

151/7041.

May 3, 1926.

Dear Sir:-

I beg to acknowledge receipt of your letter of the 23rd ultimo informing me that Miles F. Burnyeat, owner of a Free Miner's Licence, has obtained permission to prospect an Indian Reserve in the Similkameen and located a claim on Upper Similkameen Indian Reserve No. 1; that he applied to the Gold Commissioner, of the Similkameen District, for a placer mining lease and the same was issued to him by the Mining Recorder at an annual rental of \$25.00. You also inform me that copy of this lease covering the property has been forwarded to you by Mr. Burnyeat and that he is anxious to commence operation.

You further state that according to the Act governing the mining of precious metals on Indian Reserves, Mr. Burnyeat has complied with all the regulations. Further information was given that this Indian Reserve has been leased to a Mr. Henry Knighton for a term of ten years from 2nd January, 1923, and that he has refused permission for Mr. Burnyeat to enter the Reserve.

In connection with the statement that Mr. Burnyeat has complied with all the regulations, I beg to say that this is not correct, otherwise he would not now be forwarding to you a copy of the lease which he has obtained from the Mining Recorder for the mining of the precious metals on the reserve under question.

This step is precedent to applying to the Superintendent General of Indian Affairs for a lease of the surface rights, which, you say, are already under lease to a Mr. Henry Knighton for a term of ten years, and I do not see, therefore, in view of this fact, that the Superintendent General would now be in a position to issue a lease to Mr. Burnyeat.

A lease issued by the Mining Recorder for the mining of precious metals on Indian Reserves has no value or effect until such time as the holder thereof has obtained a lease for the surface rights from the Superintendent General of Indian Affairs, having complied with all conditions pertaining to rental, etc.

If Mr. Burnyeat has made application to you, you should forward his application, accompanied by the certified copy of the mining lease issued by the Mining Recorder, to Ottawa, at the same time giving the information that the Reserve is already covered by a lease to Mr.

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Knighton

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