RETURN

To an Order of the House for a Return showing the application of E M. Johnson, Esq. (on behalf of Miss Davey, of Victoria), for certain lands near Grand Forks, covered by the record of Ruckle Bros., of that place, and also of all correspondence connected therewith.

GEO. B. MARTIN,
Chief Commissioner of Lands and Works.

Lands and Works Department,
17th March, 1897.

VERNON, B.C., March 30th, 1896.

B. H. John, Esq.,
Chief Clerk of the L. and W. Dept., Victoria, B.C.:

SIR,—An application has been received from Mrs. G. L. Davey by her attorney-in-fact, Mr. E. M. Johnson, of Victoria, to purchase 85 acres of land, as shown in the inclosed sketch, lying north of Kettle River and west of lot 328, Osoyoos District.

The application is under clause 9 of the "Land Act Amendment Act, 1895." Kindly inform me as to whether this piece of land is deemed to be surveyed.

I have, etc.,
LEO. NORRIS,
Government Agent.

VICTORIA, B.C., April 2nd, 1896.

SIR,—I have the honour to acknowledge the receipt of your letter of the 30th ultimo, respecting an application received by you from Mrs. G. L. Davey, by her attorney-in-fact Mr. E. M. Johnson, to purchase 85 acres of land lying north of Kettle River and west of Lot 328, Oosyoos District.

In reply to your inquiry, I beg to say that the tract of land referred to has not been Gazetted as surveyed, and is deemed to be unsurveyed.

I have, etc.,
B. H. JOHN,
Chief Clerk.

L. Norris, Esq.,
Government Agent, Vernon, B.C.

VERNON, B.C., April 18th, 1896.

Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B.C.

SIR,—I have the honour to report the application of Mr. E. M. Johnson, of Victoria, acting for (Mrs.) G. L. Davey, to purchase, under clause 9 of the "Land Act amendment Act, 1895," 75 acres of land on Kettle River, lying west of Lot 328 and south of Lot 493, and beg to be advised therein.

The facts I apprehend are as follows:—

On the 7th December, 1891, E. & F. Ruckle pre-empted some land lying south of the land in question (Record No. 1208). The sketch plan on the back of the record while in some respects misleading shows the claim to have extended across the Kettle River, east of Grand Forks. This claim was surveyed and Gazetted on the 22nd June, 1893, as Lot 534. The official sketch plan of this lot shows the survey to have established Kettle River as the northern boundary and to have eliminated the land applied for by Mr. Johnson.

But Ruckle Bros. evidently still think it is included in their claim. In 1894, when the high water washed away the Government road where it runs along the river bank, through this lot, the road had to be moved up on the bench, and at that time the land was fenced and a crop of wheat growing on it. Last October, when there were funds available, the question came up of moving the road from the bench to the river bank to avoid the hill. I went to Grand Forks to look into the matter, and decided that the old road should be rebuilt. Ruckle Bros. complained bitterly of the hardships the changes were inflicting on them. They said the first change made by Schubert had destroyed their crop of wheat, and the second change would cut off from water that part of their ranch, and it was only after the townsite people of Grand Forks came forward and made an arrangement with them that they consented to have the old road reconstructed.

This is the land Johnson wants to buy for one dollar per acre. It seems to me the matter should be investigated to some extent before the Certificate of Purchase is issued, as it would give Ruckle Bros. reasonable ground for complaint if they have a crop on the land and it is sold away from them without giving them a chance to defend their right to the fences, cereals, etc., on it, especially as Mrs. Davey's interests will not be prejudiced in any way. The application bears on the face of it an acknowledgment that it was received at this office on the 27th March, and no subsequent application can affect it.

Documents enclosed:

Sketch plan of land.

Copy of Mr. Johnson's letter of the 14th instant.

Copy of reply thereto.

Mrs. Davey's application.

Dom. Express Co.'s Money Order A, No. 78554, $50.00.

" " " " 78555, 25.00.

I have written to Midway for information, and the mail from there will reach here on the 23rd instant, after which date I will have further information. As a suggestion, Mr. Johnson might be advised to withdraw this application and make another under the new land regulations which admits of land of different grades being purchased and the advertisement for which would give Ruckle Bros. due notice.

I have, etc.,

LEONARD NORRIS,

Government Agent.

[ENCLOSURES.]

VERNON, B.C., April 14th, 1896.

Leonard Norris, Esq.,

Government Agent, Vernon, B.C.

DEAR SIR,—Replying to yours of the 11th instant (No. as above) as to application to purchase 75 acres, etc., and that it had been reported that the land in question is agricultural land, etc.

I enclose you a copy of the Official Map taken from the Lands and Works Department, showing the 75 acres to be hill land, and I have to report that I have inspected the sworn field-notes of Mr. Coryell the surveyor, as to sections 493 and 328, they show the land applied for as hillside and open pasture, a small piece at the upper end—I know the land myself from my own inspection of the fence put up by occupier of Section 328. It is in no sense agricultural land, and the assertion that it has been fenced and cropped is not true. The hills are above the trail, below is the bank sloping down to the river, in one place I remember quite a precipice. Be good enough to refer this matter to the Department here, with the receipt of the purchase money; we have full and official information, and the matter can be easily adjusted by the Chief Commissioner. I am advised that the Chief Commissioner will allow me to copy the field-notes of Sections 493 and 328, if you doubt the above.

E. M. JOHNSON,

Per G. L. Davey.

VERNON, B.C., April 18th, 1896.

E. M. Johnson, Esq.,
Notary Public, Conveyancer, etc., Victoria, B.C.:

SIR,—I have the honour to acknowledge the receipt of your letter of the 14th instant, referring to the application of (Mrs.) G. L. Davey, to purchase under Clause 9, of the "Land Act Amendment Act, 1895," 75 acres of land on Kettle River, lying west of Lot 328 and south of Lot 493, and enclosing sketch plan of same.

In reply I beg to say that as desired I have forwarded the application to the Honourable Chief Commissioner of Lands and Works.

It is not necessary for you to make a copy of the field-notes in the Lands and Works in Victoria. I am perfectly willing to accept as correct the statements in reference thereto contained in your letter.

I have, etc.,
LEONARD NORRIS,
Government Agent.

CLAUSE 9, "LAND ACT AMENDMENT ACT, 1895."

SALE OF UNSURVEYED LAND ADJOINING HOMESTEAD.

Osoyoos, District of Yale, British Columbia.

VICTORIA, B.C., March 24th, 1896.

L. Norris, Esq.,
Commissioner of L. and W., Vernon, B.C.:

SIR,—I have the honour to inform you that I desire to purchase, under clause 9 of the "Land Act Amendment Act, 1895," seventy-five acres of unoccupied, unreserved, and unsurveyed Crown land, situate in the District of Yale, Osoyoos Division, adjoining the land upon which I am settled, which is described as follows: Commencing at the north-west corner of section 328, group 1; thence west along the south boundary of section 493, group 1, to the bank of the Kettle River, and thence south-easterly along the said bank of the said river to the west boundary of said section 328; thence north along said west boundary to the commencing point, and thereon coloured red.

The land applied for is indicated by the sketch plan which is drawn on the back of this application.

I enclose herewith $75, being the purchase money on the land desired.

I propose employing Mr. C. DeB. Green, P.L.S., to survey the same.

I have, etc.,
G. L. DAVEY,
By her attorney-in-fact,
E. M. JOHNSON.

DECLARATION.

I, E. M. Johnson, attorney-in-fact for G. L. Davey, of Kettle River, B.C., do solemnly declare that she is an actual settler on land east of the Cascade Range of mountains, that the land which she desires to purchase, under the above application, adjoins the land upon which she is settled, that it is unoccupied, unsurveyed and unreserved Crown land, and is unfit for cultivation, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act, 1893."

E. M. JOHNSON,
Attorney-in-fact for
G. L. DAVEY.

Declared before me at , this 24th day of March, A.D. 1896.

D. R. HARRIS,
Commissioner or J. P. in and for the Province of British Columbia.

NOTE.—The sum of $75.00, mentioned above, was received by me on the 27th day of March, 1896.

Certificate of Payment No. 1316.

LEONARD NORRIS,
Commissioner.

VERNON, B.C., April 24th, 1896.

Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B.C.:

SIR,—I have the honour to enclose herewith a copy of a letter received from Mr. W. G. McMynn, respecting the character of the land which Mr. E. M. Johnson applied to purchase on behalf of Mrs. Davey.

This application was the subject of my letter to you of the 18th instant.

Mr. McMynn's letter shows part of the land in question to be under cultivation and fenced.

I have, etc.,
LEONARD NORRIS,
Government Agent.

[ENCLOSURE.]

MIDWAY, B.C., April 18th, 1896.

Leonard Norris, Esq.,
Government Agent, Vernon, B.C.:

SIR,—In reply to your letter of the 7th April *re* Mr. E. M. Johnson's application to purchase, I beg to say that part of the land therein described is under cultivation and fenced. The land is partly timbered bottom land, partly bench land and steep rocky hills.

I have, etc.,
W. G. MCMYNN.

VERNON, B.C., April 27th, 1896.

W. S. Gore, Esq.,
Deputy Commissioner of L. and W., Victoria, B.C.:

SIR,—I have the honour to enclose herewith a copy of an affidavit made by Mr. Edward Ruckle, respecting 75 acres of land on Kettle River. An application to purchase this land was made by Mrs. G. L. Davey (per E. M. Johnson of Victoria), and Mrs. Davey's application was the subject of my letter to the Hon. Chief Commissioner of Lands and Works, dated 18th instant.

Mr. Ruckle desires to have the survey of Lot 534 amended so as to include the land in question.

I have, etc.,
LEONARD NORRIS,
Government Agent.

IN THE MATTER OF THE APPLICATION OF MRS. DAVEY, PER E. M. JOHNSON, TO PURCHASE 75 ACRES OF UNSURVEYED PASTORAL LAND ON KETTLE RIVER, AND IN THE MATTER OF A PROTEST ENTERED BY MESSRS. E. AND F. RUCKLE, AGAINST GRANTING SAID APPLICATION.

Edward Ruckle being duly sworn on his oath, saith as follows:—

I, Edward Ruckle, of Kettle River, and my brother, Francis Ruckle, pre-empted 640 acres of land on Kettle River, on the 7th December, 1891; such land was staked off according to the requirements of the Land Act. The first stake was at Robert Wasson's N.E. corner, the second stake was placed about 35 chains north of Kettle River, and the 3rd and 4th stakes respectively 80 chains west of the 1st and 2nd stakes.

On the land on the north side of Kettle River, I have at the present time 10 acres of wheat and garden stuff. It is fenced, all but about 10 acres, which lies between the road and the river. My brother and I have had a crop on this land every year for the past 4 years. There is a coral and about three-fourths of a mile of fencing on it built by us. I always supposed that this piece of land was included in the survey of our pre-emption. The loss of this part of our claim would mean a loss of at least $1,500.00 to us.

Our pre-emption record No. 1,208, calls for 640 acres, and the present survey only gives us 541 acres.

EDWARD RUCKLE.

Taken and sworn before me at Vernon, this 27th day of April, 1896.

LEONARD NORRIS,
Assistant Commissioner of L. & W.

VICTORIA, B.C., May 6th, 1896.

SIR,—Referring to your letters of the 18h, 24th and 27th ultimo, relating to Miss G. L. Davey's application to purchase, under clause 9 of the "Land Act Amendment Act, 1895," 75 acres of land in the Kettle River Valley, south of lot 493, group 1, that formed part of the land pre-empted by the Messrs. Ruckle in December, 1891, but which was excluded when the claim was surveyed, I have the honour to request you to instruct Mr. Wm. G. McMynn to make an examination and valuation of the improvements claimed to have been made upon the land by the Messrs. Ruckle, specifying the valuation, extent and nature of each improvement, and return his report to me at your earliest convenience.

I have, etc.,
W. S. GORE,
Deputy Commissioner of L. and W.

L. Norris, Esq., Govt. Agent, Vernon, B.C.

VERNON, B.C., May 29th, 1896.

W S. Gore, Esq,
Deputy Commissioner of L. and W., Victoria, B C.:

Re Mrs. Davey's Application.

SIR,—Referring to your letter of the 6th instant, in which it is desired that Mr. W. G. McMynn report on the improvements made on this land by Messrs. Ruckle Bros.

Mr. McMynn has written to say that he has not been able to get time to make an examination of these improvements, but will do so now without delay. Mr. McMynn's report will probably reach me about the 13th of next month.

I have, etc.,
L. NORRIS,
Government Agent.

VICTORIA, B.C., June 1st, 1896.

Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B.C.:

Re application G. L. Davey, 75 acres adjoining Section 328, Osoyoos Div., Yale District, B. C.

SIR,—I have the honour respectfully to request that you will, if advisable, inform me if any reply has been received from the Government Agent at Vernon or otherwise, as to the valuation of the alleged improvements said to exist on the land applied for.

I am, etc.,
E. M. JOHNSON,
Agent for G. L. Davey.

VICTORIA, B.C., June 3rd, 1896.

Re G. L. Davey's application for 75 acres west of Lot 328, Osoyoos.

SIR,—I have the honour to acknowledge the receipt of your letter of the 1st inst., and in reply to your inquiry beg to say that I am just in receipt of a letter from our Agent at Vernon, in which he states that Mr. McMynn, who was instructed to examine and report on the improvements made by Messrs. Ruckle Bros., had not been able to get time to do so yet, but the matter will have his earliest possible attention.

I have, etc.,
W. S. GORE,
Deputy Commissioner of L. and W.

E. M. Johnson, Esq., Victoria, B.C.

VERNON, B.C., June 5th, 1896.

W. S. Gore, Esq.,
Deputy Commissioner of L. and W., Victoria, B.C.:

SIR,—I have the honour to enclose herewith Mr. McMynn's report on the value of the improvements on the land an application to purchase which was recently made by Mrs. G. L. Davey.

I have, etc.,
L. NORRIS,
Government Agent.

[ENCLOSURE.]

MIDWAY, Yale District, 30th May, 1896.

Leonard Norris, Esq.,
Government Agent, Vernon, B.C.:

Re Ruckle Bros. Pre-emption Claim.

SIR,—I beg to say that I have examined that portion of the above pre-emption claim lying north-easterly from Kettle River, and find that there is a good russell fence between it and Lot 493 on the north, value about $150.00. Running south from the north-east corner post, there is a post and wire fence with rails on top and about 30 chains in length, value about $100.00, and along the waggon road to connect these two fences is another fence made of rails, and fastened on leaning posts, value about $75.00. There is also a stockyard on this land made of rails, and about ten acres of land now under a grain crop. I would estimate the total value of the improvements on the whole of this piece of land to be about $350.00.

I have, etc.,
WM. G. MCMYNN.

Mr. Manly's Statement.

Russel fence $150.00. Northern boundary of land applied for by Miss G. L. Davey is the property of Mr. Jno. Manly, Grand Forks. Mr. Manly has received no payment for same, and so far has made no claim.

VICTORIA, B.C., June 9th, 1896.

Re G. L. Davey's application for 75 acres West of Lot 328, Osoyoos.

SIR,—Referring to my letter of the 3rd instant, I beg to enclose herewith a copy of a letter from the Government Agent at Vernon, also copy of report from Mr. McMynn, as to improvements made by Ruckle Brothers on the above land.

I have. etc.,
W. S. GORE,
Deputy Commissioner of L. & W.

E. M. Johnson, Esq., Victoria, B.C.

VICTORIA, B.C., June 10th, 1896.

Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B.C.:

Re G. L. Davey's application for 75 acres west of Lot 328, Osoyoos.

SIR,—Replying to your letter of the 9th instant covering copy of Mr. W. G. McMynn's report of the improvements on the above property, I have the honour to enclose Mr. Manly's letter with reference to the Russell fence between the land applied for and Lot 493, valued at $150.00. This fence is the property of Mr. Manly alone, as shown by his letter, and therefore would be deducted from the value of the improvements made by any former occupant of the land applied for. The fence on the western boundary of Lot 328, running south from the north-west corner post and east of the land applied for, is the property of the owners of Lot 328, has never been paid for in any way by anyone else, and has been lately repaired by the occupant of said Lot 328; therefore this also would be deducted from the value of the said improvements.

The balance, after deducting as above from the amount assessed by your officer, is $100.00, to be paid over in accordance with your decision, and I herewith enclose a check for that amount.

May I ask you to be good enough to direct the certificate of purchase to be issued by the Government Agent at Vernon at his earliest convenience.

I have, etc.,
E. M. JOHNSON,
Agent for G. L. Davie.

[ENCLOSURE.]

VICTORIA, B.C., June 9th, 1896.

Mr. E. M. Johnson, Victoria, B. C.:

DEAR SIR,—With reference to the fence running along the south boundary of section 493 and the northern boundary of the 75 acres shewn on the sketch as applied for, the said fence from the Kettle River extending eastward belongs to me. It is a Russell fence. I put it up, and have not been paid by anyone in respect of it, nor have I made any demand on anyone for any payment. My fence is shown on the fence thus: XXXXX.

Yours truly,
JOHN A. MANLY.

VICTORIA, B. C., June 16th, 1896.

SIR,—I have the honour to acknowledge the receipt of your letter of the 5th inst., enclosing Mr. W. G. McMynn's valuation of the improvements made upon the 75 acres of land applied for by Miss G. L. Davey, under clause 9 of the "Land Act Amendment Act, 1895," and which the Messrs. Ruckle Brothers claim under the record of pre-emption granted them on the 7th December, 1891.

In reply, I beg to say that a copy of Mr. McMynn's valuation was sent to Mr. E. M. Johnson, Miss Davey's agent, and he has furnished the Department with a statement signed by Mr. John A. Manly to the effect that the Russell fence running along the south boundary of Lot 493 and the north boundary of the 75 acres applied for by Miss Davey was erected by him at his own expense. Mr. McMynn estimates the value of the fence at $150.00. Mr. Johnson states that "the fence on the western boundary of Lot 328, running south from the north-west corner post and east of the land applied for, is the property of the owners of Lot 328, has never been paid for in any way by anyone else, and has been lately repaired by the occupant of said Lot 328." The value of this fence is estimated by Mr. McMynn at $100.00. The total value of the improvements on the land is estimated by Mr. McMynn at $350.00. After deducting the value of the fences a balance of $100.00 is left for the improvements made by the Messrs. Ruckle. Miss Davey is quite willing to pay the Messrs. Ruckle $100.00 for any improvements they may have made on the land.

An examination of the field-notes of survey made by Mr. J. A. Coryell for the Messrs. Ruckle shows that they had the survey made in such a manner as to eliminate the portions lying on the north side of Kettle River and to include a portion on the south side of the river in lieu thereof.

The Messrs. Ruckle's request to have the survey amended, as intimated in your letter of the 27th April last, so as to include the land in question cannot be granted, and under the circumstances I see no reason for refusing the application of Miss Davey. You will therefore be good enough to issue a certificate of purchase in her favour for the land.

I return herewith the application and the money order enclosed with your letter of the 18th April last.

Miss Davey's agent has deposited with this Department a cheque for $100.00 to recoup the Messrs. Ruckle for any improvement made by them, and I enclose it herewith endorsed to your order. You will please make it payable to them and take their receipt for the amount as payment for the aforesaid improvements and forward the receipt to me.

I have, etc.,

GEO. B. MARTIN,

Chief Commissioner of L. and W.

L. Norris, Esq.,
Government Agent, Vernon, B. C.

VERNON, B.C., June 29th, 1896.

Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B.C.:

SIR,—I have the honour to acknowledge the receipt of your letter of the 16th instant, *re* application to purchase of Miss G. L. Davey, under clause 9 of the "Land Act Amendment Act, 1895," enclosing Miss Davey's application.

E. M. Johnson's cheque for	$100.00.
Dominion Express Money Order	50.00.
" " " "	25.00.

The instructions contained in your letter will be carefully carried out. I have just returned from Kettle River, otherwise this matter would have been attended to at an earlier date.

I have, etc.,

L. NORRIS,

Government Agent.

VICTORIA, B.C., 26th June, 1896.

Leonard Norris, Vernon:

Please expedite business referred to the Chief Commissioner's letter 16th instant, *re* Miss Davey's application made by E. M. Johnson.

W. S. GORE.

GRAND FORKS, B.C., July 4th, 1896.

The Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B. C.:

SIR,—*In re* Lot 534, Osoyoos Division of Yale District, B.C., the pre-emption claim of Messrs. Ruckles Brothers, they have shown me a letter from the Assistant Commissioner at Vernon, dated June 29th, stating that a portion of their pre-emption claim had been sold to a Miss Davey, and that you had decided against them. The plain facts of the case are that the land in dispute is part of the 640 acres applied for in their record, it was fenced, occupied and partly cultivated by the Ruckles Brothers since 1892, and each successive year to date. About 1893, I surveyed their pre-emption claim for them, and included the land in dispute in their survey. Why this land in question has been excepted from the Ruckles Brothers is past understanding, unless Mr. Latimer, whom I employed to make the map return for your Department should have omitted to include this in colouring the boundaries. To everyone acquainted with the case here, it is clearly an act of injustice, which I am certain your Depart-

ment have no intention of dealing, when fully acquainted with the facts of the case. Why could it not be tried by jury before Mr. McMynn, where all the evidence could be taken. A mistake is made in the acreage return allowed upon the certificate of improvements, originating where, I cannot tell, but there can be no question that Ruckles Brothers are entitled to the land. Mr. Norris explained to Mr. Ruckles, at the time of the latter applying for a certificate of improvements, that only the *water area* of Kettle River only was deducted from the land applied for, making 541 acres. It is clearly a mistake in either the map of survey returned or in the Assistant Commissioner's Office at Vernon, but should not prejudice the right of the Ruckles Brothers to the land, as a full inquiry will clearly show.

I have, etc.,

JOHN A. CORYELL.

VICTORIA, B.C., July 28th, 1896.

SIR, – I have the honour to acknowledge the receipt of your letter of the 4th inst., on the subject of the land applied for by E. M. Johnson for Miss Davey, which the Ruckle Brothers claim as part of their pre-emption.

In reply I beg to advise you that in the plan accompanying the field-notes of survey furnished this Department by you, of the Messrs. Ruckle Brothers pre-emption, shows clearly that the portion of the land lying on the north side of Kettle River was eliminated; your estimated acreage also indicates that the portion now claimed by these gentlemen was omitted. It is also ascertained that a small parcel of ground on the south side of Kettle River, which was not covered by the pre-emption record, was included within the surveyed boundaries in lieu of the portion on the north side.

It is also found that Messrs. Ruckle are assessed for a less area than 640 acres; that they have paid no taxes for several years past; that when they made a payment of part of the purchase money due on their pre-emption they did so on the area computed by you as 541 acres.

Before instructions were given to Mr. Norris to accept Miss Davey's application to purchase, and to issue a Certificate of Purchase in her favour for the land, the claim put forward by the Messrs. Ruckle Bros. that the land formed part of their pre-emption as surveyed by you was carefully investigated, and it was found that their contention could not be upheld.

The sale to Miss Davey was made subject to the payment to the Messrs. Ruckle Brothers of $100.00, for improvements made on the land.

I have, etc.,

GEO. B. MARTIN,

Chief Commissioner of L. and W.

J. A. Coryell, Esq., P.L.S.,
Grand Forks, B.C.

GRAND FORKS, July 4th, 1896.

Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B. C.:

SIR,—I am in receipt of a letter from Mr. Norris, asking me to sign a receipt for $100 to relinquish our right to a portion of our pre-emption claim at Grand Prairie, Kettle River, and this I must refuse to do. He states that you have decided against us. We know that you are not fully acquainted with all the facts, or you could not give such a decision without taking the whole claim from us. Could you not leave it to a jury trial before Mr. McMynn or the Gold Commissioner? where all the evidence bearing on the case can be taken, or look further into our right to the land. We also received a letter from E. M. Johnson ordering us to leave the crop we cultivated and sowed on the land in dispute. We have cultivated about 10 acres since 1892 without interruption, and we have occupied the land and improved it as much as any other portion of our claim.

I am, etc.,

RUCKLES BROTHERS.

VICTORIA, B. C., July 28th, 1896.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 4th inst., respecting the piece of land applied for by Mr. E. M. Johnson for Miss Davey, which you claim is included in your pre-emption.

In reply, I beg to advise you that the plan accompanying the field-notes of survey of your pre-emption furnished this Department by Mr. Coryell shows clearly that the portion of the land lying on the north side of Kettle River was elimenated—his estimated acreage also indicates that the portion now claimed by you was omitted. It is also ascertained that a small parcel of ground on the south side of Kettle River which was not covered by your pre-emption record was included within the surveyed boundaries in lieu of the portion on the north side.

It is also found that you are assessed for a less area than 640 acres; that you have paid no taxes for several years past; that when you made a payment of part of the purchase money due on your pre-emption you did so on the area computed by Mr. Coryell as 541 acres.

Before instructions were given to Mr. Norris to accept Miss Davey's application to purchase and to issue a certificate of payment in her favour for the land, the claim put forward by you that the land formed part of your pre-emption as surveyed by Mr. Coryell, was carefully investigated, and it was found that your contention could not be upheld.

The sale to Miss Davey was made subject to the payment to you of $100.00 for improvements made on the land.

I have, etc.,

GEO. B. MARTIN,

Chief Commissioner of L. and W.

Messrs. Ruckle Brothers,
Grand Forks, B.C.

GRAND FORKS, B. C., July 10th, 1896.

G. B. Martin,
Chief Commissioner of Lands and Works, Victoria, B. C.

SIR,—Ruckles Bros., of this town, have instructed me to write to you and protest against the sale of a portion of their pre-emption lying across the North Fork of Kettle River, and being on the north side of the river to E. M. Johnson, of Victoria, who is applying to purchase this land on behalf of one Miss Davey. This land was pre-empted by the Ruckles Bros. in '91 or '92, and was surveyed in '93 by John Coryell, P.L.S.

Also enclosed please find Statutary Declaration of Mr. Coryell, P.L.S., to the effect that the land recently applied for purchase by E. M. Johnson is part of the pre-emption surveyed by him for the Ruckles Bros. in the year '93.

I will also in a few days forward protests from persons who have located mineral claims on the land in dispute, subsequent to Ruckles' pre-emption, and prior to E. M. Johnson's application to purchase.

I may further say that I have known the Ruckles Bros. since the date of record, and know that the land in dispute is enclosed in their fence and partially under cultivation, and I would consider it a distinct act of injustice to refuse Ruckles Bros. application for the land in dispute.

I have, etc.,

PETER T. MCCALLUM.

[ENCLOSURE.]

And whereas, by virtue of the Statutes of the 5th and 6th years of the reign of King William the Fourth, Chapter 62, certain persons therein mentioned are authorised and empowered to take declarations in lieu of oaths and affidavits;

Be it further enacted that from and after the passing of this Act, all persons now or hereafter by law authorised or empowered to take declarations, shall take and administer such declarations in the following form:—

I, John A. Coryell, Provincial Land Surveyor, do solemnly and sincerely declare that I surveyed the land applied for by E. M. Johnson for Miss Davey as part of Ruckles Brothers' pre-emption claim in the year A. D. 1893, and that this land was part of the claim included in the pre-emption record.

And I make this solemnly and conscientiously believing the same to be true, and by virtue of the "Oaths Act," R. L. No. 110, s. 5.

Declared before me at Grand Forks, in the Province of British Columbia, this 10th day of July, A. D. 1896.

[L.S.]

J. K. JOHNSON,
Notary Public.

JOHN A. CORYELL.

VICTORIA, B. C., July 25th, 1896.

SIR,—I have the honour to acknowledge the receipt of your communication of the 10th inst., enclosing a declaration made before you by Mr. J. A. Coryell, P.L.S., in which is set forth :—"I surveyed the land applied for by E. M. Johnson for Miss Davey as part of Ruckles Brothers' pre-emption claim in the year A. D. 1893, and that this land was part of the claim included in the pre-emption record."

In reply I beg to advise you that the plan accompanying the field-notes of survey furnished this Department by Mr. Coryell, shows clearly that the portion of the land lying on the north side of Kettle River was eliminated; his estimated acreage also indicates that the portion now claimed by the Messrs. Ruckle Brothers was omitted. It is also ascertained that a small parcel of ground on the south side of Kettle River, which was not covered by the pre-emption record, was included within the surveyed boundaries in lieu of the portion on the north side.

It is also found that the Messrs. Ruckle are assessed for a less area than 640 acres; that they have paid no taxes for several years past; that when they made a payment of part of the purchase money due on their pre-emption, they did so on the area computed by Mr. Coryell as 541 acres.

Before instructions were given to Mr. Norris to accept Miss Davey's application to purchase, and to issue a Certificate of Payment in her favour for the land, the claim put forward by the Messrs Ruckle Bros. that the land formed part of their pre-emption as surveyed by Mr. Coryell was carefully investigated, and it was found that their contention could not be upheld.

The sale to Miss Davey was made subject to the payment to the Messrs. Ruckle Brothers of $100.00, for improvements made on the land.

I have, etc.,
GEO. B. MARTIN,
Chief Commissioner of L. and W.

Peter T. McCallum, Esq., J.P., Grand Forks, B.C.

KETTLE RIVER, B.C., July 23rd, 1896.

The Hon. the Chief Commissioner of L. and W.,
Victoria, B.C.:

DEAR SIR,—I hope you will forgive the extreme liberty involved in my writing you on the following subject, for it has become of local interest, as it threatens the rights of every settler not secured by Crown Grant. I refer to the purchase of part of the Ruckles Brothers' pre-emption by Miss Davie. It is a well established fact here, and by their record, as made in the Vernon Office on the 7th day of December, 1891, that the piece of land purchased by Miss Davey, belongs to the Ruckles Brothers, and was supposed to have been surveyed according to that pre-emption record.

Now it crops up that through an oversight of the Ruckles Brothers, they have failed to point out a discrepancy of 99 acres that had been taken off their 640 acres, they being under the impression that that amount was taken off the 640 acres, as lying under the river, whereas, only some 24 acres, or thereabouts, should have been struck from their pre-emption on that account.

Living under this impression, they never dreamed that they were losing the most valuable part of their ranch when they paid their first instalment, together with interest, on December 16th, 1895, on only 541 acres of land.

As I understand this purchase has been made under Section 9 of the Land (Amendment) Act, 1895, I would esteem it a favour if you would allow me to point out that there are over 30 acres of land well fitted for cultivation on this purchase, and that 10 acres of it have continually been under cultivation since 1892, also that the situation of the land in question, its close proximity to the Town of Grand Forks, would make even 10 acres of it placed under garden stuff of very considerable value, so that, taking the above into consideration, the sequence must be that there has been more or less misrepresentation in the purchase thereof.

I was handed a letter by the elder Mr. Ruckles, signed by E. M. Johnson, as agent for Miss Davey, and addressed to the Ruckles Brothers, in which Mr. Johnson forbade them to even take their crop off the piece of land in question.

The most of the ground is covered by mineral locations, there being one full and two parts of mineral locations on it.

Believing that you will pardon my presumption, and that your love of fairplay will set this matter right,

I have, etc.,

S. RUSSEL ALMOND.

VICTORIA, B.C., August 10th, 1896.

SIR,—I have the honour to acknowledge the receipt of your letter of the 23rd ultimo, on the subject of the purchase by Miss Davey, of a piece of land on Kettle River, claimed by the Ruckle Brothers as part of their pre-emption.

I have, etc.,

G. B. MARTIN,

Chief Commissioner of L. and W.

S. Russel Almond, Esq., Kettle River, B.C.

MIDWAY, B. C., 14th August, 1896.

Hon. G. B. Martin,
Chief Commissioner L. and W., Victoria, B. C.:

SIR,—About the 23rd of April of this year I did at Osoyoos make an application to pre-empt a piece of land on Kettle River, which lies north of the main river and east of the North Fork of Kettle River.

When I made the application I stated that if this land was included in Messrs. Ruckle Brothers' survey and belonged to them I did not want to have anything to do with it, but I maintain that no one has a right to buy the land referred to, and if the land does not belong to the Messrs. Ruckle Brothers I consider my application to pre-empt the same valid.

I am, etc.,

JAMES KERR.

VICTORIA,, B. C., August 20th, 1896.

SIR,--I have the honour to acknowledge the receipt of your letter of the 14th inst., and in reply I beg to say that the piece of land situated on the north side of Kettle River, bounded on the east by Lot 328 and on the north by Lot 493, was covered by the pre-emption record granted to Messrs. Ruckle Brothers, but was eliminated when surveyed and a small area on the south side taken in lieu thereof. The parcel of land above described has been sold to Miss G. L. Davey under an application to purchase made on her behalf on the 27th March last. The application was made under authority of clause 9 of the "Land Act Amendment Act, 1895," and was received by Mr. Norris, the Assistant Commissioner of Lands and Works for Osoyoos District, on the 27th March last.

Applications for lands in Osoyoos District must be made to Mr. Leonard Norris, Assistant Commissioner for the District, otherwise they cannot be recognised. In any event, Miss Davey's application takes precedence to any application made by you.

I have, etc.,

GEO. B. MARTIN,

Chief Commissioner of L. and W.

James Kerr, Esq., Midway B. C.

August 22nd, 1896.

B. H. John, Esq.,
Chief Clerk of the L. & W. Department,
Victoria, B. C.:

SIR,—I beg to forward herewith enclosed the application of Miss G. L. Davey for 75 acres on Kettle River, under clause 9 of the "Land Act Amendment Act, 1895."

I have, etc.,
L. NORRIS,
Government Agent.

GRAND FORKS, B. C., September 1st, 1896.

The Hon. Chief Commissioner of L. & W.,
Victoria, B. C.:

SIR,—*In re* the dispute between ourselves and E. M. Johnson about part of our pre-emption claim, we find from the surveyor that Mr. Latimer was employed by him to make the tracings for the field-notes returned to the Department, and the piece of land in dispute was omitted contrary to his instructions and knowledge through error, and we have therefore been in ignorance of it. Under the circumstances, can you not allow us to have a re-survey according to our record?

We have, etc.,
RUCKLE BROS.

VICTORIA, B. C., September 14th, 1896.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 1st inst., and in reply beg to say that a Crown grant of the land to which you refer has been issued to Miss Georgina Louisa Davey.

I have, etc.,
GEO. B. MARTIN,
Chief Commissioner of L. and W.

Messrs. Ruckle Bros., Grand Forks, B. C.

VICTORIA, B. C., September 4th, 1896.

The Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B. C.:

DEAR SIR,—Enclosed I forward Crown grant fee, $5.00, for land purchased by Georgina Louisa Davey, as per certificate of purchase No. 1,316, which I also herewith enclose.

The amount appearing paid, as per receipt appended to the certificate, is $75.00. This I believe is somewhat in excess, as on survey it is shown the piece of land contains about 67 acres. May I ask you to be good enough to order that the excess payment, if any, be refunded to the purchaser.

Yours obediently,
G. L. DAVEY,
per E. M. Johnson, her Attorney-in-Fact.

GREENWOOD, B. C., September 5th, 1896.

SIR,—Will you kindly send me a copy of the field-notes of the survey of our pre-emption claim on Kettle River, or of the *north* and *east* boundary, to my address at Grand Forks, Kettle River, B.C.

Yours respectfully,
RUCKLES BROS.,
Per E. Ruckles.

VICTORIA, B.C., September 15th, 1896.

GENTLEMEN,—As requested by your communication of the 6th inst., I have the honour to enclose herewith copies of the original field-notes of the north and east boundaries of your lot situated on Kettle River, surveyed by Jno. A. Coryell. I also attach a copy of the tracing accompanying the field-notes.

Trusting they may prove satisfactory,

I have, etc.,
TOM KAINS,
Surveyor-General.

Messrs. Ruckles Bros., Greenwood, B.C.

ARMSTRONG, B. C., 12th Sept., 1896.

The Hon. G. B. Martin, Esq.,
Chief Commissioner of L. and W., Victoria, B. C.

DEAR SIR,—Whilst on a trip recently through the Kettle River country, I was spoken to by E. & F. Ruckle with regard to land then held by them, a portion of which E. M. Johnson, of Victoria, has applied to purchase. I went into the matter pretty fully with them, and find that their record calls for 640 acres of land. Mr. Coryell, who surveyed the land, tells me that he made field-notes and surveyed for them the whole 640 acres. He blames himself to some extent for the trouble, but says that he was called hurriedly from Vernon, and turned over his field-notes to Mr. Latimer to make the plan of the land for him and forward to your department, and that he paid no further attention to the matter until this trouble arose. He thinks that Mr. Latimer committed the mistake, from the fact of a small portion of the pre-emption to the north of them (the balance of which is on the north side of Kettle River) being included in their land, thus seemingly making Kettle River the boundary of their land, and it was plotted by Mr. Latimer on that assumption. The land to the north had been surveyed at the expense of the owners, and it seems that they voluntarily elected not to cross Kettle River, considering the small strip on Ruckle's side not worth troubling with, thus leaving a fraction of Government land on the south side of the river, which Mr. Coryell included in Ruckle's pre-emption whilst surveying the same. Mr. Coryell is now sending for his field-notes in order to show how the mistake occurred, and that the whole 640 acres had been surveyed by him in their behalf. It is true that they have not been paying taxes on 640 acres since the land was surveyed, but they were under the impression that a liberal allowance had been deducted on account of the Kettle River and a slough passing through their land, and that they have for the last four years been improving and cultivating a portion of the land applied for by E. M. Johnson, looking upon it as theirs. In consequence they ask that you refuse E. M. Johnson's application until such time as they can present the facts of the case fully before you. They say furthermore, that the application should be refused, if for no other reason than that it has been applied for as grazing land, whilst a portion of it has actually been under cultivation for several years, and also that the land is now covered by two mineral locations, upon one of which the assessment work for this year has already been done. Mr. Coryell thinks that the simplest and easiest way would be to grant permission for a re-survey of the land. I hope, at any rate, that you will be able in some way, to do justice to the Ruckle Bros., as the trouble has arisen, partly through their own ignorance, but chiefly through a mistake of the surveyors, altogether unintentional at that.

I remain, etc.,
DONALD GRAHAM.

P.S.—I neglected to take the number of the section, but as there has been some correspondence about the matter before now, you will know the land which I am referring to. D.G.

Record No. 1,208.
District of Yale.
Name of settler—Edward Ruckle, Francis Ruckle.
Date of Record—7th December, 1891.
No. of acres—640.
Situated—Kettle River; commencing at a post S.E. corner of R. Wasson's pre-emption and running thence 80 chains north, 80 chains west, 80 chains south, 80 chains east, to point of commencement.

W. DEWDNEY,
Assist. Com'r.

VICTORIA, B.C., September 21st, 1896.

SIR,—I have the honour to acknowledge the receipt of your communication of the 12th instant, in reference to the purchase by Miss G. L. Davey, through her agent Mr. E. M. Johnson, of a parcel of land on the north side of Kettle River, claimed by the Messrs. Ruckle Brothers as part of their pre-emption claim.

In reply, I beg to advise you that the parcel of land referred to has been sold to Miss Davey, and a Crown Grant thereof issued in her favour. I may say, however, that before the sale was authorised, a most searching investigation was made as to the Messrs. Ruckle's claim to the land, and it was found that although the record obtained by them embraced the land referred to and a portion of Lot 108—a Crown Grant of which was granted to Roger Moore on the 10th April, 1878—both parcels were eliminated when the pre-emption was surveyed by Mr. Coryell, and the south side of Kettle River adopted as their northern boundary.

The plan accompanying the field-notes of survey furnished the Department by Mr. Coryell, shows clearly that the portion of land lying on the north side of Kettle River was eliminated, his estimated acreage of the land surveyed also indicates that the portion now claimed by Messrs. Ruckle, was omitted. It was also found, that a small piece of land on the south side of the river, which was not included within the boundaries defined by the pre-emption record, was embraced within the surveyed boundaries in lieu of the portion on the north side of the river.

It is also found that the Messrs. Ruckle are assessed for a less area than 640 acres; that they have paid no taxes for several years past, that when they made payment of part of the purchase money due on their pre-emption, they did so on the area computed by Mr. Coryell as 541 acres.

The sale to Miss Davey was made subject to the payment to the Messrs. Ruckle Brothers of $100.00, for estimated value of improvements made on the land by them.

Miss Davey's application was made under Clause 9 of the "Land Act Amendment Act, 1895," and the sale authorised, subject to the payment to the Messrs. Ruckle Brothers of $100.00, the estimated value of the improvements made on the land by them.

This Department has no knowledge of any mineral claims having been located upon the land, and if so, no objection was made to the sale to Miss Davey.

Permission to resurvey the land as suggested by Mr. Coryell cannot be granted.

I have, etc.,

GEO. B. MARTIN,

Chief Commissioner of L. and W.

Donald Graham, M.P.P., Armstrong, B.C.

VERNON, B.C., October 20th, 1896.

W. S. Gore, Esq.,

Deputy Commissioner of L. and W., Victoria, B.C.:

SIR,—I have the honour to forward to you a receipt signed by Messrs. Ruckle Brothers of Kettle River, for $100.00 in payment of the improvements put on Lot No. 653, by them, prior to the application of Miss G. L. Davey to purchase it under Clause 9 of the "Land Act Amendment Act, 1895."

I have, etc.,

L. NORRIS,

Government Agent.

[ENCLOSURE.]

Received from Mr. L. Norris, Assistant Commissioner of Lands and Works at Vernon, the sum of $100.00, in payment of the improvements put by us on a parcel of land applied for by Miss G. L. Davey, under Clause 9 of the "Land Act Amendment Act, 1895," such parcel of land being more particularly described as a fanctional 75 acres, more or less, lying south of Lot 493 and east of Lot 328, on Kettle River.

EDWARD RUCKLE,

FRANCIS RUCKLE.

Received at Government Office, Vernon, 17th October, 1896.

LEONARD NORRIS,

Asst. Com. L. and W.

VICTORIA, B.C., October 5th, 1896.

Hon. G. B. Martin,
Chief Commissioner of L. and W., Victoria, B.C.:

Re Lot 653, Group 1, Osoyoos Division of Yale District, B.C.

SIR,—On my application for this property I paid in excess of purchase money the sum of $8.00.

Will you be good enough to have this amount refunded to me.

I have, etc.,
G. L. DAVEY.

VICTORIA, B.C., October 7th, 1896.

MADAM,—I have the honour to acknowledge the recept of your letter of the 5th inst., and in reply I send you herewith a voucher for $8.00, being a refund of over-payment made by you on Lot 653, Group 1, Osoyoos Division of Yale District, purchased under clause 9 of the "Land Act Amendment Act, 1895."

I have, etc.,
B. H. JOHN,
Chief Clerk.

Miss G. L. Davey,
Care of E. M. Johnson, Esq., Victoria, B.C.

VICTORIA, B. C., October 7th, 1896.

SIR,—I beg to inform you that a refund has been made to Miss G. L. Davey of $8.00 overpayment made by her on Lot 653, Group 1, Osoyoos Division of Yale District, purchased under clause 9 of the "Land Act Amendment Act, 1895." Be good enough to note the same on the records at your office.

I have, etc.,
B. H. JOHN,
Chief Clerk.

L. Norris, Esq.,
Gov't. Agent, Vernon, B. C.

VERNON, B. C., October 10th, 1896.

B. H. John, Esq.,
Chief Clerk of the L. & W. Department,
Victoria, B. C.

SIR,—I beg to acknowledge the receipt of your letter of the 7th instant intimating that the ($8.00) overpaid on Lot 653, Gp. 1, Osoyoos, by Miss G. L. Davey, has been refunded to her.

In accordance with your instructions I have altered the same in the books in this office.

I have, etc.,
L. NORRIS,
Gov't. Agent.

VICTORIA, B. C.:
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