PORT SIMPSON LAND DISPUTE.

CORRESPONDENCE.

Lands and Works Department,
Mar. 13, 1890,
Victoria, B. C.

660/90

PORT SIMPSON, B. C., February 28th, 1890.

The Honourable
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—We beg to enter a protest against the sale to Mr. Joshua Davies of twelve hundred and eighty acres of land, as per sketch plan which is drawn on the back of this protest.

He not having staked the land or posted a notice as required by clause 30 of the "Land Act, 1884."

We have the honour to be,
Your obedient servants,

(Signed) J. M. LINDSAY ALEXANDER,
" R. H. HALL,
" J. D. HALL, per R. H. Hall,
" B. E. HALL, per R. H. Hall.
" GORDON LOCKERBY,
" FRANK ROUNDY,
" C. W. ROBSON, per Geo. R. Robson.
" GEORGE R. ROBSON.

660/90

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Vol. 33.

VICTORIA, B. C., March 14th, 1890.

GENTLEMEN,—I have the honour to acknowledge the receipt on 13th inst. of your letter protesting against a sale to Mr. Joshua Davies of 1,280 acres of land near Fort Simpson.

At the expiration of the 60 days' notice, viz.:— on 5th inst.—Mr. Davies made his formal application to purchase, and tendered the 10 % deposit, which was accepted, as no protest had been filed within the time provided for that purpose.

I may also add that Mr. Davies' application does not appear to conflict with any claims so far as I can ascertain from examination of notices published in the Gazette.

I have the honour to be,
Gentlemen,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands and Works.

Messrs. J. M. L. Alexander,
R. H. Hall and others,
Fort Simpson, B. C.

{Lands and Works Department, 14 Mar., 1890, Victoria, B. C.} 689/90

VICTORIA, B. C., 14th March, 1890.

To the Honourable
the Chief Commissioner of Lands and Works.

SIR,—I beg to enter a protest against the sale to Mr. Joshua Davies of one hundred and sixty acres of land, as per coloured portion of sketch plan which is annexed to this protest, and for which said Joshua Davies has given notice of application to purchase.

I protest on the ground that Mr. Davies has not staked off said land or posted a notice on the same, as required by clause 30 of the "Land Act, 1884."

I have the honour to be,
Sir,
Your obedient servant,
(Signed) JARVES LONGHURST.

689/90

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Vol. 33.

VICTORIA, B. C., March 15th, 1890.

SIR,—I have the honour to acknowledge the receipt of your letter of the 14th inst., protesting against the sale of 160 acres of land in Coast District to Mr. Joshua Davies.

In reply I beg to inform you that after the expiration of the 60 days' notice Mr. Davies made formal application to purchase, and tendered 10 % deposit, which was accepted, as no protest had been filed within the period provided by the Act, and as no rival claimant had appeared.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands and Works.

J. Longhurst, Esq.,
Victoria, B. C.

{Lands and Works Department, 15 Mar., 1890. Victoria, B. C.} 697/90

VICTORIA, B. C., 14th March, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—On behalf of Mr. Albert E. Bolton I hereby protest against the application of Messrs. R. Cunningham & Son for the purchase of land situate near Work Channel, Coast District, B. C., and described in a notice dated December 13th, 1889, published in "The British Columbia Gazette," which land includes in part the land described in the said Albert E. Bolton's notice of intention of application to purchase, dated January 31st, 1889, published in "The British Columbia Gazette."

The grounds of the above protest are,—that the said R. Cunningham & Son have not planted any post, or posted any notice on the said land, as required by section 29 of the "Land Act," and on other grounds.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL,
Solicitor for Albert E. Bolton.

NOTE.—Mr. A. E. Bolton's notice was dated 31st January, 1890.

697/90

VICTORIA, B. C., 14th March, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—On behalf of Mr. Albert E. Bolton I hereby protest against the application of Mr. Joshua Davies for the purchase of land situate near Work Channel, Coast District, B. C., and described in a notice dated November 15th, 1889, published in "The British Columbia Gazette," which land includes in part the land described in the said Albert E. Bolton's notice of intention of application to purchase, dated January 31st, 1890, published in "The British Columbia Gazette."

I make this protest on the ground that the said Joshua Davies has not planted any post or posted any notice on the said land, as required by section 29 of the "Land Act," and on other grounds.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL,
Solicitor for Albert E. Bolton.

697/90

VICTORIA, B. C., 14th March, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—On behalf of Mr. Alfred E. Green I hereby protest against the application of Messrs. R. Cunningham & Son for the purchase of land situate on Work Channel, Coast District, B. C., and described in a notice dated January 3rd, 1890, published in "The British Columbia Gazette," which land includes in part the land described in the said Alfred E. Green's notice of intention of application to purchase, dated January 31st, 1890, and published in "The British Columbia Gazette."

I make this protest on the grounds that the said R. Cunningham & Son have not complied with the requirements of section 29 of the "Land Act," no initial post being planted, nor notice posted by them on the said land, and on other grounds.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL,
Solicitor for the said Alfred E. Green.

697/90

VICTORIA, B.C., 14th March, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B.C.

SIR,—On behalf of Mr. Alfred E. Green, I hereby protest against the application of Mr. F. S. Barnard for the purchase of land in Coast District, B.C., described in a notice, dated 6th December, 1889, published in "The British Columbia Gazette," which land includes in part the land described in the said Alfred E. Green's notice of intention of application to purchase, dated Jan. 31st, 1890, and published in "The British Columbia Gazette."

The grounds of the above protest are:—That the said F. S. Barnard has not planted any post or posted any notice on the said land, as required by Section 29 of the "Land Act," and on other grounds.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL,
Solicitor for Alfred E. Green.

697/90

VICTORIA, B.C., 14th March, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B.C.

SIR,—On behalf of Messrs. Geo. F. Hopkins and A. E. Green, I hereby protest against the application of Mr. F. S. Barnard for the purchase of land in Coast District, B.C., described in a notice, dated 6th December, 1889, published in "The British Columbia Gazette," which land includes in part the land described in the said Geo. F. Hopkins and A. E. Green's notice of intention of application to purchase, dated February 25th, 1890, and published in "The British Columbia Gazette."

The grounds of the above protest are :—That the said F. S. Barnard has not planted any post or posted any notice on the said land, as required by Section 29 of the "Land Act," and on other grounds.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL,
Solicitor for Geo. F. Hopkins and A. E. Green.

697/90

VICTORIA, B.C., 14th March, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Land and Works,
Victoria, B.C.

SIR,—On behalf of Messrs. Geo. F. Hopkins and A. E. Green, I hereby protest against the application of Messrs. R. Cunningham and Son for the purchase of land situate on Work Channel, Coast District, B.C., and described in a notice, dated January 3rd, 1890, published in "The British Columbia Gazette," which land includes in part the land described in the said Geo. F. Hopkins and A. E. Green's notice of intention of application to purchase, dated February 25th, 1890, and published in "The British Columbia Gazette."

The grounds of the above protest are :—That the said R. Cunningham and Son have not planted any post, or posted any notice on the said land, as required by Section 29 of the "Land Act," and on other grounds.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL,
Solicitor for Geo. F. Hopkins and A. E. Green.

697/90

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VICTORIA, B.C., March 15th, 1890.

SIR,—I have the honour to acknowledge the receipt of six (6) letters from you, each dated 14th inst., and all of the same tenor, *i.e.*, protesting on behalf of sundry clients, against the sale of certain lands near Fort Simpson to Messrs. Cunningham and Son, Joshua Davies, and F. S. Barnard, respectively.

In reply I have to inform you that in each case the applicants, after expiry of the 60 days' notice, made formal application and tendered 10 per cent. deposit, which was accepted, as no protest had been filed within the period provided by the Act, and as no rival claimants had appeared.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands & Works.

H. G. Hall, Esq.,
Barrister-at-Law,
City.

{ Lands and Works Department, Mar. 17th, 1890, Victoria, B.C. } 699/90

VICTORIA, B.C., March 15th, 1890.

To the Honourable
The Chief Commissioner of Lands and Works,
Victoria.

SIR,—Enclosed I beg to hand you protests against Messrs. F. S. Barnard and Joshua Davies for certain lands applied for by them in Port Simpson. My application for these certain pieces have been duly staked and posted by me, and applications are in the hands of the Government Printer to appear in the next issue of the "Gazette."

I have the honour to be,
Sir,
Your obedient servant,
(Signed) M. KING.
Per M.

VICTORIA, B.C., March, 1890.

The Honourable
Chief Commissioner of Lands and Works,
Victoria, B.C.

SIR,—I beg to enter a protest against the sale to Mr. Joshua Davies of 320 acres of land, as per sketch plan which is drawn on the back of this protest, and for which land said Joshua Davies has advertised his intention of applying for permission to purchase. The ground on which I protest is that said Joshua Davies has neither staked the said land or posted a notice on the same as required by clause 30 of the "Land Act, 1884."

I have the honour to be, Sir,
Your obedient servant,
(Signed) M. KING.

VICTORIA, B.C., March, 1890.

The Honourable
Chief Commissioner of Lands and Works,
Victoria, B.C.

SIR,—I beg to enter a protest against the sale to Mr. F. S. Barnard of 320 acres of land, as per sketch plan which is drawn on the back of this protest, and for which land said F. S. Barnard has advertised his intention of applying for permission to purchase. The ground on which I protest is that said F. S. Barnard has neither staked the said land nor posted a notice on the same as required by clause 30 of the "Land Act, 1884."

I have the honour to be, Sir,
Your obedient servant,
(Signed) M. KING.

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VICTORIA, B. C., March 18th, 1890.

SIR,—I have the honour to acknowledge the receipt of your letter of the 15th inst., enclosing protests against the sale to Messrs. F. S. Barnard and Joshua Davies of certain lands applied for by them at Port Simpson.

In reply I beg to say that in each case the applicants, after the expiration of the 60 days' notice, made formal application to purchase, and tendered 10% deposit, which was accepted, as no protest had been filed within the period provided by the Act, and as no rival claimant had appeared.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands and Works.

M. King Esq., Victoria, B. C.

Lands and Works Department,
18 Mar., 1890.
Victoria, B. C.

725/90

VICTORIA, B. C., 17th March, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—I have the honour to acknowledge receipt of yours of 15th inst., acknowledging receipt of six protests against the sale of certain lands near Fort Simpson, and stating that the persons against whose applications I had protested had, "after expiry of the 60 days' notice, made formal application and tendered 10 % deposit, which was accepted, as no protest had been filed within the period provided by the Act."

Would you kindly refer me to the law requiring protests to be filed within 60 days from the publication of the notice of intention of application to purchase?

Permit me to draw your attention to the fact that the 29th section of the "Land Act," after providing for the publication of the two months' notice referred to in your communication, further provides that the applicant shall place an initial post at one corner of the land to be applied for, and that "except such initial post is so planted before the above notice is given, *all the proceedings taken by the applicant shall be void.*" If you will refer to the protests you will see that the above is one of the principal grounds upon which the said protests are based.

Again,—the said 29th section provides that "no right or title can be acquired to any such land until after such land shall have been surveyed," &c. Therefore, not only does the acceptance by you of the 10 % deposit give them no right or title to the land, but the payment so made by them, their notices of intention to apply and their "formal applications," are, if the said protests be well founded, altogether and absolutely void.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL.

Lands and Works Department,
Mar. 19, 1890.
Victoria, B. C.

733/90

VICTORIA, B. C., 18th March, 1890.

To the Hon. Forbes G. Vernon,
Chief Commissioner of Lands and Works.

SIR,—Mr. Jarves Longhurst has handed me your letter to him of the 15th inst.

I am instructed that Mr. Davies did not stake off the land that he applied for, and, therefore, his advertisements do not comply with the Act. I beg, therefore, respectfully to renew his protest against a grant of the land to Mr. Davies until the matter is properly investigated.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) J. P. WALLS,
Solicitor for Mr. Jarves Longhurst.

{Lands and Works Department, Apr. 1, 1890. Victoria, B. C.} 843/90

METLAKAHTLA, 12th March, 1890.

SIR,—On the 11th inst. I was out on the quarter-section adjoining on the north side of J. M. L. Alexander's Crown grant of land at Port Simpson, and could not find any survey lines. I was also informed by some of the residents of Port Simpson that a survey of the land in question had not been made. Under these circumstances, I put up a post and notice, and I want to make application for the land. Will you, therefore, please inform me whether the land for which I am applying was surveyed, and if surveyed, on what date and by whom? Also, if any Crown grant has since been issued, and if issued, to whom?

Yours obediently,
(Signed) JOHN CUNNINGHAM.

The Surveyor-General,
Victoria, B. C.

843/90

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VICTORIA, B. C., April 2nd, 1890.

SIR,—In reply to your letter of 12th ultimo, I enclose a tracing from a portion of the map of lands surveyed near Fort Simpson. I am not quite sure what particular quarter-section you have reference to, but, I presume, the tracing will give you such information as you desire.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

John Cunningham, Esq.,
Metlakahtla.

{Lands and Works Department, 8 Apl., 1890. Victoria, B. C.} 903/90

VICTORIA, B. C., 7th April, 1890.

To the Hon. Forbes G. Vernon,
Chief Commissioner of Lands and Works.

SIR,—I have the honour to inform you that I am now in possession of evidence shewing that Mr. Joshua Davies did not stake off the 1,750 acres of land in Coast District applied for by him, and advertised in the Government Gazette on January 9th, 1890; nor did he affix a notice at the Government Office, either at Fort Simpson, Metlakahtla, or Victoria.

I beg to draw your attention to the Land Act, which says in section 29: "Except such initial post is so planted before the above notice is given, all the proceedings taken by the applicant shall be void." The notice referred to is mentioned in a previous portion of the same section, and is the notice in the Gazette and newspaper.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) J. P. WALLS,
Solicitor for Jarves Longhurst.

Lands and Works Department,
14 Apl., 1890.
Victoria, B. C.

998/90

VICTORIA, B. C., 14th April, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria.

SIR,—I have the honour to enclose herewith the application of Mr. A. E. Bolton for the purchase of 520 acres of land, situate in Coast District, B. C.; also cheque for $52, being 10 % deposit on same; also declaration, in duplicate, that the land applied for is not agricultural or timber land.

I also enclose application of Mr. A. E. Green for the purchase of 550 acres in said district, and cheque for $55, being 10 % of purchase money, together with declaration, in duplicate, as above.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL.

998/90

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VICTORIA, B. C.,
April 28th, 1890.

SIR,—I have the honour to acknowledge the receipt of your letter of the 14th inst., enclosing an application from Mr. A. E. Bolton for the purchase of 520 acres of land situate in Coast District, Cheque for $52.00, being 10 % deposit on same, and declaration in duplicate, that the land applied for is not agricultural or timber land. Also application of Mr. A. E. Green for the purchase of 550 acres in said district, and Cheque for $55, being 10 % of purchase money, together with declaration, in duplicate, as above.

In reply, I beg to say that the land embraced in Mr. A. E. Green's application includes 160 acres for which a Crown grant has been issued to Mr. C. D. Mason. The remainder has been applied for by Mr. F. S. Barnard and Mr. R. Cunningham, and the deposit accepted thereon before any protest had been filed.

Mr. Bolton's application covers land applied for by Mr. Joshua Davis, whose application was received and deposit paid before a protest had been filed.

Under these circumstances I must decline to accept the deposits made by you on behalf of your clients, and beg to return herewith your Cheques for $52.00 and $55.00 respetively.

I have the honour to be, Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands and Works.

H. G. Hall, Esq.,
Barrister-at-Law,
City.

Lands and Works Department,
5 May, 1890.
Victoria, B. C.

1220/90

VICTORIA, B. C., 2nd May, 1890.

Hon. Forbes G. Vernon,
Chief Commissioner of Lands and Works.

SIR,—I to-day tendered, on behalf of Mr. Jarves Longhurst, and in his presence, to the Surveyor-General, Mr. Gore, the sum of sixteen dollars ($16.00) deposit on lot described in the enclosed letter, and otherwise complied with the Land Act; but Mr. Gore declined same on the ground that a sale thereof had already been made to Mr. Joshua Davies.

I now beg to enclose Cheque for said amount of $16.00, together with an application signed by Mr Longhurst, which is a duplicate of the one presented to Mr. Gore to-day and refused by him.

Mr. Gore informed me that he would rather receive it in this form.

I have the honour to be, Sir,
Your obedient servant,
(Signed) J. P. WALLS,
Solicitor for Jarves Longhurst.

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Vol. 33.

VICTORIA, B. C., May 5th, 1890.

SIR,—I have the honour to acknowledge the receipt of your letter of the 2nd inst., enclosing an application from Mr. Jarves Longhurst for the purchase of 160 acres of land in Coast District, together with $16, being 10 % of purchase money.

In reply I beg to say that Mr. Longhurst's application covers land applied for by Mr. Joshua Davies, whose application was received and deposit paid before a protest had been filed.

Under these circumstances I must decline to accept the deposit made by you on behalf of your client, and beg to return herewith your cheque for $16.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands and Works.

J. P. Walls, Esq.,
Barrister-at-Law, &c.,
Victoria, B. C.

Lands and Works Department,
10th May, '90.
Victoria, B. C.

1277/90

VICTORIA, B. C., 9th May, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria.

SIR,—I notice in the "Gazette" of yesterday's date certain lands in Coast District gazetted without the usual notice at the end calling upon all persons having adverse claims to file a statement of the same within 60 days.

On behalf of several interested parties I would like to know whether the omission above referred to is an oversight?

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL.

1277/90

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Vol. 33.

VICTORIA, B. C., May 12th, 1890.

SIR,—I have the honour to acknowledge the receipt of your letter of the 9th inst. regarding a notice published in "The British Columbia Gazette" for certain lands in Coast District.

In reply I beg to say that there is no omission or oversight in the "Gazette" notice referred to.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

H. G. Hall, Esq.,
Barrister-at-Law,
City.

Lands and Works Department,
21st May, 1890.
Victoria, B. C.

1429/90

VICTORIA, B. C., 20th May, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—I have the honour to enclose herewith the application of Messrs. Geo. F. Hopkins and A. E. Green for the purchase of 480 acres of land situate in Coast District, B. C., together with declaration, in duplicate, that the land applied for is not agricultural or timber land. I also enclose cheque for $48, being deposit of 10 % of purchase price of land applied for.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL.

Lands and Works Department
May 27th, 1890.
Victoria, B. C.

1490/90

VICTORIA, B. C., 26th May, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria.

DEAR SIR,—Enclosed I beg to forward you application of J. M. L. Alexander and others to purchase 1,280 acres of unsurveyed Crown land situate in Coast District.

The application was inserted in the B. C. Gazette on 13th March, 1890.

I also enclose cheque for $128, being 10 % on the purchase price of the land above applied for.

Yours, truly.
(Signed) THORNTON FELL.

1429/90

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Vol. 34.

VICTORIA, B. C., May 28th, 1890.

SIR,—I have the honour to acknowledge the receipt of your letter of the 20th inst., enclosing an application from Messrs. Geo. F. Hopkins and A. E. Green for the purchase of 480 acres of land situated in Coast District, declaration that the land applied for is not agricultural or timber land, and cheque for $48, being 10 % deposit of purchase money.

In reply I beg to say that the land embraced in the application of Messrs. Hopkins & Green has been applied for previously by Mr. F. S. Barnard and Messrs. R. Cunningham & Son, and the deposit accepted thereon before any protest had been filed.

Under these circumstances I must decline to accept the deposit made by you on behalf of your clients, and beg to return herewith your cheque for $48.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

H. G. Hall, Esq.,
Barrister-at-Law,
City.

1490/90

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Vol. 34.

VICTORIA, B. C., May 28th, 1890.

SIR,—I have the honour to acknowledge the receipt of your letter of the 26th inst., enclosing an application from J. M. L. Alexander and others for the purchase of 1,280 acres of land situate in Coast District, and cheque for $128, being 10 % deposit of the purchase money.

In reply I beg to say that the land embraced in the application of Mr. Alexander and others has been applied for previously by Mr. Joshua Davies and the deposit accepted thereon before any protest had been filed.

Under these circumstances I must decline to accept the deposit made by you on behalf of your clients, and beg to return herewith your cheque for $128.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

Thornton Fell, Esq.,
Barrister at-Law, &c.,
City.

Lands and Works Department,
May 29, 1890,
Victoria, B.C.

1519/90

VICTORIA, B.C., 28th May, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria.

SIR,—In reply to yours of this date returning cheque for $128, being 10 per cent. deposit on purchase money for 1,280 acres of land applied for by J. M. L. Alexander and others, on the ground that same land had been previously applied for by Joshua Davies. I beg again to send you the cheque for $128, as I contend that although Davies may have applied to the Department for permission to purchase the land before my clients did, he was not in a

position to make the application, not having complied with the Land Act, by posting copy of his notice on the land, and by staking same as provided in Section 29 of the Act. And the Act provides that "Except such initial post is so planted before the above notice is given all the proceedings taken by the applicant shall be void." I may further state that we object under any circumstances to more than 640 being granted to one man under one application, the same being strictly forbidden by the Act.

I am instructed that the land in question is admittedly unstaked by the applicant Davies, it being asserted that the Surveyor-General had informed them that where more than 640 acres was applied for, it was unnecessary to stake the land under Section 29. If this is so I was not aware before that the Surveyor-General had power to amend an Act of Parliament.

Davies not having complied with the Act, there is but one applicant legally entitled to make application, and that is my client Alexander and his co-applicants. There is no time limited by the Act for filing protests in cases under Section 29. If the Department is bound by the Land Act you have no alternative but to call upon Davies and Alexander, there being two applicants for the land, to appear before you and establish their respective rights and claims, as provided by the last clause of Section 29.

It is not fair to my clients, and the matter cannot be summarily disposed of by simply returning the cheque, without giving the parties an opportunity of being heard in support of their objections, which if valid and true, go to the very root of the application of Davies whose claim the Department appears to sustain.

Yours truly,
(Signed) THORNTON FELL.

Lands and Works Department,
31 May, 1890,
Victoria, B.C.

1534/90

VICTORIA, B.C., 30th May, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B C.

SIR,—I have the honour to acknowledge receipt of your letter of 28th April last, returning cheque for $52, being deposit of 10 per cent. for purchase of 520 acres of land in Coast District, which, on behalf of Mr. A. E. Bolton, I had applied for on 14th April; also returning cheque for $55 deposit made at same time on application of Mr. A. E. Green for purchase of 550 acres.

I have also to acknowledge receipt of your letter of 28th inst., returning cheque for $48 deposited on behalf of Messrs. Geo. F. Hopkins and A. E. Green for purchase of 480 acres.

In the above letters you decline to entertain our applications on the ground that these lands have been applied for by Mr. F. S. Barnard, Messrs. R. Cunningham and Son, and Mr. Joshua Davies, and that no protests against their applications had been filed before receipt of their deposits.

I would remind you that in my letter of 17th March last I pointed out that that position is untenable. As you have not taken exception to our contentions as expressed in that letter, it is needless for me to repeat the provisions of the Land Act which are fatal to the claims of the applicants who you say made prior application; but we claim the right given by the Act to shew, and to appear before you and prove, that we have complied with the Act and that the other applicants have not.

Trusting to receive fair treatment at the hands of the Department, which is all we ask, I beg to again send you, inclosed herewith, the three cheques which were returned by you.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL.

Lands and Works Department,
9 June, 1890,
Victoria, B.C.

1653/90

VICTORIA, B.C., 9th June, 1890.

To the Hon. Forbes G. Vernon,
Chief Commissioner of Lands and Works.

RE LONGHURST'S APPLICATION.

SIR,—Referring to our conversation in the Government Grounds when you stated that you would appoint as early a day as possible for the investigation of this case, but that it would not be possible until after the elections as you would be too busy, I respectfully request that you will give me as long notice as possible of the day appointed for the investigation in order that I may be prepared, as some of my witnesses reside at Fort Simpson and Metlakahtla.

I think I have already drawn your attention to the main points at issue, but it is perhaps desirable that I should put them in writing.

My points are as follows:—

1. That Mr. J. P. Davies did not stake off the land as required by the "Land Act."

2. That under the Act Mr. Davies has applied for more land than he is entitled to purchase, the Act limiting him to 640 acres in one location, whereas he claims here about 1,750.

3. That he did not affix the required notice in the Court House or Government Office, either at Victoria or elsewhere.

I need hardly say that the sooner the matter can be investigated, after I have had reasonable notice and time to procure my witnesses, the better, as the season for surveying in Coast District is somewhat short owing to the heavy rains in the Fall.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) J. P. WALLS.

Lands and Works Department,
26 June, 1890,
Victoria, B.C.

1829/90

VICTORIA, B.C., 26th June, 1890.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria.

SIR,—I have the honour to inclose herewith the application of Mr. A. E. Green for the purchase of three islands in Coast District; also declaration, in duplicate, that the lands applied for are not agricultural or timber lands; also cheque for $10.10, being deposit of 10 per cent. of purchase money.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL.

{Lands and Works Department, 8 July, 1890, Victoria, B. C.} 1903/90

VICTORIA, B. C., 7th July, 1890.

Hon. Forbes G. Vernon,
Chief Commissioner of Lands and Works.

RE J. LONGHURST'S APPLICATION FOR LAND IN COAST DISTRICT.

SIR,—I beg respectfully to refer you to my letter of the 9th June last, and should like to hear from you as soon as possible as to when and where you intend to hold the investigation herein, so that I may notify my witnesses accordingly.

I have the honour to be, Sir,
Your obedient servant,
(Signed) J. P. WALLS,
Solicitor for J. Longhurst.

1804/91 1903/90

VICTORIA, B. C., 8th July, 1890.

Hon. Forbes G. Vernon,
Chief Commissioner of Lands and Works.

RE JARVES LONGHURST'S APPLICATION TO PURCHASE LAND IN COAST DISTRICT.

SIR,—I beg to inform you that a Steamer leaves for Metlakahtla and Coast District this evening at six o'clock, and, if possible, I should like to receive an answer to my letter of yesterday by bearer.

I have the honour to be, Sir,
Your obedient servant,
(Signed) J. P. WALLS,
Solicitor for J. Longhurst.

{Lands and Works Department, 18 July, 1890, Victoria, B. C.} 2087/90

VICTORIA, B. C., 18th July, 1890.

Hon. Forbes G. Vernon,
Chief Commissioner of Lands and Works.

RE JARVES LONGHURST'S APPLICATION TO PURCHASE LAND IN COAST DISTRICT

SIR,—You will excuse me for again drawing your attention to this matter, but my clients are naturally anxious about it, they having been informed that Mr. Hall's claim has already been allowed and that some other parties are applying for a Petition of Right.

It appears to me that, under the Land Act, it is your duty to decide one way or the other before I can apply for a Petition of Right; but if you are desirous of not exercising your authority kindly inform me, so that I may know what course to take.

I have the honour to be, Sir,
Your obedient servant,
(Signed) J. P. WALLS,
Solicitor for Jarves Longhurst.

Lands and Works Department,
5 Aug., 1890,
Victoria, B. C.

2365/90

VICTORIA, B. C., 4th August, 1890.

To the Hon. Geo. Forbes Vernon,
Chief Commissioner of Lands and Works.

RE JARVES LONGHURST'S CLAIM TO LAND ON COAST DISTRICT.

SIR,—I have written you so many times as to this claim and receive no reply, to-day called at the Land Office, when I was informed by Mr. Gore that you had already considered the matter and had decided against my client's claim, but he at the same time desired me to wait and see you.

I waited a long time after your arrival at the office when some more important business, I have no doubt, occupied your attention, when I was obliged to leave without the honour of a personal interview with yourself.

I can hardly conceive that you have already settled the matter without giving my client a hearing; but, if it is so, I should like to hear from you officially on the matter, in order not to keep my client longer in suspense.

Yours truly,
(Signed) J. P. WALLS.

2365/90

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VICTORIA, B. C., August 6th, 1890.

RE JARVES LONGHURST'S CLAIM TO LAND IN COAST DISTRICT.

SIR,—In reply to your letter of the 4th inst., I beg to remind you that on 5th May last I informed you by letter that your client's application could not be entertained for reasons stated.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of L. & W.

J. P. Walls, Esq., Barrister-at-Law, &c.,
Langley Street, City.

Lands and Works Department,
August 13th, 1890.
Victoria, B. C.

2487/90

VICTORIA, B. C., August 13th, 1890.

W. S. Gore, Esq.,
Surveyor-General, Victoria.

DEAR SIR,—I have the honour to enclose herewith cheque for $2,462.00, being final payment and Crown grant fees on lands applied for by me in Township 1 and 2, Range 5, Coast District.

Kindly have the Crown grants prepared at your earliest convenience.

Yours truly,
(Signed) JOSHUA DAVIES.

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VICTORIA, B. C., August 19th, 1890.

PORT SIMPSON LANDS.

SIR,—I am instructed to return your cheque for $453.00 tendered in payment of lands applied for by you at Port Simpson, and I am to inform you that the Government cannot alienate these lands pending an inquiry into claims advanced by rival applicants.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

F. S. Barnard, Esq., City.

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VICTORIA, B. C., August 19th, 1890.

PORT SIMPSON LANDS.

SIR,—I am instructed to return your cheque for $2,462 tendered in payment of lands applied for by you at Port Simpson, and I am to inform you that the Government cannot alienate these lands pending an inquiry into claims advanced by rival applicants.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

Joshua Davies,
Wharf Street,
City.

Lands and Works Department,
9th Feb., 1891.
Victoria, B. C.

527/91

VICTORIA, B. C., 6th Feb., 1891.

Hon. F. G. Vernon,
C. C. L. & W.,
Victoria.

DEAR SIR,—Referring to your letter of 28th May last, and my reply to you of the same date, concerning the application of J. H. L. Alexander and others for permission to purchase certain lands at Port Simpson; and stating objections to the application of Joshua Davies, an applicant to purchase the same lands; I beg to request that you will appoint a time for the parties to appear before you and give evidence as to the merits of their respective claims, and to support their objections made in writing to your department.

Yours truly,
(Signed) THORNTON FELL.

Lands and Works Department,
9th Feb., 1891.
Victoria, B. C.

521/91

VICTORIA, B. C., 7th Feb., 1891.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria, B. C.

SIR,—I desire to direct your attention to my letter of 30th May, 1890, claiming the right on behalf of Mr. A. E. Bolton and others to appear before you and prove their right to purchase certain lands at Port Simpson.

Not having received any reply I now have the honour to request that you will appoint a day for the parties concerned to appear and substantiate their objections and claims.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) H. G. HALL.

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VICTORIA, B. C., February 13th, 1891.

SIR,—I beg to inform you that the Honourable the Chief Commissioner of Lands and Works will hold an inquiry into the disputed land claims at Port Simpson on Tuesday next at 10 a. m., 17th inst.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

Joshua Davies, Esq.,
Wharf Street,
Victoria, B. C.

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VICTORIA, B.C, February 13th, 1891.

SIR,—I have the honour to acknowledge the receipt of your letter of the 6th inst., and in reply beg to say that the Honourable Chief Commissioner of Lands and Works will hold an inquiry into the disputed land claims at Port Simpson on Tuesday next at 10 a.m., 17th inst.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

Thornton Fell, Esq.,
Barrister-at-Law, &c.,
Victoria, B.C.

581/91

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VICTORIA, B.C., February 13th, 1891.

SIR,—I have the honour to acknowledge the receipt of your letter of the 7th inst., and in reply beg to say that the Honourable the Chief Commissioner of Lands and Works will hold an inquiry into the disputed land claims at Port Simpson on Tuesday next at 10 a.m., 17th inst.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

H. G. Hall, Esq.,
Barrister-at-Law, &c.,
Victoria, B.C.

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VICTORIA, B.C., February 13th, 1891.

SIR,—I beg to inform you that the Honourable the Chief Commissioner of Lands and Works will hold an inquiry into the disputed land claims at Port Simpson on Tuesday next at 10 a.m., 17th inst.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

J. P. Walls, Esq.,
Barrister-at-Law, &c.,
Victoria, B.C.

Feb. 17th/91.

INVESTIGATION HELD—HALL v. DAVIES.

Mr. Fell on behalf of applicants for certain lands at Fort Simpson.

Mr. Fell states that his client's (Mr. Hall) contention is that the ground for which application has been made has not been staked, nor notices of application for purchase placed upon the posts.

Mr. Hall's claim is S.E. ¼ Sec. 28, whole of Sec. 27, and N.E. ¼ Sec. 22.

Mr. Hall examined by Mr. Fell.

Robert Henly Hall—resides at Fort Simpson. I made application to purchase certain land in neighbourhood of Fort Simpson, and staked the land 28th Feb., 1890, in presence of G. R. Robson, Frank Roundy, and Gordon Lockerby, and John Flewin.

What kind of stakes did you use?

Cut a tree down and squared it to about 4in., and marked it as my post, and placed a written notice upon it.

Was copy of same notice placed in Gazette?

Yes. Notice bears date 28th Feb., appeared in Gazette of 13th March.

Mr. Hall identified a copy of notice which was handed to him.

Mr. Fell handed in copy of notice exhibit (1) March 13th, 1890, also one of May 8th exhibit (2). Notice was also inserted in "Times" newspaper. Copy of "Times" produced showing notice dated March 12th, applying for permission to purchase 1,280 acres. Notice signed by Hall and seven others.

Last notice published May 16th in "Times." Notice published first in daily and afterwards in weekly.

Mr. Fell asked Mr. Hall—

At the time you staked this piece of land did you see any other stakes?

No new stakes, but we found the old ones of Ralph's survey.

I am well acquainted with that part of the country, have hunted all over it—have frequently visited it.

Was there anybody there who could have staked the land between Nov. 1st and time when it was staked by you?

I cannot see how it is possible any one could have been on the ground without my knowledge. No strangers arrived that I know of—it is not the time of year people come there.

I met Mr. Cunningham about a month after I staked the claim. He went over to the land, but I do not know what he did. I spoke about question of staking, and told him he was too late as the land was all staked.

He replied he did not consider staking essential, and gave you to understand that he was so informed by the Department?

The lands were surveyed in the following spring by Mr. Devereux, who I understand was employed by Mr. Cunningham or others. He was not surveying for me.

I asked by what authority he was surveying. He replied he had authority from the Lands and Works Department.

Mr. Bennett stated in answer to Mr. Fell :—

I placed a written notice on the board of the Lands and Works Office, which is still there. The notice was the same as that in the "Times."

Mr. Davies examines Mr. Hall :—

Did you stake the locations that were taken up a few years ago?

It was staked off for me and not by me. I did not know at the time I made my application there were other applicants. I understood that lands then were being enquired for, but did not know what particular land.

Why were you so anxious to look so closely at the stakes when you had no reason to suspect there were any other applicants?

I don't remember seeing any other application in print.

Mr. Davies stated that his initial post was a regular surveyed post. Cannot say till I see Mr. Cunningham whether a written notice was put on said initial post.

Mr. Fell :—

Was Mr. Cunningham at Fort Simpson in November?

Ans.—Not that I know of.

Mr. Walls representing Mr. Longhurst, asked Mr. Hall :—

Know Mr. Flewin went there to stake the land. Did not see post. Saw post Mr. Davies referred to. Did not see any notice upon it.

There is no Government office anywhere in the neighbourhood.

Mr. Fell representing Mr. A. E. Green :—

Mr. R. J. Walker :—

I staked land for Mr. Green at Fort Simpson on 31st Jan., 1890. Frank Roundy was with me. Cut a tree down, squared it, placed written notice upon it. This was the initial post.

After survey the land was known N.E. $\frac{1}{4}$, N.W. $\frac{1}{4}$, Sec. 14, S.E. $\frac{1}{4}$, Sec. 14, and perhaps some small pieces adjacent.

I saw no other notices in the neighbourhood except one posted by Mr. Hall and others.

Arrived at Fort Simpson 12th Sept., 1889, and left June, 1890. Was on the land several times. Saw no other notices except what I have mentioned. Saw Mr. Cunningham in March, 1890. It was not there before to my knowledge. A steamer run then in November and six weeks later in December. I do not think he was on board either steamer. First time I saw him was in March. There are not half a dozen families at Fort Simpson, and we always know who arrives on the steamers. There was no surveying done up to the time I staked the land.

Mr. Green asked by Mr. Fell :—

Have seen Mr. Green's application in Gazette. Gazette produced of Feb. 13th. Yes, that is the notice, also Gazette of April 10th.

"Times," Feb. 7th produced, and notice of application identified, and also one of March 28th.

Notice was also posted in the Victoria Land Office. Insertion paid for two months though the newspaper may not have left it the full time.

I resided at Fort Simpson at the time the land was applied for. I was down at every steamer in November and December, and Mr. Cunningham was not on board. I always knew within 20 minutes if any white man came to the village.

Mr. Fell calls attention to letter of Department, acknowledging receipt of 10% with application of 14th April, 1890 Mr. H. G. Hall on the 14th August tendered the remaining 90%. It had been Gazetted on 7th August as surveyed lands. It was not surveyed by me or at my instance.

Mr. Green stated that he met Mr. Cunningham about tht middle of March. He went over to the land in a canoe, and upon his return told me he had looked at the land to see if it was worth paying any more money on it. Evidently it was the first time he had seen it. I did not know that Mr. Davies or any one else had applied for the land. Mr. Davies is quite in error thinking it was his application that called our attention to it.

Mr. H. G. Hall stated that about August or September, 1890, Mr. F. S. Barnard admits that the land was not freshly staked.

Mr. Davies asks Mr. Green :—

Whether the land was valuable for agricultural, timber, or mineral purposes? Mr. Green replies that the land was valueless for any purposes.

Refer to applications.

Mr. Fell acting for Mr. Bolton—A. E. Bolton :—

Mr. Fell asks Mr. Bolton :—I staked lands same day as Mr. Green, and placed initial post by cutting tree down and putting notice on it. Saw no other notices except Mr. Hall's.

Gazette produced of Feb. 13th, identified notice, last issue April 10th showing notice, also copy of "Times," Feb. 7th, also till April 11th similar copy posted on Land Office.

Mr. H. G. Hall posted the application to purchase for him, Mr. Bolton, together with cheque $52, April 14, 1890; also, same day, declaration land not agricultural or timber land.

Mr. Davies asked when protest first made?

Mr. Hall replies 14th March, 1890.

Mr. Davies stated his application was made in November, and the 60 days had expired without any objections being made.

Mr. Walls asks when the deposit was paid?

Ans.—$100 paid 25th January, 1890; $176 paid March 5th.

Mr. Fell for Green and Hopkins.

Mr. Walker said he staked land for A. E. Green and G. A. Hopkins; cut a tree; posted a written notice on post which had previously been squared. Same notice as appeared in Gazette. Saw no other stakes or notices.

Gazette produced 13th March, showing notice, and on May 15th, and "Daily Times," March 7th, till May 16th, weekly.

Application put in 20th May, with deposit 10 %, together with declaration, in duplicate, land not agricultural or timber lands. On August 14th tendered a cheque for final deposit, which was refused by the Surveyor-General. Notice placed in Land Office August 7th. All the lands gazetted as surveyed. Mr. Devereux employed by Mr. Davies, Barnard & Co., and the Department had all the lands surveyed in the neighbourhood.

Mr. Walls contended that his client, Mr. Longhurst, staked the land before it was staked by any other party; that no notice was on Davies' stake at the time; that Davies' initial post does not exist. 2nd—On March 14th entered protest. 3rd—That Mr. Davies did not place notice on Government Land Office. 4th—That Mr. Davies had no right to stake more than 640 acres in one block. 5th—Had no knowledge that anyone else was making application for the land at the time of their application.

Mr. Walls referred to Gazette notice 20th March, inserted in "Times" 14th March, 1890. Staking performed on March 1st.

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VICTORIA, B. C., February 20th, 1891.

SIR,—An inquiry has been held by the Honourable Chief Commissioner of Lands and Works, into the merits of the rival claims to sundry lands situated at Port Simpson. Unfortunately, you were not present to represent your own interests in the matter.

Accordingly, the Honourable Chief Commissioner has deferred giving judgment for a time, so as to enable you to appear before him with any witnesses or evidence you may have in support of your claims.

You should come down at the first opportunity.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Surveyor-General.

Robt. Cunningham, Esq.,
Port Essington,
Skeena River, B. C.

Lands and Works Department,
28 March, '91.
Victoria, B. C.

1089/91

VICTORIA, B. C., 23rd March, 1891.

To the Hon. Geo. Forbes Vernon,
Chief Commissioner of Lands and Works.

RE JARVES LONGHURST'S CLAIM TO LAND, SECTION 29, TOWNSHIP 1, RANGE 5, COAST DISTRICT.

DEAR SIR,—I beg herewith to enclose declaration of Mr. John Flewin relating to the above matter, which you courteously consented to receive. Of course, if he is required by you for cross-examination I will procure his attendance, on your issuing an order to that effect.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) J. P. WALLS.

[ENCLOSURE.]

In the matter of the "Land Act," and in the matter of an enquiry into the claim of Jarves Longhurst to Section 29, Township 1, Range 5, Coast District.

I, John Flewin, of Metlakahtla, British Columbia, do solemnly and sincerely declare that I did, on the first day of March, Anno Domini one thousand eight hundred and ninety, place a stake at the south-east corner of Section 29, Township 1, Range 5, Coast District:

That the said stake was of the size as follows, viz.: four inches square and four feet above the surface of the ground:

That I affixed a notice thereon as follows:—"Jarves Longhurst's south-east corner post":

That I also posted a notice on said land as follows:—

"Notice is hereby given that, 60 days after date, I intend to apply to the Chief Commis-"sioner of Lands and Works for permission to purchase 160 acres of land, more or less, situate in Coast District, described as follows:—

"Commencing at a post at the south-east corner of the north-east quarter of Section 29, "Township 1, Range 5, Coast District; thence north forty chains; thence west forty chains; "thence south forty chains; and thence east forty chains to the point of commencement.

"JARVES LONGHURST.

"*March 1st, 1890.*"

That on the second day of March, Anno Domini one thousand eight hundred and ninety, I saw and inspected the original post at the centre of Section 29, Township 1, Range 5, Coast District, and carefully noted same, and I declare that no notice was then thereon on behalf of Mr. Joshua Davies applying for said land, nor did I see any notice posted on any portion of said land.

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

Signed in presence of
(Signed) W. H. ROBERTSON, J. P.

(Signed) JNO. FLEWIN.

Lands and Works Department,
31 Mar., '91.
Victoria, B. C.

1109/91

VICTORIA, B. C., 28th March, 1891.

To the Hon. Geo. Forbes Vernon,
Chief Commissioner of Lands and Works.

RE JARVES LONGHURST'S CLAIM TO LANDS, COAST DISTRICT.

SIR,—On the 23rd instant I sent you a declaration made by John Flewin in reference to the above, but have received no acknowledgment thereof. I should like to know how the matter stands, or if you require any further evidence.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) J. P. WALLS.

(Personal letter.)

VICTORIA, 9th April, 1891.

DEAR MR. VERNON,—Crown grant for my Port Simpson land, upon which 10 % has been paid and is in hands of the Department, has not yet been issued.

Surveys were all made, filed and accepted at the Land Office, and balance of purchase money tendered. Be good enough to let me know when this matter will be settled.

I have paid out $219 for surveys.

Yours truly,
(Signed) F. S. BARNARD.

1393/91

VICTORIA, 17th April, 1891.

To the Hon. Chief Commissioner of Lands and Works,
Victoria.

SIR,—I beg to enclose you a statement regarding my claim to the land at Port Simpson, which has been disputed by Green *et al.*

As it is possible that the matter may be referred to the Executive, I trust that my statement may form part of your report.

Evidence is in the Land Office to corroborate my statements.

As I leave for Ottawa on Tuesday next, and will not return before July, I shall place my case in the hands of Mr. Charles Wilson.

Yours truly,
(Signed) F. S. BARNARD.

[ENCLOSURE.]

F. S. Barnard's statement regarding his claim to 520 acres at Port Simpson, disputed by Messrs. A. E. Green and Bolton.

On the 6th of December, 1889, I applied at the Land Office in Victoria to purchase 520 acres of land at Port Simpson, adjoining some land at that time owned by me there.

Mr. B. H. John informed me how to proceed in order to acquire this land. His instructions were followed to the letter. A stake had been planted at the point from which the land proposed to be purchased was described.

Notice of intention to purchase was inserted in the Gazette on the 21st December, 1889.

Deposit of 10 % was paid and accepted by the Department on the 6th of February, 1890.

With the consent of the Department, Messrs. Gray & Devereux were employed to survey the land.

The survey was proceeded with, was accepted and gazetted on the 7th of August, 1890, by the Department.

On the 13th of August, balance of purchase money was paid and accepted by the Department. Prior to that date, the Chief Commissioner of Lands and Works gave Mr. B. H. John instructions, in my presence, to prepare the Crown grant. On the 4th of September my money, less the 10 %, was returned, and I was informed that there were adverse claimants to the land.

The adverse claimants, Messrs. Green and Bolton, published a notice in the Gazette on the 13th of February, after my deposit had been accepted, applying for the land, or a portion of it. Their deposit was tendered and refused on the 25th of March.

They have not surveyed the land as required by the Act, and the six months have elapsed some time ago.

They never asked for or received any permission from the Department to postpone their survey.

Mr. Gore so informed myself and the Chief Commissioner of Lands and Works, in my presence.

I, therefore, contend that their claim should not be considered, on the grounds—

1st—That their application was made subsequent to mine, *i. e.*, after my deposit had been accepted:

2nd—That they have not complied with the requirements of the Act by surveying within six months after date of application, or received permission to defer such survey.

With regard to Mr. R. H. Hall's claim to a portion of my land, evidence is in the Land Office showing that he neither tendered his 10 % deposit or surveyed the land, and, I believe, did not even advertise in the Gazette, and only bases his claim upon his *ipse dixit* that he staked the land.

I submit, therefore, that as I was the first applicant, paid my deposit within the required time, surveyed the land with the consent of the Department within the required time, paid the balance of the purchase money upon acceptance of the survey, said money being accepted and instructions being given to prepare my Crown grant, I should now receive my patent without delay.

The survey of my land cost $219.

(Signed) F. S. BARNARD.

Lands and Works Department,
28 Apl., 1891,
Victoria, B. C.

1511/91

VICTORIA, B. C., 27th April, 1891.

W. S. Gore, Esq.,
Deputy Commissioner of Lands and Works.

DEAR SIR,—Referring to the applications of R. H. Hall and others to purchase lands at Fort Simpson, and which said lands were in dispute, the same being claimed by Messrs. Cunningham, Davies, & Barnard by prior application, &c., and which said disputes were examined into and investigated before the Hon. C. C. of L. & W. on 17th February last. I have not received any official information as to the result of the said investigation, nor have I been notified of any decision in the matter.

If a decision has been given by the Hon. C. C. of L. & W., will you kindly furnish me with a copy, as my clients are anxious to comply with the Statute and complete their purchases as soon as the Department will allow them to do so.

Yours truly,
(Signed) THORNTON FELL.

{Lands and Works Department, 12 May, 1891. Victoria, B. C.}

1680/91

VICTORIA, B. C., 11th May, 1891.

Hon. F. G. Vernon,
C. C. L. & W.,
Victoria.

SIR,—I beg to refer to my letter of 27th April, '91, referring to the applications of R. H. Hall & ors. to purchase land at Port Simpson, to which I have as yet received no reply, not even the usual official acknowledgment of its receipt.

My clients are anxious to comply with all the provisions of the Land Act, but are prevented from doing so by the action of the Department; and by a Land Office notice lately inserted in the B. C. Gazette the interests of my clients are likely to be very seriously affected by the delay.

Yours truly,
(Signed) THORNTON FELL.

On a Memorandum from the Honourable the Chief Commissioner of Lands and Works, dated 30th April, 1891, reporting that he has investigated the claims of the rival applicants for the purchase of Crown lands at Port Simpson, and after hearing the evidence produced he is of opinion that none of the applicants have established a prior right to be allowed to purchase, and that the public interests will be better served by putting the lands up at public sale.

And recommending that the said lands be offered for sale at public auction, under the provisions of the "Land Act."

The Committee advise approval,

(Signed) CHAS. E. POOLEY,
President of Executive Council.

Approved 13th May, 1891.
(Signed) HUGH NELSON,
Lieutenant-Governor.

HUGH NELSON.

GOVERNMENT HOUSE, VICTORIA,
13th May, 1891.

On the recommendation of the Honourable the Chief Commissioner of Lands and Works, His Honour the Lieutenant-Governor, by and with the advice of the Executive Council, has been pleased to order, and it is hereby ordered, that certain lands situated at Port Simpson, for the purchase of which at private sale several applications have been received, be offered for sale at public auction, under the provisions of the "Land Act."

(Signed) JNO. ROBSON,
Clerk, Executive Council.

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VICTORIA, B. C., May 13th, 1891.

RE PORT SIMPSON LANDS.

SIR,—I beg to advise you, for the information of your clients, that His Honour the Lieutenant-Governor has been pleased to approve an Order of the Executive Council recommending the sale at public auction of the Crown lands at Port Simpson, which have been claimed by rival applicants.

Due notice of the date and particulars of sale will be given.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Deputy Commissioner of L. & W.

J. P. Walls, Esq.,
Barrister-at-Law, Victoria, B. C.

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Vol. 36

VICTORIA, B. C., May 13th, 1891.

RE PORT SIMPSON LANDS.

SIR,—I beg to advise you, for the information of your clients, that His Honour the Lieutenant-Governor has been pleased to approve an Order of the Executive Council recommending the sale at public auction of the Crown lands at Port Simpson, which have been claimed by rival applicants.

Due notice of the date and particulars of sale will be given.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Deputy Commissioner of L. & W.

H. G. Hall, Esq.,
Barrister-at-Law, Victoria, B. C.

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Vol. 36.

VICTORIA, B. C., May 13th, 1891.

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Your obedient servant,
(Signed) W. S. GORE,
Deputy Commissioner of L. & W.

Charles Wilson, Esq.,
Barrister-at-Law, Victoria, B. C.

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Vol. 36.

VICTORIA, B. C., May 13th, 1891.

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Due notice of the date and particulars of sale will be given.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) W. S. GORE,
Deputy Commissioner of L. & W.

Thornton Fell, Esq.,
Barrister-at-Law, Victoria, B. C.

Lands and Works Department,
4th June, 1891,
Victoria, B. C.

2078/91

VICTORIA, B. C., 29th May, 1891.

Hon. F. G. Vernon,
Chief Commissioner of Lands and Works, Victoria.

RE PORT SIMPSON LANDS.

SIR,—In reply to letter of date 13th inst., from your Deputy Commissioner, informing me that the lands claimed by my clients, R. H. Hall and others, would be sold at public auction, I may say that my clients have not received that consideration or justice which they had a right to expect at your hands. I will briefly recite the facts:—

My clients staked the land they wished to purchase and published their application in the Gazette on 13th March, 1890.

Our opponents did not stake the land at all, but relied on the Department to assist them in getting the land without complying with the "Land Act."

Our opponents' application and deposit of 10 per cent. you received, my clients application and deposit of 10 per cent. you refused, although you were informed of the non-compliance of our opponents with the provisions of the "Land Act," and although you were fully aware that their application, through non-compliance with said Act, is expressly declared to be null and void.

The reason stated in your letter of 28th May, 1890, for refusing my client's application, viz.: "That the land had been previously applied for by Mr. Joshua Davies," in the face of your knowledge of the fact that Mr. Davies had not staked the land, and your refusal to hold an investigation, shows that the Department was determined to support Mr. Davies' application at all hazards. Then again, you attempted to defeat my clients claim on the ground that no protest was filed within 60 days, although section 29 places no time limit for opposing the issue of Crown grants; but we do not hear of any objection on your part to the wholesale disregard and non-compliance of Mr. Davies with the provisions of the Act.

On 28th May, 1890, I applied for an investigation, or to be allowed to prove that our objections to Mr. Davies and Mr. Barnard and others were true, and that they were not entitled to apply for the land in question. This you denied to us.

On 6th February, 1891, I again wrote you requesting an investigation, and to prevent an investigation by a Select Committee you reluctantly held an enquiry on the 17th of the same month, when our opponents, excepting Mr. Davies, did not consider it necessary to attend, and Mr. Davies declined to offer any evidence in support of his claim. Subsequently Mr. Davies and Mr. Cunningham admitted to you that they had not staked the land, and we produced uncontrovertable testimony that it was impossible for them to have done so. This being so, my clients were the only parties entitled to apply for the land, and there were no rival claimants.

No decision being given officially, although our opponents seemed to be aware of how matters stood, I wrote on 27th April (over two months after the enquiry), asking for your decision. I received no answer. On 11th May I again wrote for copy of decision, and you informed me land would be sold at auction; but no copy of your decision was sent me. I think my clients are entitled to know what the result of the investigation was. Your decision on the question, whatever it is, is very important, and should be made known to the parties interested. It was not the Lieutenant-Governor in Council who tried the case, but yourself. It does look as if you had purposely delayed the matter until after the House prorogued; and not being able to give Mr. Davies the land, you have done the next best thing—refused to let Mr. Hall and others have it.

Yours truly,
(Signed) THORNTON FELL.

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Vol. 37.

VICTORIA, B. C., July 2nd, 1891.

SIR,—I have the honour to acknowledge the receipt of your letter of the 29th ultimo, and have to call your attention to a communication from this department on the 13th ultimo, in which you were informed that the land to which you refer would be offered for sale at public auction.

This determination, it is needless to remark, was not arrived at until the matter in dispute had been carefully investigated, and I have to express my regret that you should have thought proper in your letter of the 29th ultimo to advance statements on behalf of your clients which are quite inconsistent with facts.

No right having been established by any of the applicants to the land in dispute, I consider the public interest will be best conserved by disposing of the land in the manner indicated.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands and Works.

Thornton Fell, Esq.,
Barrister-at-Law,
Victoria, B. C.

On a memorandum from the Honourable the Chief Commissioner of Lands and Works, dated 14th July, 1891, recommending that the following parcels of land situated in Range 5, Coast District, and in the vicinity of Port Simpson, be reserved from sale or settlement until further notice, viz.:—

S. ½	Section	1,	Township	1.
S. E. ¼	„	2,	„	1.
E. ½ N. W. ¼	„	11,	„	1.
N. E. ¼	„	11,	„	1.
N. ½	„	12,	„	1.
N. ½	„	13,	„	1.
S. ½	„	6,	„	2.

The Committee advise approval.

(Signed) CHAS. E. POOLEY,
President of Executive Council.

Approved 15th July, 1891.
(Signed) HUGH NELSON,
Lieutenant-Governor.

HUGH NELSON.

GOVERNMENT HOUSE, VICTORIA,
15th July, 1891.

On the recommendation of the Honourable the Chief Commissioner of Lands and Works, His Honour the Lieutenant-Governor, by and with the advice of the Executive Council, has been pleased to order, and it is hereby ordered, that the following parcels of land situated in Range 5, Coast District, and in the vicinity of Port Simpson, be and are hereby reserved from sale or settlement :—

S. ½	Section	1,	Township	1.
S. E. ¼	„	2,	„	1.
E. ½ N. W. ¼	„	11,	„	1.
N. E. ¼	„	11,	„	1.
N. ½	„	12,	„	1.
N. ½	„	13,	„	1.
S. ½	„	6,	„	2.

(Signed) A. CAMPBELL REDDIE,
Deputy Clerk, Executive Council.

Lands and Works Department,
Jul. 18, 1891.
Victoria, B. C.

2760/91

VICTORIA, B. C., July 16th, 1891.

Honourable F. G. Vernon,
Chief Commissioner of Lands and Works,
Victoria.

SIR,—Enclosed we beg to hand you an account of our disbursements in connection with the lands we applied for, situated at Fort Simpson, with Messrs. Gray & Devereux's bill for surveying same; if found in order we will be glad to have a cheque for $876.00 to cover.

We are, Sir,
Your obedient servants,
(Signed) J. P. DAVIES & Co.
F. E.

VICTORIA, B. C., July 15, 1891.

Lands & Works Department
To J. P. Davies & Co., Auctioneers, &c.

Jan. 27th, 1891,

To depost, Fort Simpson lands	$100 00
,, 10 % on 1,760 ac., account Fort Simpson lands	176 00
Survey account, Gray & Devereux	600 00
	$876 00

J. P. Davies & Co.
To Gray & Devereux, Civil Engineers, Dr.

April, 1890.

Account survey on the Tsimpean Peninsula, Fort Simpson, being 20 miles, at the rate of $30 per mile		$600 00
By cash J. Gray	100 00	
,, F. A. Devereux	400 00	
		500 00
Balance		100 00

Received in full,
(Signed) J. H. GRAY.

On a memorandum from the Honourable the Chief Commissioner of Lands and Works, dated 20th July, 1891, reporting that it is desirable in the public interest that Crown lands in the vicinity of Port Simpson should be withdrawn from sale for the present, and recommending that the Order in Council, dated 30th April, 1891, authorizing the sale of said lands at public auction be rescinded, and that all the vacant Crown land which is situated in townships one and two, range five, Coast District, be reserved from sale or pre-emption until further notice.

The Committee advise approval.

(Signed) CHAS. E. POOLEY,
President of Executive Council.

Approved 21st July, 1891.
(Signed) HUGH NELSON,
Lieutenant-Governor.

HUGH NELSON.

GOVERNMENT HOUSE, VICTORIA,
21st July, 1891.

On the recommendation of the Honourable the Chief Commissioner of Lands and Works, His Honour the Lieutenant-Governor, by and with the advice of the Executive Council, has been pleased to order, and it is hereby ordered, that the Order in Council, numbered 177, approved on the 13th day of May, 1891, authorizing the sale of certain Crown lands, situated in the vicinity of Port Simpson, by public auction be and is hereby rescinded; and further, that all the vacant Crown lands which is contained in Townships 1 and 2, Range 5, Coast District, be and are hereby reserved from sale or pre-emption until further notice.

(Signed) A. CAMPBELL REDDIE,
Deputy Clerk, Executive Council.

On a Memorandum from the Honourable the Attorney-General, dated the 23rd July, 1891, recommending that all Orders in Council, and public documents, and evidence dealing with or referring to certain lands in the vicinity of Port Simpson, heretofore authorized to be sold at public auction by Order in Council dated 30th April, 1891, and afterwards withdrawn from sale and reserved from sale or pre-emption—be made public.

The Committee advise approval.

(Signed) CHAS. E. POOLEY,
President Executive Council.

Approved, 23rd July, 1891,
HUGH NELSON,
Lieutenant-Governor.

HUGH NELSON.

GOVERNMENT HOUSE, VICTORIA,
23rd July, 1891.

On the recommendation of the Honourable the Attorney-General, His Honour the Lieutenant-Governor, by and with the advice of the Executive Council, has been pleased to order, and it is hereby ordered, that all Orders in Council, and public documents, and evidence dealing with or referring to certain lands in the vicinity of Port Simpson, heretofore authorized to be sold at public auction, by Order in Council dated the 30th day of April, 1891, and afterwards withdrawn from sale and reserved from sale or pre-emption—be made public.

(Signed) A. CAMPBELL REDDIE,
Deputy Clerk, Executive Council.

Lands and Works Department,
25 July, 1891.
Victoria, B. C.

2849/91

VICTORIA, B. C., 24th July, 1891.

Hon. F. G. Vernon, C. C. L. & W.,
Victoria.

RE PORT SIMPSON LANDS.

SIR,—I have the honour to acknowledge the receipt of yours of the 2nd inst. in reply to my letter of 29th May, and not 29th June, as stated by you.

Upon three occasions I have by letter requested you to be good enough to send me a copy of your decision as the judge in the matters which were submitted to you for investigation and decision, and so far I have failed to get a reply to my request. As judge you were bound to decide the matter at issue. That you have decided the question we have no official knowledge, although our opponents seem to know all about it. It must occur to you, that my clients, as litigants, having appeared before you and submitted their case to you for decision as judge, are fairly, justly and properly entitled to be informed by you what conclusion you arrived at, with the reasons (if any) upon which your conclusions are based. Suitors in the face of an adverse judgment always get the judge's reasons, so that they may form their own opinion on the matter and govern themselves accordingly.

You will no doubt remember that when we appeared before you it was in public, and our claims were fully proved, they were not opposed, and the only objections I have any knowledge of have been raised by yourself. Further, our opponents admitted their non-compliance with the land laws, and refused to give any evidence in support of their claim. I would like to be informed whether you heard any of our opponents in support of their claims after the date of the investigation, and before you decided the matter?

In the face of the above you cannot fail to see how anxious my clients are to have a copy of your judgment in order to learn how you reject their evidence as valueless, there being no other evidence before you, to the best of their knowledge.

We do not understand what you mean by the words "No right having been established by any of the applicants to the land in dispute."

Do you mean that as the surveys of the land had not been accepted by the Department, and the remaining 90 per cent. of the purchase money had not been fully paid, that the applicants had no right to the land?

Or do you mean that my clients did not comply with the requirements of the Land Act? Our opponents admitted that they had not so done.

If you mean the latter, will you kindly point out in what respect my clients failed, in your opinion, to comply with the statute.

As my letter of 29th May contained merely a recital of the facts of the case as they actually occurred, I regret that you should think them inaccurate, perhaps you have forgotton what took place, not having taken notes thereof. May I again request a copy of your judgment.

Yours truly,
(Signed) THORNTON FELL.

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Vol. 37
VICTORIA, B.C., July 31st, 1891.

RE PORT SIMPSON LANDS.

SIR,—I have the honour to acknowledge the receipt of your letter of the 24th inst., which abounds in misstatements.

The lands claimed by your clients had already been applied for by Messrs. Davies and others under whose applications the same have been surveyed, but who were not allowed to complete their purchase, because upon investigation it transpired that the provisions of the "Land Act" had not been followed.

When your clients' claims came to be investigated they were likewise shown to be not in accordance with the Act, for instance:—

In the case of Alexander, Hall and others for 412 acres, the claim overlapped 240 acres alienated by Crown grant prior to the date of the notice of intention to apply.

In the case of Mr. Bolton's application for 520 acres, his initial post was planted upon land already alienated by Crown grant, and his application included 80 acres of land previously alienated by Crown grant. The description in Mr. Bolton's Gazette notice is not in accordance with the measurements set forth in the "Land Act."

In Mr. Green's claim to purchase 550 acres, his application sent into the Land Office was not in accordance with his Gazette notice. His descriptions were not in accord in the measurements set forth in the "Land Act," 80 chains in length being the longest line allowed, whereas Mr. Green's lines extend in one direction 120 chains and in another 93 chains. The application also includes land alienated by Crown grant prior to the date of the notice.

In the case of Hopkins and Green's claim, their measurements were 160 chains east and west, whereas the "Land Act" permits only 80 chains. The position of the initial post is not on the land but in Works Channel. M. King also applied for 320 acres of the same ground.

In the case of Alexander and others for 1,280 acres, the land applied for extends 120 chains north, when the Act only permits 80 chains. There are about 400 acres of Works Channel included in this application, and the position of the initial post, as located by the Gazette notice and as shown on the application sent to the Land Office, do not agree.

LEGISLATIVE ... BRITISH COLUMBIA.

Under all the circumstances of the case, it was at that time deemed to be most in the public interest that the land should be offered for public competition, which was done accordingly; but before the time fixed for the sale, circumstances pointed to the advisability of the lands being altogether withdrawn from sale or settlement, and hence the same were duly reserved.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) F. G. VERNON,
Chief Commissioner of Lands and Works.

Thornton Fell, Esq.,
Barrister-at-Law,
Victoria.

VICTORIA, B. C.:
Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.