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# PETITION.

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*To the Honourable the Speaker and Members of the Legislative Assembly of the Province of British Columbia:*

The petition of Robert T. Ward, owner of the "Harper Leasehold," Horsefly River, B. C., free miner, humbly sheweth:—

1. The Horsefly Hydraulic Mining Company (Limited Liability) have introduced into your Honourable House a Private Bill (No. 22), for the purposes, amongst others, (1) of giving to the said Company perpetual existence; (2) of granting to the said Company in fee simple forever, without any reservations, certain tracts of mining land situate at Horsefly River, B. C., containing 1,580 acres, and also such other lands, properties and privileges, whatsoever and wheresoever in this Province as the said Company may hereafter acquire, subject only to an annual tax; and (3) of confirming to the said Company all water records and other rights, privileges and easements made with respect to or appurtenant to such properties.

2. Your Petitioner is the owner of the leasehold property of 360 acres on Horsefly River, B. C., demised by lease dated 24th October, 1884, by the Gold Commissioner, acting on behalf of Her Majesty, to Thaddeus Harper, and under said lease your petitioner is entitled to the uninterrupted use and enjoyment of so much of the water of said river and its tributaries as is necessary for his mining operations.

3. Your petitioner and his predecessors in title have expended \$45,000 cash in prospecting and developing said leasehold, and having ascertained the value thereof, your petitioner is constructing a ditch to convey at least 2,000 inches of water to his said mine, and is continuing to expend large sums in preparing to work the same by hydraulic machinery.

4. On 26th August, 1892, said Commissioner granted to the Discovery Company, whose claim is comprised in the property mentioned in the schedule to the said Bill, 2,000 inches of water from Moffatt Creek, a tributary of the said river, but subject to your petitioner's rights, and on 10th April, 1893, without hearing your petitioner, the said Commissioner purported to limit your petitioner's rights under his said lease to 100 inches of water and ordered accordingly.

5. Your petitioner has commenced an action against the said Horsefly Hydraulic Mining Company, in the Supreme Court of this Province, to set aside the record of said order of 10th April, 1893, and to restrain said Company from interfering with your petitioner's rights under his said lease, and the trial of this action is now pending.

6. Your petitioner has also an application pending before the Gold Commissioner for a grant to secure 3,000 inches of water for the working of your petitioner's said mine.

7. The passage of said Bill will interfere with the said litigation and application, deprive your petitioner of his water rights under said lease, and render his said mining property and his expenditure thereon useless.

8. Your petitioner submits that the granting in fee simple of mining lands retards the development of mining districts and discourages the inflow of a mining population.

9. Your petitioner alleges that the said Bill, if passed, will prejudice your petitioner and the mining of said Horsefly District, and of the Province, in that the same—

(1.) Tends to create a monopoly and tie up mining lands.

(2.) Relieves the said Company from the regulations of the mining laws and authority of the Gold Commissioner, and from all obligation to carry on mining operations.

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- (3.) Permits said company to hold lands gratis for three years, and discard such portions thereof as prove unprofitable.
  - (4.) Enables persons holding properties under bad or limited titles, to procure an absolute title thereto in fee, through the said Company.
  - (5.) Does not provide for the saving of the existing rights of your petitioner and other free miners.

10. Your petitioner submits that whereas heretofore water and other privileges are appurtenant to the claims with respect to which the same are granted, and cease with the abandonment or working out of such claims and become open to the public, the said Company by section 8 of said Bill, can forever retain such water and other privileges after the working out or abandonment of the ground with respect to which the same are granted, to the prejudice of your petitioner and other free miners.

11. Your petitioner further submits that the said company have not made any actual expenditure sufficient to entitle them to the powers and privileges sought for by the said Bill.

12. For the foregoing and other reasons, your petitioner objects to said Bill and the preamble thereof, and prays to be heard in opposition thereto.

And your petitioner, as in duty bound, will ever pray.

ROBT. T. WARD.

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VICTORIA, B. C.:

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