

RETURN

To an Order of the House for a Return of all correspondence between the Government and any person or persons in relation to the acquisition of land in connection with the Loudoun and Blue Jay mineral claims, in Slocan, as a Crown Grant.

GEO. B. MARTIN,

Chief Commissioner of Lands and Works.

Lands and Works Department,

20th April, 1897.

VICTORIA, B. C., March 11th, 1897.

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

DEAR SIR,—I beg herewith to enclose the application of F. M. O'Brien for the purchase of Lot 816, Group 1, Kootenay, together with the field-notes (in duplicate) and a map of the land applied for.

Yours truly,

C. W. McANN,

for F. M. O'Brien.

DISTRICT OF KOOTENAY, BRITISH COLUMBIA, March 11th, 1897.

To the Commissioner of Lands and Works, Victoria, B. C.:

SIR,—I have the honour to inform you that I desire to purchase, under clause 12 of the "Land Act Amendment Act, 1896," acres of unsurveyed, unoccupied, and unreserved Crown land, situate in the District of Kootenay, in conformity with the notice published in the British Columbia Gazette, dated December 11th, 1897, and in the Kootenain newspaper, dated December 11th, 1897, and as indicated by the sketch plan which is drawn on the back of this application.

I enclose herewith \$15.00, being a deposit of 25 per cent. of the purchase money on the land desired.

I have employed Mr. C. A. Stoess, P.L.S., to survey the same.

I have, etc.,

F. M. O'BRIEN,

per C. W. McAnn.

PROVINCE OF BRITISH COLUMBIA, }

COUNTY OF KOOTENAY, }

To wit: }

In the the matter of the "Land Act," and amending Acts, and in the matter of an application to purchase Lot 816, Group 1, in the District of West Kootenay, in the Province of British Columbia.

I, Frank Meahan O'Brien, of the City of Kaslo in the District of West Kootenay, in the Province of British Columbia, Agent, do solemnly declare:—

1. That I have made application for the purchase of the above described land.

2. That I gave two months' notice of my intended application to purchase the said land by a notice inserted at my expense in the British Columbia Gazette, and in The Kootenain, a weekly newspaper published at Kaslo aforesaid, and circulating in the district wherein such land lies; that such notice included an area of one hundred and sixty acres, and stated my name as applicant, and the locality, boundaries, and extent of the land applied for; that such notice was dated December 11th, 1896, and was posted in a conspicuous place on the land sought to be acquired, and on the Government Office, at Nelson, in said district, being the proper office in that behalf; that a copy of said notice is hereto annexed and marked Exhibit "A."

3. That I placed at the south-west angle or corner of the said land applied for, a stake or post known as the initial post, which was at least four inches square and which stood not less than four feet above the surface of the ground, and upon such initial post I inscribed my name and the angle represented thereby, thus, "Frank M. O'Brien's S.W. Corner Initial Post, Dec. 11th, 1896;" that such initial post was so planted and marked before the above notice was given.

And I make this solemn declaration concientiously 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."

Declared before me at Kaslo, in the District of West Kootenay, in the Province of British Columbia, this 8th day of March, } FRANK M. O'BRIEN.
A.D. 1897.

R. F. GREEN,
Justice of the Peace in and for Kootenay, B. C.

"A."

Notice is hereby given that two (2) months after date I, Frank M. O'Brien, intend to make application to the Chief Commissioner of Lands and Works for permission to purchase one hundred and sixty (160) acres of unreserved Crown land, situate on the South Fork of Carpenter Creek, near its confluence with Sandon Creek, about one mile below the Town of Cody, in the Slokan Mining Division of West Kootenay District, and commencing at a stake placed at the south-west corner; thence north 40 chains; then east 40 chains; thence south 40 chains; thence west 40 chains to place of beginning.

Dated December 11th, A. D. 1896.
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FRANK M. O'BRIEN.

In the matter of the "Land Act" and amending Acts, and in the matter of Lot 816, Group 1, West Kootenay.

This is Exhibit "A" referred to in the declaration of Frank Meahan O'Brien, declared before me this 8th day of March, A. D. 1897.

R. F. GREEN,
Justice of the Peace in and for Kootenay, B.C.

I, Frank M. O'Brien, of Kaslo, B.C., hereby respectfully make application to purchase that certain piece or parcel of land and premises known as and called Lot 816, Group 1, situate in the Slokan Mining Division of West Kootenay District, British Columbia, and particularly designated and described as follows:—

"Starting from the initial post, being S.W. corner of Lot 618, G. 1, situated on the south slope of Carpenter Creek, near the Forks of Carpenter and Sandon Creeks, and about 1,200 feet S. of said creek; thence due E. 1,606.8 feet; thence N. $47^{\circ} 27'$, E. 532.8 feet to the N.E. corner of Lot 482, G. 1; thence, according to the official survey of Lot 482, G. 1, N. $42^{\circ} 33'$, W. 375.3 feet; thence, according to the official survey of Lot 727, G. 1, N. $18^{\circ} 12'$, E. 270 feet, to the S.E. corner of Lot 727, G. 1; thence S. $18^{\circ} 12'$, W. 1,304.7 feet, according to the official survey of Lot 727, G. 1, to the intersection of the west boundaries of Lots 727 and 816, said intersection being 195.3 feet from the S.W. corner of Lot 727, G. 1; thence due S. 186.6 to the point of commencement, and containing 44 acres, more or less, and as the same is shown coloured red on the annexed map or plan of said land."

I also respectfully beg to tender and deposit the sum of fifteen dollars, as twenty-five per cent. of the purchase money for said land, as classified by a duly authorised Provincial Land Surveyor.

Dated at Kaslo, British Columbia, this eight day of March, A. D. 1897.

Your obedient servant,

FRANK M. O'BRIEN.

*To the Honourable the Chief Commissioner of
Lands and Works for British Columbia.*

VICTORIA, B.C., March 12th, 1897.

SIR,—I have the honour to acknowledge the receipt of your letter of the 11th inst., enclosing the application of F. M. O'Brien for the purchase of Lot 816, Group 1, Kootenay District, together with duplicate field-notes and map of land.

In reply I regret to say that the application cannot be entertained, as the land desired by your client is situated within and forms a portion of the area embraced by a reserve established on the 13th April, 1893.

I may also add that the application overlaps mineral claims for which Crown grants have been issued.

Herewith I return the \$15.00 which was enclosed with your letter.

I have, etc.,

W. S. GORE,
Deputy Commissioner of L. and W.

C. W. McAnn, Esq., Barrister, Kaslo, B.C.

VICTORIA, B.C., March 18th, 1897.

Hon. G. B. Martin, Com. Lands and Works, Victoria, B.C.:

DEAR SIR,—*Re* the application of Mr. F. M. O'Brien to purchase Lot 816, Group 1, Kootenay District.

Mr. C. W. McAnn, of Kaslo, instructs me that as solicitor for Mr. O'Brien in this matter he is in receipt of a letter from W. S. Gore, Esq., refusing to grant the said application on the ground that the land applied for overlaps ground now held by Crown grants of mineral claims—also that it is within the area reserved by Order in Council of April 13th, 1893, still existing.

Now Mr. O'Brien's position is that of a *bonâ fide* applicant for purchase, and at the time he made the application he knew of the mineral claim Crown grants—but with reference to these grants he charges the fact to be that they were obtained by misrepresentations on the part of the grantees, they never having found mineral-bearing rock in place covered by said grants. This he offers to verify and substantiate to your Department, or to a commission constituted and nominated by you or the Government in that behalf, by the evidence of at least seven or eight responsible and reputable witnesses. The fact, moreover, is that the grantees of the said mineral claims, by virtue of their mineral holdings or title, are using the surface thereof for purely speculative and townsite purposes, and are reaping a very large income by way of rents and selling building lots, and in this respect are *primâ facie* evading the land laws of the Province, and turning to account their grants in a way never intended by the Crown or Legislature.

The said mineral grantees have actually had surveys made, and maps and plans filed in the Land Registry office here, of the said mineral claims for townsite purposes, and instituted several actions of ejectment against persons peaceably on said land because they refuse to pay ground rent.

The ground applied for is certainly very valuable for townsite purposes, and under Mr. O'Brien's application the Government would still be entitled to every fourth lot, and would thereby realise a very considerable sum of money which is now being collected by and paid to the mineral claim grantees.

I submit, therefore, that the mineral claim holders have by these evasions of the land laws put themselves beyond the right to ask at this hour any concessions from the Government by way of perfecting their title to the surface rights of said claims for townsite purposes, while on the other hand Mr. O'Brien comes regularly and in good faith as a purchaser, and in so doing discloses to the Government the irregularity and fraud of said mineral claim holders, and thus puts the Government in the position that taking the statutory reservation of every fourth lot they thereby realise a handsome sum, which without Mr. O'Brien's assistance was going to undeserving persons.

I am instructed to act as Mr. O'Brien's solicitor in Victoria, and would ask that any communication on the subject be directed to me.

Respectfully requesting an investigation of the right of Mr. O'Brien to purchase the said land,

I have, etc.,

ROBERT CASSIDY.

VICTORIA, P. O. Box 425, 24th February, 1897.

SIR,—The application referred to in the enclosed notice posted near Sandon by F. M. O'Brien includes two Crown granted claims—the "Blue Jay" and "Loudoun," also portions of other mineral claims, and of the lands, stations and works of two railway companies, together with a town of 1,500 to 2,000 inhabitants, and several hundred thousand dollars worth of improvements.

I am, etc.,
G. M. SPROAT,
Owner of one half of the "Loudoun."

The Deputy Commissioner of L. and W., Victoria.

COPY OF NOTICE POSTED IN WAITING ROOM, K. & S. RAILROAD.

NO OTHER NOTICE KNOWN OF AROUND THE TOWN.

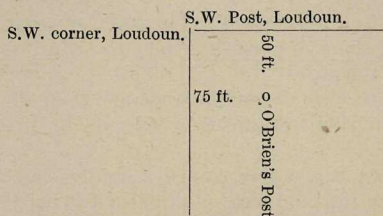
Notice is hereby given that (2) two months after date, I, Frank M. O'Brien, intend to make application to the Chief Commissioner of Lands and Works, for permission to purchase one hundred and (160) sixty acres of unreserved Crown lands, situate on the South Fork of Carpenter Creek, near its confluence with Sandon Creek, about one mile below the Town of Cody, in the Slocan Mining Division, West Kootenay District, and commencing at a stake placed at the south-west corner; thence north 40 chains; thence east 40 chains; thence south 40 chains; thence west 40 chains, to place of beginning.

Dated December 11th, A.D. 1896.

FRANK M. O'BRIEN.

Initial Post.
Frank M. O'Brien's
S.W. Corner,
December 11th, 1896.

The above an exact copy of post.



O'Brien's Post you will notice from sketch lies inside the "Loudoun" near the south-west corner.

VICTORIA, B. C., March 1st, 1897.

SIR,—I have the honour to acknowledge the receipt of your letter of the 24th ultimo, and in reply beg to say that the lands applied for by Mr. F. M. O'Brien, near Sandon, are not open to purchase. Apart from it overlapping previously granted and recorded mineral claims it comes within the boundaries of the Kaslo and Slocan Railway Reserve.

You should send a copy of your protest to the Government Agent at Nelson.

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

G. M. Sproat, Esq., Victoria, B. C.

VICTORIA, B. C. :

Printed by RICHARD WOLFENDEN, Printer to the Queen's Most Excellent Majesty.

1897.