



### Report Misleading

It was claimed by the plaintiff that Swan's report was grossly misleading and had been so found by eastern investors. In the course of his judgment his lordship says:

"The defendant seeks to escape liability on the ground that the whole transaction in which the parties were engaged was contrary to public policy as being an evasion of the Land Act and thus illegal. It is quite apparent that the persons whose names were used by the defendant in staking the land were not really intending purchasers from the government, they were simply being utilized for the purpose of enabling the plaintiff to secure a number of sections of land contrary to the provisions of the Act, which provides that only one section can be purchased at one time. This practice of using names for staking has been too prevalent in the province and was recently considered illegal by the Supreme Court of Canada in *Brownlee vs. McIntosh*."

His lordship, dismissing the action but without costs, held that no right of action could spring out of an illegal contract, and that the plaintiff was not entitled under such circumstances either to damage or to recovery of money paid.

## APPENDIX D

### ABSTRACT SUMMARY OF 1,052 LAND PURCHASE APPLICATIONS

Vide "B. C. Gazette," week ending 3 October, 1912 (One Week Only)

| Occupation of Applicants                     | Acres      | %   |
|--|------------|-----|
| Married Women -----                          | 48,402     | 10  |
| Spinsters -----                              | 36,490     | 8   |
| Widows -----                                 | 10,569     | 2   |
| Nurses -----                                 | 3,799      | 1   |
| Sub-Total for Women -----                    | 99,260     | 21  |
| Clerks and Stenographers (partly women) --   | 40,056     | 9   |
| Industrial Workers, as below -----           | 93,760     | 20  |
| Contractors -----                            | 5,520 ac.  |     |
| Cooks -----                                  | 4,720 "    |     |
| Loggers -----                                | 5,549 "    |     |
| Miners -----                                 | 7,120 "    |     |
| Prospectors -----                            | 5,900 "    |     |
| Shoemakers -----                             | 5,600 "    |     |
| Various -----                                | 59,351 "   |     |
| Mechanics, as below -----                    | 34,360     | 7   |
| Carpenters -----                             | 11,010 ac. |     |
| Machinists -----                             | 3,480 "    |     |
| Mechanics -----                              | 2,560 "    |     |
| Printers -----                               | 10,440 "   |     |
| Various -----                                | 6,870 "    |     |
| Merchants and Manufacturers -----            | 54,260     | 12  |
| Professional Men -----                       | 49,991     | 11  |
| Real Estate Agents and Brokers -----         | 34,955     | 8   |
| Laborers (mostly cities) -----               | 34,274     | 7   |
| Farmers and Ranchers (mostly in cities) ---- | 24,079     | 5   |
| Totals -----                                 | 464,995    | 100 |

Most of the 5 per cent. described as Farmers and Ranchers are like those above them—merely speculators. Probably not one per cent. of the 1,052 miscellaneous Applicants will clear or use one of those 464,995 acres.—James Scott had "staked" 74,040 acres, and Robert Cross 62,080 acres.

N.B.—In the same "Gazette" G. M. Beirnes "staked" 30,720 Acres of Coal, and A. D. Lloyd 26,880 acres.

These men thus "staked" 57,600 Acres of Coal in one season.