the same consultants.

October: MLHS requests FOI regarding the whereabouts of missing artifacts and notes listed in the Mackie inventory of 1982. A separate request is made for a report on the use of Trust Fund money, and rental income, for the information of the Mack Laing Nature House Advisory Committee

From October 2015 to October 2016, Gordon Olsen logs 201 hours of invasives removal in the area around Shakesides house.

October 25: FOI ToC requesting list of items related to "inventory, sale, distribution and storage of boxes and contents collected and listed by Richard Somerset Mackie in Shakesides house, and stamped 'RECEIVED' by the Town of Comox in March 1982. Request acknowledged by letter October 28.

FOI ToC requesting financial and including rental income received and a summary of the Trust fund account entries 1982-2000.

FOI ToC requesting records pertaining to the maintenance and upkeep of the Shakesides house property.

FOI ToC requesting details of 1. professional building assessments and documents leading to a 2002 conclusion that the former Mack Laing residence (Shakesides) was unsuitable as an interpretive centre, and 2. Documents related to motions, decisions and followup actions in response to a May 14, 2002 Report to Council.. Acknowledged by letter October 27

October 27: Heritage BC writes a letter to Mayor Paul Ives expressing concern for the loss of Shakesides, which has 'heritage value' and expressing the opinion that the house should be saved to celebrate the life and work of Mack Laing.

November 24: Town sends letter to MLHS acknowledging several FOI requests by several individuals on aspects related to Shakesides - inventory on Laing's death, artwork, maintenance records, etc, and is informed that the search for these materials will cost the MLHS \$7,210.00 and that half of the fee (\$3605.00) must be received in advance before any search for material is conducted.

December: Legal Advisor for MLHS requests Title Search for Mack Laing Park and the Baybrook property, both maintained by the Town of Comox

December 2: Dr Loys Maingon responds to the request of funds to do FOI searches with the reminder that the requests were made by individuals not the MLHS and that the request and receipt of such information is a charter right, as was determined by a discussion with the Privacy Commissioner.

December 9: CV Echo reports the Heritage BC letter

December 11: Bryce Cassavant, who is running for election as an MLA, sends a letter of support to the MLHS regarding the preservation of Shakesides as a nature house and to ensure preservation of the nearby midden.

December 15: Kevin Simonett, lawyer, requests a title search of the Baybrook and Shakesides property and receives all relevant documents.

Town of Comox offers to make space available so that the MLHS may search records on their own time at their own expense.

2017

January 10: Gillian Anderson Letter to the Editor CV Record - "More support to save Shakesides".

January 17: MLHS member Gordon Olsen is informed by letter, by the Town of Comox Deputy Corporate Administrator, that finding and supplying accounting and costing records related to Shakesides, and the costs of converting it into a nature house, requested under Freedom of Information, would cost \$1,092.00 for searching, copying, etc.

January 26: The Town CAO, Richard Kanigan, recommends that Council adopt a resolution to seek Supreme Court approval to vary the Trust "so as to better further both the intention of the will-maker and the best interests of the Town." Note that changes in Section 184 of Community Charter (formerly the Municipal Act) allow a municipality to overturn a trust if it deems it to be in the community's best interest.

The CAO stated that the Town hold money subject to the terms of the will of Mack Laing, but that the development of the building into a natural history museum was not carried out because the Town deemed the amount of money in the Trust (ed note: the amount was \$55,000), insufficient for the purpose. He also recommended that a design and cost estimate for a viewing platform be pursued.

February 1: The Town of Comox applies to BC Supreme Court to 'vary' the Mack Laing Trust, so that they can demolish the house and erect a viewing platform. If they fail to get approval, they state that they will remit the trust money to the Attorney General of BC. The MLHS estimates that the Trust account should now be worth almost \$500,000.

The list of the items in the court application are as follows:

. Court Application to Modify the Terms of the Mack Laing Trust

WHEREAS the Town of Comox holds money subject to a trust (the "Trust") under the terms imposed by the will of (Hamilton) Mack Laing that was probated on March 2, 1982.

AND WHEREAS the terms of the Trust contemplate the use of the money to develop the dwelling ("Shakesides") in Mack Laing Park as a natural history museum;

AND WHEREAS the natural history museum was not developed because the Town subsequently determined that the amount of money subject to the Trust was insufficient for that purpose;

AND WHEREAS the Council of the Town of Comox, in considering the best interests of the Town, has considered, among other factors, the report and recommendation of the Mack Laing Nature House Advisory Committee.

NOW THEREFORE, in open meeting assembled, the Council of the Town of Comox RESOLVES:

THAT the Council finds the terms of the Trust to no longer be in the best interests of the Town;

THAT the Town's solicitors be directed to make an application to the British Columbia Supreme Court under section 184 of the Community Charter for an order varying the Trust so as to better further both the intention of the will-maker and the best interests of the Town:

THAT the Town propose that the Trust be varied to permit the Town to use the money subject to the Trust for the purpose of constructing a viewing platform in Mack Laing Park on the site of Shakesides, once Shakesides has been removed;

THAT the Town's staff be directed to obtain a design and cost estimate for a viewing platform that has a height and roofline replicating Shakesides' height and roofline and which design may incorporate the use of materials taken from Shakesides;

THAT, if the cost of constructing the proposed viewing platform exceeds the amount of money subject to the Trust, the Town shall pay the difference up to \$75,000; and

THAT, if the variation of the Trust for the purpose of constructing the proposed viewing platform is not accepted by the Court, that the Town propose to be released of the obligations under the Trust upon the Town's transfer of the money subject to Trust to the Attorney General of British Columbia.

The Town presents a concept for a viewing shelter to replace Shakesides house when it is demolished. The design is similar to that of structures in Marina Park and would sit on the remaining foundation.



February 9: Kevin Flesher (Poet Laureate). poem in Letter to the Editor, CV Record "Poet laureate chimes in on Laing issue"..

February 10: Comox Valley Nature sends a letter to the BC Attorney General, Susan Anton, stating that the Environmental Hertiage and Culture group of the CVN will be seeking intervenor status, should the Town of Comox proceed with their court action, in order to protect and fulfill the wishes of the will-maker.

February 11: "Comox takes first step to change Mack Laing trust" - Comox Valley Echo

February 25: MLHS AGM and Evening of Entertainment at the Little Red Church, Comox.

February 28: Members of MLHS who submitted FOI request ask that fees be waived and that individual requests be treated as such, not as a group.'

March 6: Richard Mackie, historian, author of 'Hamilton Mack Laing - Hunter Naturalist", files an Affidavit stating that he was hired by the Town of Comox to pack up Laing's belongings, and box up files to go to the BC Archives. He states he knew and talked to Alice Bullen, the alderman who wanted to ensure Mack Laing's legacy was honoured in the way he wished. He stated his qualifications and gave some history of Laing from his research done for the book.

March 9: Letter from BC Nature president Alan E Burger to Town of Comox CAO Richard Kanigan, stating support for Shakesides to become a nature house as expressed by Mack Laing, who was "an important conservationist and field researcher".

March 18: After being entirely choked with invasives, extensive clearance by MLHS of the swamp beside Shakesides is now showing a return of the skunk cabbage.

March 23: Artist Robert Bateman in an email to the MLHS and the Town of Comox, expresses concern about 'destruction of our human and natural heritage" and reminds the Town of Comox "it is your job to protect this property (Shakesides), and honour the wishes of the owner, which will eventually serve all of the citizens of Comox well."

March 27: A MLHS member takes photos of fawn lilies in Mack Laing Park, which grew from plantings done by the group in May 2016.



Fawn Lily

March 28: Last minute plea to save Shakesides" - CV Record

April 4: The Town of Comox files a court petition asking that it be allowed to vary the Mack Laing Trust, and use the funds to demolish the building and build a viewing platform.

The Affidavit of the Town of Comox Chief Financial Officer makes these statements:

- (a) In April 1982 the Town received \$45,000.00 (the "Principal") by way of a cash bequest from Mack Laing's will;
- (c) Between 1982 to 2000, the Town received \$58,068.54 in interest on the investment of the Trust Funds:
- (d) Between 1982 and 2000, the Town deducted a total of \$57,909.06 from the Trust Funds which amount is the sum of:

(What follows is a list of expenses for the maintenance of Mack Laing Park, including staff wages and materials). Research by MLHS resulted in more complete descriptions related to some of these claimed expenses charged to the Trust Account. Further affidavits were filed with this information. Furthermore (from the CFO affidavit):

in summary, from 1982 to December 31, 2016 the Town received \$87,797.48 in interest payments on the Town's investment of the Principal plus additional contributions net of expenditures.

April 5: Historian Richard Mackie, who wrote the biography "Hamilton Mack Laing - Hunter - Naturalist", presented a lecture at NIC's Elder College in Courtenay, entitled "Wanton Cultural Vandalism".

The Decafnation Blog, written by George LeMasurier, reports on Shakeides and the recent vandalism, wondering what the point of it all is.

The Comox Valley Land Trust has sends a letter to the Comox Council requesting that a "collaborative solution" be considered for saving Shakesides.

April 6: Coastal Invasives Species Committe of Courtenay presents a report on invasives in Mack Laing Park to the MLHS. Large growths of invasive ivy, Himalayan blackberry, yellow flag iris, Lamium, and English holly were found throughout the park and were recommended for eradication to protect endangered native species.

April 6: A large scrawl of painted red graffiti stretches across the concrete foundation on the back of Shakesides.

April 19: Patrick Canning, lawyer, provides a legal opinion on the status of Mack Laing Park, Shakesides and related trust funds.

May: Des Kennedy, an award-winning journalist, broadcaster, author and environmental activist, has writes a letter of support to MLHS for the saving of Shakesides. Kennedy is the author of four books of essays including a memoir, "The Passionate Gardener", and three novels including "Climbing Patrick's Mountain".

May 11: Mark Ouellette, a retired estimator for Dominion Construction, files an affidavit outlining his experience on the Mack Laing Nature House Advisory Committee, to which he was appointed as a citizen at large. He expressed his discontent with the process to Town of Comox Mayor Ives, and later composed a Minority Report with Angela Burns, the MLHS representative on the Committee, expressing their mutual discontent. The Committee, stated the Report, did not discuss a nature house, did not allow any discussion of financial considerations for same. In fact the Committee did not follow its Terms of Reference, deliver a plan or discuss any public project related to Shakesides.

May 18:

May 24: The MLHS Board passed a motion to retain Patrick Canning, lawyer, as legal counsel for MLHS in the case "Town of Comox vs The BC Attorney General:, the Court to Modify the Terms of the Mack Laing Trust".

June 2: J Kristian Nielsen, retired bricklayer, filed his 1st Affidavit, stating that he has personally witnessed the support of the public for the restoration of Shakesides and has been actively involved in monitoring the house and reporting and documenting the many instances of vandalism.

June 9: Jim Boulter files Affidavits with the Court regarding his association with Comox Valley Naturalists (CVN). Part 1 states that CVN history of association with Hamilton Mack Laing (who was

one of the founders of the CVN) and some knowledge of his desire for the use of his property. Part 2 provides photocopies of the Probate of Mack Laing's Estate, March 1, 1982.

June 20: 'Bunker' Killam, the first tenant installed by the Town of Comox in Shakesides, and who lived in the house for 9 years, submits an Affidavit. He stated that the house was in good condition, and that he maintained the grounds himself. The Town did some basic maintenance - replacing the roof, fixing a chimney and hooked up the sewer line. As a builder, he stated the house was very well built and the interior was in excellent condition. The annual flooding was mitigated by a dyke built by Laing when he constructed the house. There was no harm to the house at these times.



(Shakesides House with first tenant in foreground, 1980s)

June 28: Members of MLHS repaint the front wooden stairs, which had been defaced with red graffiti.

July 14: Angela Burns files an Affidavit regarding her experience as a member of the Town of Comox appointed Mack Laing Nature House Advisory Committee (representing MLHS(, expressing doubt about its impartiality, because of the number of appointees (including two Town Councillors, a local member of a watershed group, and a vocal member of the public) - 4 member out of 7) all of whom had previous stated public opposition to restoring Shakesides as a nature house. Two of the appointees groups/departments (including a 5th) were dependent on the Town for grants.

July 25: MLHS receives a letter of support for saving Shakesides from the Denman Conservation Association

The MLHS sets up a 'Save Shakesides' GoFundMe donation site and engages a lawyer, as the Town has applied to the AGBC to overturn the Mack Laing Trust.

August 23: Gordon Olsen files his first Affidavit, stating that he knew Mack Laing from the age of 15 (Laing was 81), when his family moved nearby, and spoke often with him about his travels and work. Laing stated on one occasion that he wanted his land left for 'nature'. Olsen became involved with a group seeking to honour Laing and was often engaged in public activities, including cleaning out the area around Shakesides, in that regard. He estimated he had spent 300 hours of volunteer advocacy and site cleaning between 2013 and 2017.

In July 2016, he arranged for a consultant to examine Shakesides and issue a Statement of Significance, the first step in achieving a historical designation for a property. In April 2017 he engaged The Coastal Invasive Species Committee (NGO) to do a survey of the Laing property. That same month, he engaged the same consultant who did the Statement of Significance, to do a Condition Assessment, the first step in doing a Conservation Plan.

He states he also engaged a lawyer, Kevin Simonett, to represent himself and his concerns to the Town of Comox. Later he engaged Moeller Mathews, chartered accountants, to examine the funds claimed by the Town and to determine how much money should have been in the Laing Trust Fund

from rent and interest, less expenses. From 1982 until 1998, the amount in the Trust Fund remained static at \$45,000, meaning all interest and rent was allocated for other uses than Shakesides. Town of Comox records indicated that some money was used for projects that were not part of the Mack Laing property, and certainly not related to Shakesides, or the conversion of it to a nature museum for public use. He also spoke with many contractors willing to supply services or materials pro bono for the restoration of Shakesides and created a business plan for Shakesides listing them.

Summer: MP John Duncan is given a MLHS t-shirt with the painting by Brian Scott, for his help in raising awareness of Baybrook at the Federal level.

September: Brian Scott donated a second painting showing both Baybrook and Shakesides to the MLHS, with all reproduction rights.

September 28: Extensive, large red, black and blue graffiti is photographed painted on the 4 foot concrete foundation all around the house and onto the wooden shakes on the west side of Shakesides.

October: Local poet and singer Robert Cordrey composes a song about the unique quality of Shakesides. "this old house is a story/ a good man's life in 3D/ 60 years of gales and gardens/ owleyed windows have seen/ when the floorboards start creaking/ his rocking chair will tell the tale/ of birds and work and wonder/at the end of Mack Laing's trail // don't put its treasure/ in a dumpster with the beams/ let our children lean from the windows/ watching salmon swim upstream/ please don't take Shakesides dream." Cordrey posts the song on soundcloud and allows the MLHS to post it on its website: https://soundcloud.com/user-564042721/shakesides-dream

October 16: Decafnation Blog by George Le Masurier. 'Comox Council ignores good faith offer to fix Shakesides roof'.

November 17: BC Booklook publishes #203, Mack the Life, announcing that Trevor Marc Hughes is researching Laing's manuscripts, and published a photo and some information about the book written by Richard Mackie, plus a long history of Laing with photos.

December 6: The Town of Comox Council votes to add \$178,000 'payment into the (Mack Laing) Trust Funds' of \$103,000 from general revenue, plus the prior \$75,000, which would be used to demolish Shakesides and build a viewing platform. This was added to the Town's Court filing to 'Modify the Terms of the Mack Laing Trust'.

2018

January: The Town of Comox erects a green security fence around Shakesides, after several incidents of break-ins and of extensive graffiti being painting on any wood and concrete surface, including the concrete foundation on the side and back of the house and on the window panels, front wooden staircase, etc. This is all photographed by the MLHS.

February 5: A small ceremony is held by the MLHS behind Shakesides to mark Mack Laing's birthday.

The MLHS repaints the front railings and porch steps that had been defaced with squiggles of red painted graffiti, at its own expense, in time for this event and recorded it.

February 26: Gordon Olsen files his 2nd Affidavit. He comments that the Town claims that they received a report in 1984 stating that Shakesides was not suitable for a nature museum. He submitted an FOI request to see this report, but was told the report was oral by a member of the BC government to Comox Council. There is no written record. In 1980), prior to Laing's death, the Comox Strathcona Natural History Society (now CVN), to discuss with the Comox Parks Committee disposition of Shakesides as an educational facility. This predates the probate of 1981.

March 7: MLHS files a counter petition to the Town's petition of April 4, 2017, asking for a forensic audit of the Mack Laing Trust Fund, an independent assessment of the Shakesides trust property for use as a nature museum, an order that rental income should be included in the Trust Fund and that

the Town of Comox compensate for the shortfall, and that no court date be scheduled without this information.

March 9: The MLHS files a legal Notice of Application for standing in the BC Supreme Court in the court case of the Town of Comox vs the AGBC.

March 15: The Supreme Court case Town of Comox vs AGBC is convened in Nanaimo, Justice Baird presiding. This is the second court date, the first being only 30 minutes because counsel for MLHS could not attend.

April 9: Kris Nielsen, a member of the MLHS, offers his bricklayer expertise pro bono to help restore Shakesides.

Tom Dishlevoy, Architect, in a letter to MLHS, states "We would be delighted to offer our services to the Society on a "pro bono" basis for the design of "accessible" access to the Shakeside Building. It would be an honor to be part of the team contributing to this project, making this part of our heritage "accessible" to the general public, in keeping with the late Mr. Laing's bequest."

April 10: Legal counsel for MLHS, Patrick Canning, writes a letter to the AGBC and legal counsel for the Town of Comox, reminding them that Shakesides is a trust property and that as trustee, the Town of Comox has an obligation to maintain it.

"Power should be restored and video monitoring set up. The roof should be properly covered. MLHS is happy to help install a tarp over the roof on Shakesides (MLHS would be glad to do the work with Comox paying the bill for materials (est. approximately \$2000.00). At least 4 security cameras should be installed, fix the fence, add no trespassing signs, have a discussion concerning the quality of the east wall's ability to keep the weather out, and install motion activated lights."

April 10: Town of Comox paints over the graffiti on the concrete foundation.

April 12: Gordon Olsen filed his 3rd Affidavit outlining his efforts, via FOI to the Town of Comox, to get clarification on the planned demolition of Baybrook and Shakesides (Baybrook had been demolished in 2015). The Town claimed it had no such records. He then asked for clarification of the taxes levied and sporadically collected on Shakesides. He then questioned a photo given to the ML Advisory Committee supposedly showing termite damage at Shakesides, but on cleaning out the area, which was concrete, found no such damage. He gives a list of the contractors willing to assist int he restoration of Shakesides.

April 17: (reported in the MLHS email newsletter) The first court appearance by the Town and the AGBC in March and April in Nanaimo, with MLHS in attendance is encouraging. Justice Thompson strongly encourages/suggests to the Attorney General of BC (AG) and the Town's lawyer, that a 'Consent Order' be signed, giving MLHS Intervenor Status with "no restrictions whatsoever", but still within the general rules of an Intervenor. This order would allow MLHS to present all exhibits and affidavits to the court. The Judge also pointed out that the Court could decide on a different Variation to that presented by the Town in its Application. The MLHS lawyer is tasked with writing the recommended Consent Order to conclude the Standing Application Hearing. However, despite discussions and a very clear recommendation, the lawyers for the Town and the AG, failed to reach agreement on the wording of the Consent Order. Clearly, neither the Town nor the AG want MLHS' exhibits and affidavits to be considered in court.

April 20: The BC Supreme Court orders that the MLHS "be added as an Intervenor to this matter of The Town of Comox v. The Attorney General for British Columbia, Court file # S09384, Courtenay Registry; The Applicant, MLHS, as an Intervenor, has the full authority to submit evidence, and any further evidence must be filed by October 30th, 2018". The Consent Order was signed and filed by all parties (AGBC, Town of Comox, MLHS).

May: A photo of Shakesides clearly shows that MLHS member's work continues around Shakesides. A green-coloured, metal security fence, erected by the Town around the house is visible in the front. Note:



This fence, which is poorly-secured and is comprised of several weathered sections not properly attached together, has not prevented vandalism and break-ins into the house

The Town of Comox erects an interpretive trail sign at the entrance to Mack Laing Park, one of several similar signs installed in Comox parks.



June 7: MLHS Annual General Meeting, Courtenay Library

June 9, 10: MLHS holds a yard sale on Comox Ave in Comox, and artist Brian Scott donates two more paintings, one of Mack Laing sitting in front of Shakesides, and another of Mack Laing holding a large salmon (both inspired by archival photographs).



New paintings donated by Brian Scott on display at MLHS yard sale

Summer: Alexandra Calland donates a bench in Mack Laing Park to Mack Laing. Plaque: Dedicated to Mack Laing. "Thanks for your generous gift, a beautiful nature park for our citizens".

June 20: MLHS produces a colour handout with a brief history of Mack Laing and his Will and gift to the Town of Comox.

July: Town of Comox publishes and online "Infosheet" giving a summary of Mack Laing's "gifts to Comox" and stating that he did not leave sufficient money for a museum, and that the monies were used to 'improve the surrounding park a memorialize Mack Laing". The Town admits that it rented Shakesides to tenants until June 1024. It stated that the Trust Fund stood at \$256,000 and that plans were being developed for demolishing Shakesides and building a viewing platform in its place.

August 12: The MLHS responded to the "Infosheet" pointing out that the Town was seeking to overturn the ML Trust, that Shakesides was never made available to the public, as agreed with Mack Laing, and disagrees that the \$55,000 left my Laing in his will would not have been sufficient to turn a very well maintained house into a museum (that amount of money would have bought a house in Comox in 1982). The MLHS announced that it had applied for standing with the BC Supreme Court and has 400 pages of documents to submit.

August 13: Tjhe MLHS revised its Constitution, which had been created on its founding to save Bay brook. Changes reflect the change of focus, after the demolition of Baybrook, to Shakesides house. In accordance with this, the MLHS Annual Report was filed and the Bylaws uploaded to its BC Societies account, to meet Societies Act transition requirements.

August 28: In an email to MLHS, Dorothy Broadbent declares that the "town of Comox is treating our wild heritage in the same cavalier way it has handled Mack Laing's legacy."

August 30: An attempt is made to pry off the wood from one of the basement windows under the porch. The MLHS posts a sign on the Shakesides back security fence.



September: The MLHS formally thanks the North Island-Powell River Greens for their support regarding Mack Laing and Shakesides in their emailed newsletter. Other posts by the NIPRG appear on June 16, April 21, and January 13, 2018.

October 16: BC Supreme Court, Justice Thompson presiding, grants the MLHS enhanced intervenor status, allowing it to make oral and written submissions on all matters related to the Mack Laing Trust and the case of the Town of Comox. Justice Thompson read his orders to the lawyers, and the Town's lawyer and the AGBC had to capitulate.

October 30: J Kristian Nielsen files his 2nd affidavit, explaining his continuing efforts in obtaining public support for a Shakesides community project, his observations that the Town refused to engage in discussion about this, his concerns about the state of Shakesides, and his involvement in petitioning the Town to have a tarpaulin installed on the roof of the house to protect the roof and interior from further damage. He also stated that Heritage status should be pursued for the house.

Gordon Olsen files his 4th Affidavit and details the process by which the Town of Comox agreed to release financial information on the Mack Laing Trust to the Mack Laing Nature House Advisory Committee, and per an FOI submitted by Olsen, as they requested. He also states the history of the MLHS, with legal advice, attempting to get the Mack Laing Trust money applied to Baybrook to create a nature museum. The Town refused to consider the proposal and demolished Baybrook on August 4, 2015.

November: Town of Comox Council denies a request from J Kristian Nielson to install a tarpaulin on the roof of Shakesides, but agrees to allow 6mm poly to be installed inside, under the roof, to drain away leaking water to the outside of the structure.

November 22: An MLHS poet presents "Down in the Nutfarm" a tongue-in-cheek poem sung to the tune of "Down in the Boondocks". Down in the nut farm/Down in the nut farm/They put Mack down, but it's Comox town that has failed him//We love Mack, he loved trees. And he didn't care for society/Lord let's please let Shakesides be ...

November 23: ML:HS member Gordon Olsen gives a presentation to the AGM of BC Association of Heritage Professionals, on invitation, at the Shadbolt Centre, Burnaby, BC. The title was "Making or Breaking Heritage - The Legal Battle for interpreting the True Vision of Mack Laing's Trust in Comox." The presentation looked at the struggle to prevent the loss of Canadian Heritage, addressing, how willful municipal neglect, questionable accounting and the complicit lack of Provincial oversight can render even a Legal Trust impotent. He focused on three main topics: 1) Mack Laing, his background and his gifts to Comox.; 2) How Charitable Trusts can be abused and why the BC Attorney General as the protector of CT through its position of Parens Patriae is unlikely to even be aware of a CT because there is no Registry of Charitable Trusts. and 3) The need to augment the entities which may request a Heritage Designation for a certain thing eg. buildings etc. As it stands now, the power to suggest a heritage site is entirely up to a municipality or a Regional District. My suggestion was to

modify the registry process to entities such as Heritage BC, heritage professionals, heritage commissions and historical societies etc.

Those in attendance included: Paul Gravett, Heritage BC Executive Director; Richard Linzey, BC Heritage Branch director; Shelley Bruce, Parks Canada, Hugh McLean, Vancouver Heritage Register; Judith Mosley & Jessica Quan, Vancouver Heritage Foundation; Jenny Botica, Anthropologist; Judy Oberlander, National Trust for Canada, and several Heritage directors from cities on the Island and the mainland.

November 28: The Town of Comox asks MHLS for a three month court filing extension, Until February 20, 2019, in order to further prepare the Town's response. MLHS granted this request

The Town of Comox sets up a 'news hub' regarding its plans for Shakesides and Mack Laing Park. The MLHS made a public response to this press statement. The hub uses a badly-angled photo of Shakesides, probably taken this past winter. In the meantime, MLHS had done some invasives clearing and restored the apple tree seen on the left front of the house.

The Town's financial statements declare that it had an annual surplus of over \$5 million, as of December 2017, and an accumulated surplus of over \$103 million. Yet they continue to spend taxpayer's money on a legal action to overturn the Mack Laing Trust, planning for the demolition of Shakesides and construction of an exposed viewing platform, instead of considering public involvement. The MLHS and many local tradesmen and suppliers are prepared to cooperate to restore the historically important Shakesides to use as a small nature interpretive centre.

December: The Town fixes a coloured sign to the security fence behind Shakesides. The sign fails to mention that their 'plans' for this 'special place' involve the demolition of Shakesides. The image shows the front wooden 'walkway to nowhere', which has existed for many years. It is already a 'viewing platform' separate from the house itself.

December 5: The most damaging B&E to date, all glass windows in the interior smashed, except window in the study. Extensive interior graffiti on walls and floors.

December 13: The MLHS holds a special meeting in the Courtenay Library Meeting Room to provide the latest news and encourage discussion related to the fight to save Shakesides, and its legal court action against the Town of Comox to prevent their overturning the Mack Laing Trust in order to demolish the house.

The MLHS creates a special one page 2019 calendar for download.

2019

January 23: MLHS appears as a delegation before Town of Comox Council presenting a Business Plan for Shakesides, explaining that any work could be low cost, a community effort, and of considerable benefit to citizens.

February: The MLHS changed website hosts to a wholly Canadian one based in Montreal and received a much better price and excellent service at one-third of that which the previous host, an American subsidiary, was charging. The Twitter account is followed by several local organizations with large memberships, meaning that their followers will also see MLHS tweets.

February 6: Town of Comox Council passed a resolution to postpone court proceedings for up to three months.

February 7: The Town again asked the MLHS for a second 3 month extension to "facilitate discussions with all parties interested in the Mack Laing trust issue". This was granted and MLHS expected to be requested to attend a discussion.

Bob Castle's '*Under the Glacier*' editorial cartoon refers to stalling by the Town of Comox regards any decision for the future of Shakesides.



February 27: The Town of Comox rewrote the February 7 resolution, changing the proposed 'discussion' to requests for presentations to the Committee of the Whole.

March 1: MLHS explained why, legally, they could not attend any formal meeting that does not allow discussion by both parties. Under Committee of the Whole rules, information can only be presented, not discussed. The local press declined to publish the MLHS letter of explanation. MLHS was told by their lawyer that including a separate group, which was not part of the legal court proceeding (Friends of Mack Laing Park), would be detrimental. MLHS executive concluded it constituted a 'set-up' and declined the invitation.

March 6: Comox Council decides not to meet with the MLHS and to hold a wider public discussion in the form of a 'workshop' to discuss the viewing platform proposal.

March 12: Town of Comox announces that it will hold a "facilitated, public engagement meeting/workshop, March 27 at the Comox Community Centre,to discuss what will replace Shakesides, as the Town had resolved to modify the Trust applicable to the money in the Trust account, demolish Shakesides, and construct a viewing platform.

A news item about the workshop appears in the Comox Valley Record.

The MLHS issues a rebuttal of the article which appeared in the CV Record, clarifying that the MLHS was granted intervenor status in the Supreme Court Action by the Town of Comox, and that it is therefore allowed to make 'full oral and written submissions" on matters related to the Town's legal case, and also about the Mack Laing Trust

March 13: A letter from the MLHS lawyer, Patrick Canning, to Michael Moll, Young Anderson, Barristers and Solicitors, asks for clarification of property tax charged to the Mack Laing Park (which records show was charged from 2002-2014). The letter asks which section of the Act allows a Town to levy tax on a property held in Trust, and to also clarify whether it was the whole property, or just the house (Shakesides).

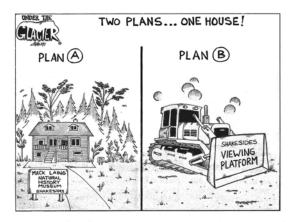
MLHS followed up this letter with a request to the Town of Comox for the BC Assessment value. It could find no record of any such assessment done on the Mack Laing trust property.

April 5: K'omoks First Nation (KFN) Chief Nicole Rempel sends a strongly worded letter to the Town of Comox noting that the Town has made decisions on the matters relating to Mack Laing Park without any consultation with KFN. This concerns KFN because there exists a large a midden and burial grounds in that area. Municipalities are required to consult with local First Nations when anything impacts their traditional, unceded land - this is BC law. KFN has also written to the Attorney General about the matter. KFN also stated that they must be consulted before any further plans or any work commences in either Mack Laing Park or the Shakesides viewpoint.

April 9: MLHS writes a ltter to KFN in response to the April 5 letter. "We appreciate and respect the Kómoks First Nation position as stated in your letter and we recognize the importance of both your voice and your vision toward a resolution of the problems concerning Mack Laing Park. Mack Laing Heritage Society certainly accepts your invitation for more dialogue on this matter".

Later in April, Gordon Olsen and Jim Boulter of MLHS made a presentation to KFN Council, outlining an alternate plan to the ToC's for the use of Shakesides. They received a warm reception and answered many excellent questions. Letters of thanks for the opportunity to speak about this matter were sent to KFN.

April 9: Under the Glacier editorial cartoon by Bob Castle- "TWO PLANS ... ONE HOUSE" (Natural History Museum vs Viewing Platform)



April 26: Architects for the Town of Comox (Outlook Engineering and Landscape Architecture) present a second proposal for a structure to replace Shakesides upon its demolition. The plan became known among MLHS members as "The Ghost of Shakesides".



Summer: MLHS members spend time at Shakesides, educating members of the public walking through the Mack Laing Park on the issue of the house and trust and introduce a banner to be signed by supporters.

The MLHS continues to collect signatures on their petition to save Shakesides. The level of interest and knowledge of the issue is very encouraging. MLHS has also gathered over 100 supporters, contractors, and others, willing to supply materials and/or expertise for the restoration of Shakesides as a nature house.

A pooled trust has been set up for supporters who wish to donate a sum of money for the restoration. Should the project not go forward, the money will be returned to the donors.

ToC has budgeted \$200k for the creation of their proposed viewing platform, money which could be better employed for either the restoration of Shakesides (added to the Mack Laing Trust, which now amounts to over \$250k)

June 10: Jim Boulter files an FOI ToC asking what date the electricity was disconnected from Shakesides. He was informed on July 22 that there was no record of this date.

June 16: A major break-in is reported at Shakesides. The security fence was cut at the back and a window into the basement was removed. More graffiti was found inside the house.

June 26: MLHS Annual General Meeting, Courtenay Library. Support is good and over 350 people receive the Society's emailed newsletter.

July 1: M:LHS participates in the Canada Day parade in Courtenay. It has a good show including fiddlers (Laing played the fiddle), including a Save Shakesides banner being signed by supporters.



July 5: John Tayless, filed an Affidavit stating that he knew Mack Laing, often visited him as a fellow biologist and respected him as a diarist, writer and educator. He attended a public meeting/workshop held by the Town in March, which stated it would hear ideas for Mack Laing Nature Park that would honour Mack Laing. No such discussion was held and the only item on the agenda was the demolition of Shakesides and the ideas related to the construction of a viewing platform in its place. He wrote a letter of protest to the Mayor and CAO, but received no reply. He also reported on a discussion he had with Alderman Alice Bullen, while he was a senior administrator of North Island college. She asked if the college would assist in furthering the aims of Mack Laing's Will and he had stated that the college would be willing to offer a volunteer program for flora and fauna in the Park and wrote a letter to the Town in that regard. He did not receive a reply. He also states that in 1982, when Laing died, Shakesides was a fine, well-built structure, having been built by Laing by hand.

July 16: Paul Gravett, Executive Director of Heritage BC, files an Affidavit, expressing concern about the potential loss of a heritage house in Shakesides and the legacy of Mack Laing. He also expressed support for the MLHS to save Shakesides.

July 17: MLHS member Gordon Olsen commissioned an invasive plant assessment of Mack Laing Park from Sellentin Habitat Restoration and Invasive Species Consulting of Comox. Their report of their survey done in June revealed that no invasive management had taken place since the previous survey by Coastal ISC in 2017. English Ivy, Yellow Archangel (Lamium), English Holly, Himalayan Blackberry and Yellow Flag Iris were present in larger areas (in the case of ivy, growing up tree trunks densely to a great height), along with two other invasives, Common Periwinkle and Himalayan Balsam.

July 27: Ken McDonald, who is not a member of MLHS files an Affidavit in support of the MLHS and its wish to create a nature house in Shakesides.

July 22: MLHS applies in person to participate in the Comox Nautical Days Parade. It's application is acknowledged by the parade coordinator, with thanks.

July 23: Elana Zysblat, President of The BC Association of Heritage Professionals sends a letter to the Hon Doug Donaldson, Minister of Land, Forests and Natural Resources, expressing concern about the Town of Comox petition to demolish Shakesides and revise terms of the Mack Laing Charitable Purpose Trust. The organization stated that Shakesides was "an important heritage asset

that represents the heritage values that extend much further than the boundaries of the Town of Comox."

Summer: Due to a number of vandalism and break-ins at Shakesides, MLHS prints small hand out notices that give the contact phone numbers and and emails of the Comox Fire Department and the RCMP local detachment, to encourage the public to report such.

Trevor Marc Hughes releases '*Riding the Continent*' (Ronsdale Press), derived from photographs and Mack Laing's manuscript "*The Transcontinentalist:*", about his trip in 1918 by motorcycle across the US from New York to San Francisco and then to Portland Oregon.

July 25: MLHS announces in its emailed newsletter that it will be participating in the Comox Nautical Day Parade on Monday, August 5, 2019.

July 26: The Town of Comox tells the MLHS that it's participation in the parade is denied. No reason was given, but the order was given by the Mayor's office.

July 30: Project Watershed sends a letter to Comox Council expressing "support for enhanced preservation of Mack Laing's legacy property including the maintenance of the Shakesides house."

The organization reminds the Town of the "social and ecological value of this legacy property" and "encourages the Town of Comox to move towards meaningful engagement with community groups and others to ensure the best interests of maintaining the values of the Mack Laing legacy property."

August 1: MLHS was informed that the denial to participate in the Nautical Days Parade had been rescinded, but that it could only participate if it adhered to certain restrictions imposed by Town Hall. The reasons and timeline become part of an Affidavit.

August 2: MLHS announces by newsletter that it will NOT be participating in the Comox Nautical Days parade, after being refused that permission by Town Hall (reportedly Mayor Russ Arnott via the parade coordinator). Although that ban had been rescinded, there was no time to organize participation in a meaningful way.

George LeMesurier (Decafnation blog) issues an article protesting the Town of Comox decision to deny permission for the MLHS to participate in the Comox Nautical Days Parade.

August 5,6: The MLHS has a booth and display on the private property of a member on Comox Avenue, across from Filberg Park. The Save Shakesides banner is available to sign, and information material is handed out. Many interesting discussions and the support of the public made it a useful community engagement event.

J. Kristian Nielsen files a 3rd Affidavit. He suggested in late 2018 that since the Town did not favour a tarpaulin solution to the leaking Shakesides roof, that a system of internal gutters be installed under the roof to catch the water and drain it outside. This solution was accepted by the Town. He also stated that the MLHS Business Plan was an ongoing project and had much community support from the public and contractors. He also made an official observation about the Town's Open House, which was instituted to discuss only the construction of a viewing platform after Shakesides was demolished. No other solution was on the agenda.

Hon John Duncan, MP, files an Affidavit expressing concern for the loss of heritage should Shakesides be demolished and stated his association with a heritage group that made a community project out of a similar situation.

Jim Boulter files 3rd Affidavit with the Court, outlining his research and questioning of the AGBC regarding charitable trusts and its failure to either question the Town of Comox intention to overturn the Trust, or state a position regarding the financial accounting related to the Trust.

Barbara Martin files an Affidavit stating her knowledge that the Town of Comox resisted informing citizens of the state of the Mack Laing Trust, or the wishes of the donor in that regard. She also expressed concern about the Town's refusal to allow the MLHS to inform the public about Mack Laing at public events, or to participate in the annual Nautical Days Parade in Comox.

Gordon Olsen files his 5th Affidavit to outline his activities to petition the Town of Comox to consider starting a heritage registry and including Shakesides on it. They refused. MLHS also asked the Town to suspend their court action to overturn the Trust. and demolish Shakesides. They refused. He also provided information about concerns of the K' omocks First Nation about any disturbance of the Shakesides property, where a large midden is situated.

August 7: Gordon Olsen files his 6th Affidavit outlining his concerns and research into the Town's denying MLHS permission to participate in the Comox Nautical Days Parade. The Town alleged that there had been complaints about the MLHS appearance in the earlier Canada Day parade in Courtenay. The Courtenay Special Events Coordinator was queried about this and stated that there had been no complaints about the MLHS.

August 14: In a letter, K'omoks First Nation expresses concern that it has not been consulted on any plans for Shakesides.

September: The MLHS re-designs its blog to be more modern and interactive, with a front page that has clear directions to content. It was in place for the film night in November and helped to publicize the event. Positive feedback is an encouraging, regular addition to the blog.

November 7: MLHS holds a very well-attended, by donation, film night at the Comox Legion Hall featuring the 'Conquest of Mt Logan' film, partially filmed by Mack Laing, who was part of the expedition of 1923. Guest speakers were Trevor Marc Hughes, editor of *Riding the Continent* and the Hon John Duncan retired MP.

The MLHS produces a one page calendar for download, using a photo taken by Mack Laing of the Comox estuary in front of Baybrook in the 1920s.

2020

February 29: Town of Comox hires local contractor (Lacasse) to cover the roof with a fixed tarpaulin to prevent leaks to the interior of Shakesides from leaky eavestroughs and rain downspouts.

Members of the MLHS inspect the interior of Shakesides and discover that there has been significant vandalism, including painted graffiti on the walls and floors and that every window has been deliberately broken (they are boarded on the outside).

They take photos and then clean up the glass along with some rotten tiles damaged by moisture and dispose of them.



Living room at Shakesides, February 29, showing extensive graffiti

August 24: Kerry Frank, K'omoks First Nation, writes a letter to Attorney General, Hon. David Eby, expressing concern about damage to the unceded land (and midden) by heavy equipment, should Comox decide to demolish Shakesides, and support for the concept of a nature house with a blend of First Nations and present day history.

August 28: MLHS Annual General Meeting

December 12: Attorney General of BC ruling on the Brissenden Trust and the Municipality of West Vancouver offers insight into the challenges regards the Town of Comox and the Mack Laing Trust. A side-by-side comparison table is issued by MLHS.

December 19: Members of MLHS tackle invasives at Shakesides, pulling up ivy, Himalayan blackberry into two huge piles.



To date, over 2,000 Comox residents have signed a petition to save Shakesides. Over 3,000 signatures have been collected altogether from the Comox Valley, in person and online from the MLHS website.

2021

February 25: Andrew Burger, Town of Comox, Superintendent of Parks and Building Maintenance, reports (with photos) that an inspection of the inside of Shakesides did not reveal any recent signs of water damage or pooling of water on the upper floors. "Some water was visible on the concrete basement floor because of cracks in the foundation wall/slab and exiting out by the back exit door".re wasn't any signs of recent

March 4: CHEK News broadcasts a feature on Hamilton Mack Laing, Naturalist, in its This Week in History segment. https://www.cheknews.ca/videos/6236044327001/this-week-in-history-hamilton-mack-laing-the-motorcycle-naturalist

March 12: Local Comox artist and MLHS supporter Ruth Dickson passes away at the age of 102. She painted three watercolours for MLHS - one of Baybrook and two of Shakesides, all of which are preserved by MLHS members.

April 9: The Royal BC Museum magazine, What's InSight, publishes an article online about Mack Laing, the 'motorcycle naturalist' (Index #23)

April 14: The Town of Comox Strategic Plan includes among its strategic priorities: Modification of the Mack Laing Trust in order to reach a resolution of on the Shakesides building future.

May 12: Lawyers for the Town of Comox filed a "Notice of Intention to Proceed" with the Attorney General of BC and the BC Supreme Court. The purpose of this court appearance is to get a court ruling on the merits of the Town's request to revise the Mack Laing Trust, so that the trust property, Shakesides house in Mack Laing Park, can be demolished.

May 22: Matt Neil, proprietor of Coast Concrete Corrections Inc, filed an Affidavit stating that the crack in the concrete foundation/dyke at Shakesides is a common one and is routinely fixed. The building does not sag. He consulted with Cale Lacasse, Lacasse Construction, on site, and they concluded the repair would be straightforward.

June: The MLHS introduces an online fundraiser auction on its blog. It receives considerable support with items to sell and sells some.

June 26: MLHS Annual General Meeting

June 29: Judgement by the Attorney General of BC is delivered regarding the Brissenden Trust, whose provisions were contested by the Municipality of West Vancouver. The case had similar issues to that of the Mack Laing Trust.

July 22: Betty Brooks, who was married to Allan Brooks Jr, the son of Maj Allan Brooks, of whom Mack Laing wrote an autobiography, files an Affidavit stating her knowledge of Laing, his wishes, and his life, and supporting the use of Shakesides as a nature house as he would have wished.

August 3: MLHS lawyer, Patrick Canning request of the ToC lawyer, Michael Moll, that a contractor (Lacasse) be allowed inside Shakesides to do an inspection.

August 10: A special selection of paintings and books has been donated by the family of the late *Ruth Dickson* (1918-2021), a local artist and writer who supported the MLHS and painted both Baybrook and Shakesides for MLHS use These items will gradually be sold to support MLHS. The family has also given MLHS rights to sell books previously published by GSG Ltd.

September 11: The MLHS attended a Community Listening Event, in Filberg Park Comox, and Executive chairs, John Duncan and Gordon Olsen made a presentation on behalf of the MLHS.

October 2: The Chief and Council of the K'omoks First Nation sends a copy of the K'omoks First Nation Cultural Heritage Policy to the Town of Comox, in accordance with the United Nations Declaration on the Rights of Indigenous People (UNDRIP), stating their intention to protect heritage sites, such as middens and archaeological areas within their traditional territory and that they should be consulted on any proposed developments which may impact these sites.

December 1: Jordan Wall, new CAO, Town of Comox, stated that it was a priority to pursue the court case to vary the Mack Laing Trust, demolish Shakesides and construct a viewing platform with the Trust funds.

December 3: The new Town of Comox Director of Finance, files an Affidavit stating that the value of the 'Museum Trust' as of August 31, 2021 is \$274,513.73.

His concluding statement:

I calculated the balance of the Park Lands Accounting as at August 31, 2020 to be a deficit equalling (\$153,423.15). As discussed above, the Town did not run a trust account with this deficit, because the income (rent) was paid into the Town's general revenue and the expenditures were paid from the Town's general revenue, with some additional money coming from the Museum Trust (which I understand was later repaid to the Museum Trust). Given this substantial deficit, I have not now established a Park Lands trust account for the Town.

(Note: rent from Shakesides was calculated to be \$117,042 between 1982 and 2016. It was not added to the Trust Account, per Trust law, and therefore did not provide any interest to the Trust account.)

December 8: Paula Thorogood, Manager of Archaeological Operations, Government of BC, sends a letter to the Town reminding them that the area of Mack Laing park is part of an area (DkSf-44) that is protected under the Heritage Conservation Act and and "must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch". A qualified archaeologist must examine the site and local First Nations must be consulted.

December 8: An article published in the Comox Valley Records states that the Town has again changed the design of the proposed viewing platform that will replace Shakesides house when it is demolished. The cost will be approximately \$325,000.

December 21: Cathy Armstrong, Executive Director of The Land Conservancy of BC (TLC) expresses concern about the donor's (Mack Laing) wishes not being honoured and upheld by the Town of Comox, and the likelihood that this will have a 'chilling effect' on anyone considering such donations in the future. She also commented that it was important to recognize and preserve such heritage as this hand-built home of "Mack Laing, a Canadian treasure recognized by the National Trust".

An MLHS supporter discovers that the Manitoba Historical Society considers "Hamilton Mack Laing (1883-1982), Naturalist, educator, author", a memorable Manitoban.

The MLHS produces a one page 2021 Calendar for download, featuring a photo of an owl by Mack Laing.

2022

January 20: Jennifer Doubt, Curator, Botany / Conservatrice, Botanique, National Herbarium of Canada reports: :We do indeed have well over 5000 H.M. Laing specimens databased so far, mostly from the 1920s. The Museum of Nature collection data that have been digitized to date are available publicly through a portal called the Global Biodiversity Information Facility (GBIF for short).

January 24: Sue Halwa, Royal BC Museum, lists material in their catalogue stored on Mack Laing: https://search-bcarchives.royalbcmuseum.bc.ca/hamilton-laing-fonds

"There are also about 7000 photographs in addition to the ones that are online. Unfortunately, these are not described or digitized, but having looked at them, they are predominantly of natural history, especially birds."

In the corporate records in the museum, there are also his field notebooks and journals.

April 30: MLHS joins a community yard sale in Japonica Park, Courtenay

May 9: MLHS supporter Ken McDonald Submits a nomination for Hamilton Mack Laing as a national historic person to Parks Canada, Secrétariat Commission des lieux et monuments historiques du Canada (CLMHC)

June 17: Spencer G Sealy, Department of Biological Sciences, University of Manitoba, Winnipeg, provides a report to MLHS regarding Mack Laing's bird specimen contributions in particular the Whooping Crane: "Hamilton Mack Laing's specimen of a whooping crane, Grus americana"

July 12: Jim Boulter files a fourth Affidavit expressing concerns about the Community Charter Act, which the Town of Comox believes allows it to vary a charitable purpose trust for which they are trustee, disregarding the wishes of the donor. He offers evidence of the chilling effect of this interpretation on future donations to municipalities.

July 22: Cale Lacasse, owner of Lacasse Construction, and with 15 years experience in the industry, files an Affidavit stating that in his opinion Shakesides can be restored and be safe for ongoing use by the public. He states that he supports the community project suggested by MLHS to restore Shakesides and has offered his assistance.

August 4: Gordon Olsen files his 7th Affidavit to provide details related to previous affidavits, including persons mentioned in that regard, and also giving a report on a typewriter belonging to Mack Laing which was given by a town employee as "a souvenir" to a Comox citizen, who years later, offered it to Olsen. This raises questions about the disposition of other kn own items in Shakesides after his death.

August 18: Kent Moeller, chartered accountant, filed an Affidavit stating that in 2015 he was asked by the MLHS to examine, pro bono, the Town's accounting of the Mack Laing Trust Account, and calculate what the account should amount to with and without the rent from tenants of Shakesides, plus interest. He determined that the trust account, without the rent and allowing for 40% expenses,

would amount to \$490,000 by 2022. With the rental income and still allowing for expenses, the trust account should amount to about \$681,000.

September 14-16: BC Supreme Court hearing is held in Courtenay to hear the merits of the case, Justice Power presiding. Decision reserved to future date.

October 4: Kevin Simonett, lawyer for MLHS, provides his comments regarding the three days he represented MLHS in the Supreme Court in Courtenay.

October 12: MLHS supporter Ken MacDonald submits a revised history of Mack Laing to Wikipedia. MLHS supplies photos.

October 27: MLHS with its lawyer submits a Supreme Court briefing, which the judge will rule on at a future date.

November 3: MLHS holds another showing of the film "The Conquest of Mt Logan" at the Little Red Church in Comox, which was well attended. Guest speaker was Lindsay Elms, a mountaineer who climbed Mt Logan in 1996 with a team of Vancouver Island climbers.

November 15: The Comox Archives and Museum releases "Baybrook - Life's Best Adventure" - by Hamilton Mack Laing (edited by Barbara Price) in book format (it had previously been sold as a spiral-bound, photocopied manuscript).

December 9: MLHS Annual General Meeting, Courtenay Library Meeting Room. The group still has many supporters, some of whom donate every year via the PayPal account.

MLHS' team of artists create beautiful, natural swags for the Christmas season, as a door or gate decoration for a family member or friend. They are sold for \$25 raising money for the MLHS legal fund, to pay lawyer Kevin Simonett for his efforts on behalf of the MLHS.

2023

April 11: A ruling from the presiding Supreme Court Justice J A Power is handed down. Highlights of her ruling, copied from the Reasons for Judgement document:

Excerpt 1 (summary)

[5] For reasons that I will now explain, I have concluded that I should accede to the Town's application, which is supported by the Attorney General, to vary the Trust. I have concluded that to accede to the Intervenors arguments, would only lead to even greater delay and litigation. For example, a forensic accounting would not serve a useful purpose, since I am satisfied that the original trust monies in 1982 were never sufficient to turn Shakesides into a museum, and in any event the Town has now roughly accounted for them. I have concluded that the Town's proposal, which accounts for the original trust monies, and adds additional Town funds for any construction shortfall, is well considered. I have concluded that the Nature Park Platform proposal is the bests use of the trust fund monies and reflects the general intention set out in Mack Laing's will, relating to public education.

Excerpt 2: Funds available/cost of building a viewing platform to replace the Shakesides house.

[38] As noted above, the estimate for the construction of the Platform is \$326,281.00. The Town's amended Petition details how the trust funds were dealt with by the Town. As noted at para. 24, as of December 15, 2017, as a result of the Town's repaying \$178,000.00 into the trust funds, the trust funds amounted to about \$256,305.98. As of December 31, 2021, the trust funds amounted to \$271,945.01. The Town proposes paying for the shortfall of construction costs.

Excerpt 3: Conditions set if Court approves Trust variance to demolish Shakesdies and build a viewing platform.

- [40] If the court permits the variation of the Trust, the steps that have to be completed are set out in the Town's submissions and include the following:
 - considering the adoption of a bylaw establishing a reserve fund for maintenance of the nature park platform;
 - (b) commissioning of the design and content of the natural history education panels;
 - (c) commissioning a final design of the Nature Park Platform, including incorporating any features or specifications arising from the order varying the Trust;
 - (d) retaining one or more eligible consulting archaeologists to assist with permit applications to the Archaeology Branch and compliance with K'omoks First Nations' Cultural Heritage Policy;
 - (e) applying for and obtaining permits, including *Heritage Conservation Act* permits, necessary to demolition a portion of Shakesides and construct the Nature Park Platform:
 - (f) retaining a fabricator to build the natural history education panels;
 - retaining contractors and suppliers to perform the removal and construction work at the site of Shakesides; and
 - (h) performing, through contractors, the removal, construction and panel installation work.

Excerpt 4: The Community Charter: s. 184 (2) regards Trusts and the duties of a Trustee

[44] The Town's petition, seeking to vary the Will Trust, is an application authorized by s. 184(2) of the Community Charter. Section 184 of the Community Charter provides as follows:

184 (1)All money that is held by a municipality and is subject to a trust must be invested in accordance with section 183 until it is required for the purposes of the trust.

- (2) If, in the opinion of a council, the terms or trusts imposed by a donor, settlor, transferor or will-maker are no longer in the best interests of the municipality, the council may apply to the Supreme Court for an order under subsection (3).
- (3) On an application under subsection (2), the Supreme Court may vary the terms or trusts as the court considers will better further both the intention of the donor, settlor, transferor or will-maker and the best interests of the municipality.
- (4) Section 87 [discharge of trustee's duty] of the Trustee Act applies to an order under subsection (3).

Excerpt 5: About the Laing Trust

[45] The Town and the Attorney General agree and it is clear from the will that the Trust is a charitable purpose trust. A clear reading of the will provision makes it clear that Mack Laing intended to create a trust, the subject matter of the trust was the residue of his estate, and the trust was to provide the public benefit of a natural history museum.

Excerpt 6: Conditions on the use of the Community Charter Section 184(2)

[50] Section 184(2) of the *Community Charter*, requires, as a pre-condition to an application to the Court, that the Town's Council form an opinion that the terms imposed by the will-maker are no longer in the best interests of the municipality. In

Excerpt 7:The Justice's opinion

[61] In my opinion, the proposal before that court, that a nature viewing platform built on the foundation of Shakesides, admirably reflects the general wishes of Mack Laing respecting the Park Lands and the role of Shakesides relative to the land. The proposal enhances the current Mack Laing Park, and allows Mack Laing's role as a pioneering naturalist to be respected and honoured. As noted in argument, members of the public will be able to stand on the Nature Park Platform when it is constructed, and enjoy the same views and vistas that Mack Laing enjoyed when he lived at Shakesides

Excerpt 8: Final Opinion

[63] In my opinion, as part of the information panels, the history of Shakesides including photographs, along with some of the drawings of Mack Laing, should comprise at least three of the information panels.

[64] As I expressed, in the hearing, I am concerned that Shakesides should not be demolished to its foundation, until all preliminary steps to construction of the Nature Platform have been completed and there is certainty that the Platform will in fact be constructed. In that regard, I am ordering that construction, when it does start, should be completed within eighteen months of the construction start.

[65] With these variations, the Order sought by the Town, and supported by the Attorney General is granted.

April 27: The Herkes family of Campbell River gifted some material to the MLHS, namely three books, some Christmas cards sent to their grandparents by Mack Laing, and two articles published about Laing in local newspapers from the 1970s. The books are 'Hamilton Mack Laing Hunter-Naturalist', by Richard Mackie (1985); 'Allan Brooks - Artist Naturalist' by Hamilton Mack Laing (1979); and 'Out With the Birds' by Hamilton M Laing (1913).

May 1: the MLHS Board votes to hold a number of fundraising initiatives over the next few months, including plant sales, a yard sale, Return-It donations, and an event to feature the new Mt Logan book.

May 18: MLHS has received copies of Trevor Marc Hughes' book "Capturing the Summit - Hamilton Mack Laing and the Mt Logan Expedition of 1925" and the Board has decided to have a book signing/meet the author, with another showing of the Mt Logan film. June 17 in Courtenay.

(Note: This timeline will be regularly updated with new events and information)



Catkins from one of Mack's hazelnut trees form a natural heart at Shakesides, February 2016.