

In letter of instructions for this survey dated April 16, 1925, Mr. Cokely was advised that further information relevant to the original survey should be obtained from Indian Commissioner Ditchburn and the provincial Surveyor General and that the Indian Agent would assist him in any way that he could.

Mr. Cokely's returns were received in 1925; they were examined and in memo on file dated February 26, 1926 they were reported as being found correct. Nothing further arose according to our files regarding this boundary until 1942 when Mr. Indian Agent Todd requested a copy of Mr. Cokely's resurvey.

Indian Commissioner MacKay in his letter dated September 3rd states that there was the possibility that Mr. Cokely made an error in his resurvey and if funds were available that he would recommend that the disputed boundary be checked by a surveyor, which would cost about \$100. He further states that the land involved is occupied by Whites who have buildings of some value on it. In this connection it is our opinion that a resurvey of the boundary in question will add nothing further than what we know now from Cokely's survey regarding the position of the east boundary of the reserve as claimed by the Indians. The British Columbia reference map No.69 shows Section 3 as having been Crown Granted. If this be the case then the Crown Dominion would no doubt have to litigate to obtain the land in question - 12 acres - if the Department were to support the claim of the Indians.

In view of the following points which are based chiefly on the foregoing it is our opinion that Mr. Cokely's position of the east boundary of the reserve should be accepted as the true east boundary unless Indian Commissioner MacKay or the Indian Agent knows of any special reason why another retracement survey should be made:

- (1) Because Section 3 was surveyed by the Provincial Government 15 years prior to the survey of the Indian Reserve and because its width was made 20 chains at the time.
- (2) Because if Mr. Cokely had established the east boundary of the reserve in the position claimed by the Indians it would have narrowed the width of Section 3 to about 14.82 chains.
- (3) Because Cokely's survey did not reduce the area of the reserve as shown on plan of original survey of the reserve by Jemmett in 1880.

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