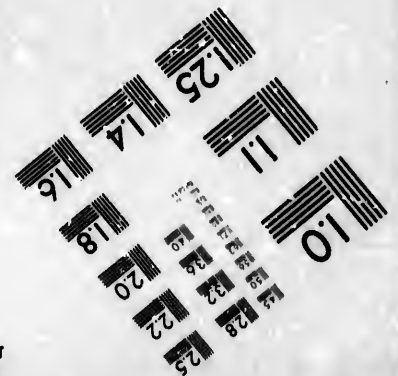
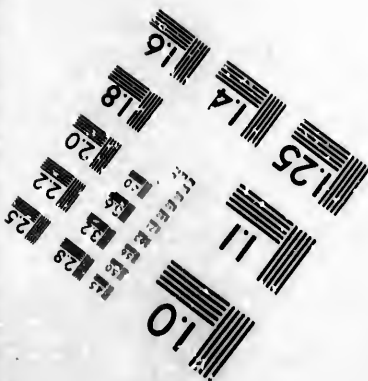
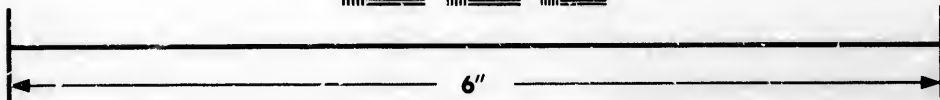
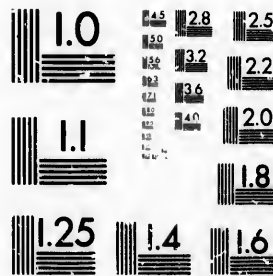


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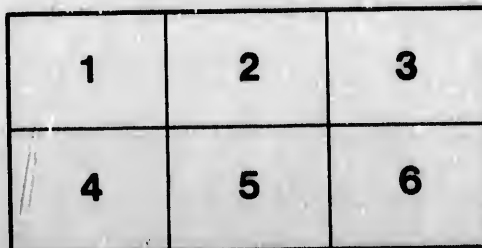
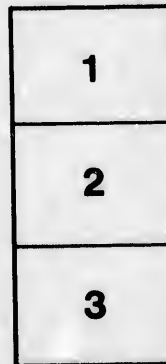
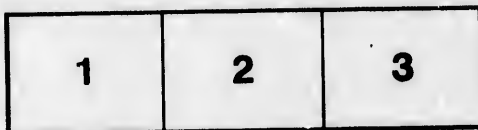
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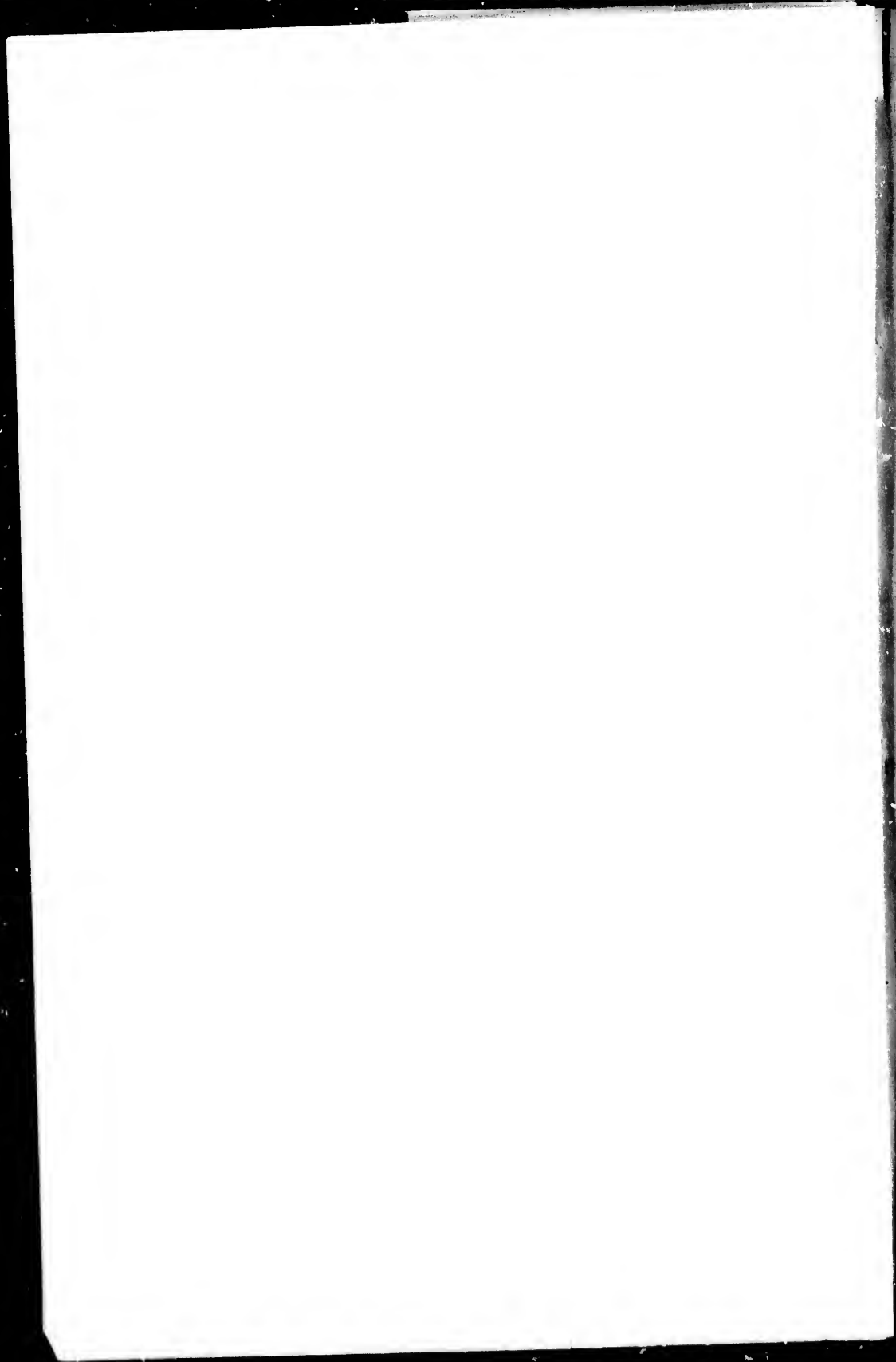
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SILVER ISLET

AND

WOOD'S LOCATION.

LETTER FROM A. H. SIBLEY

TO THE

HON. THE COMMISSIONER OF CROWN LANDS.

TORONTO:

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1872.





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N. 13.30' W.

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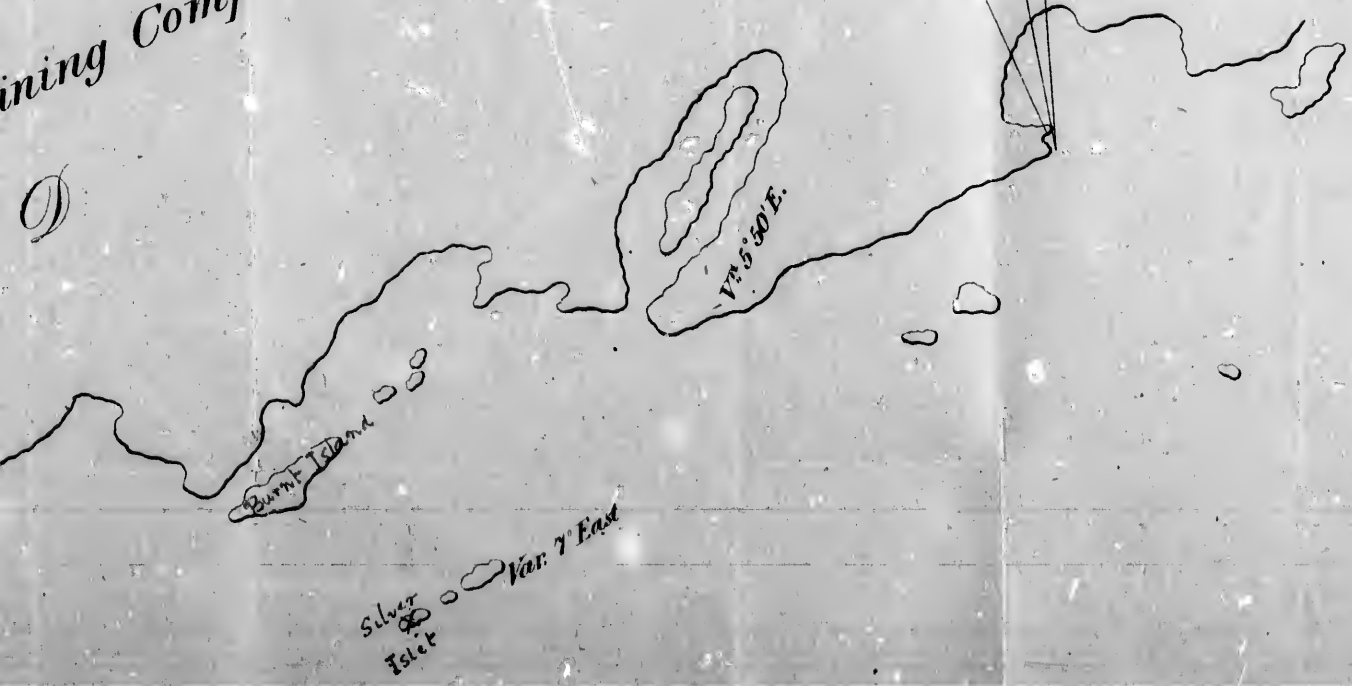
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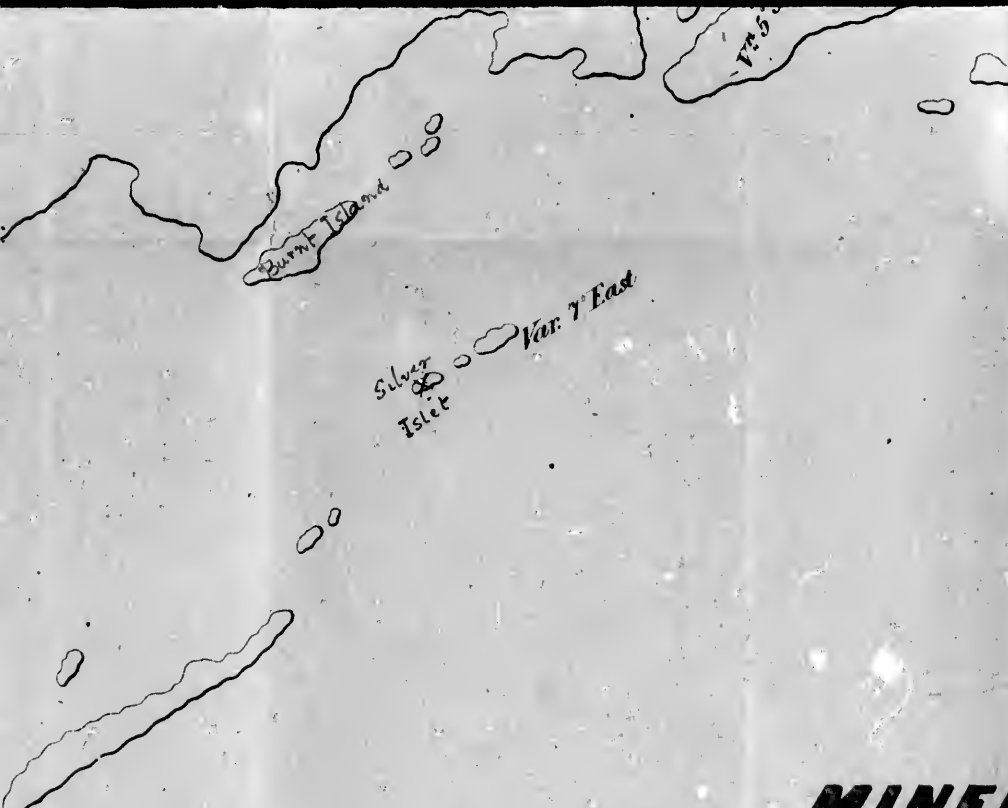
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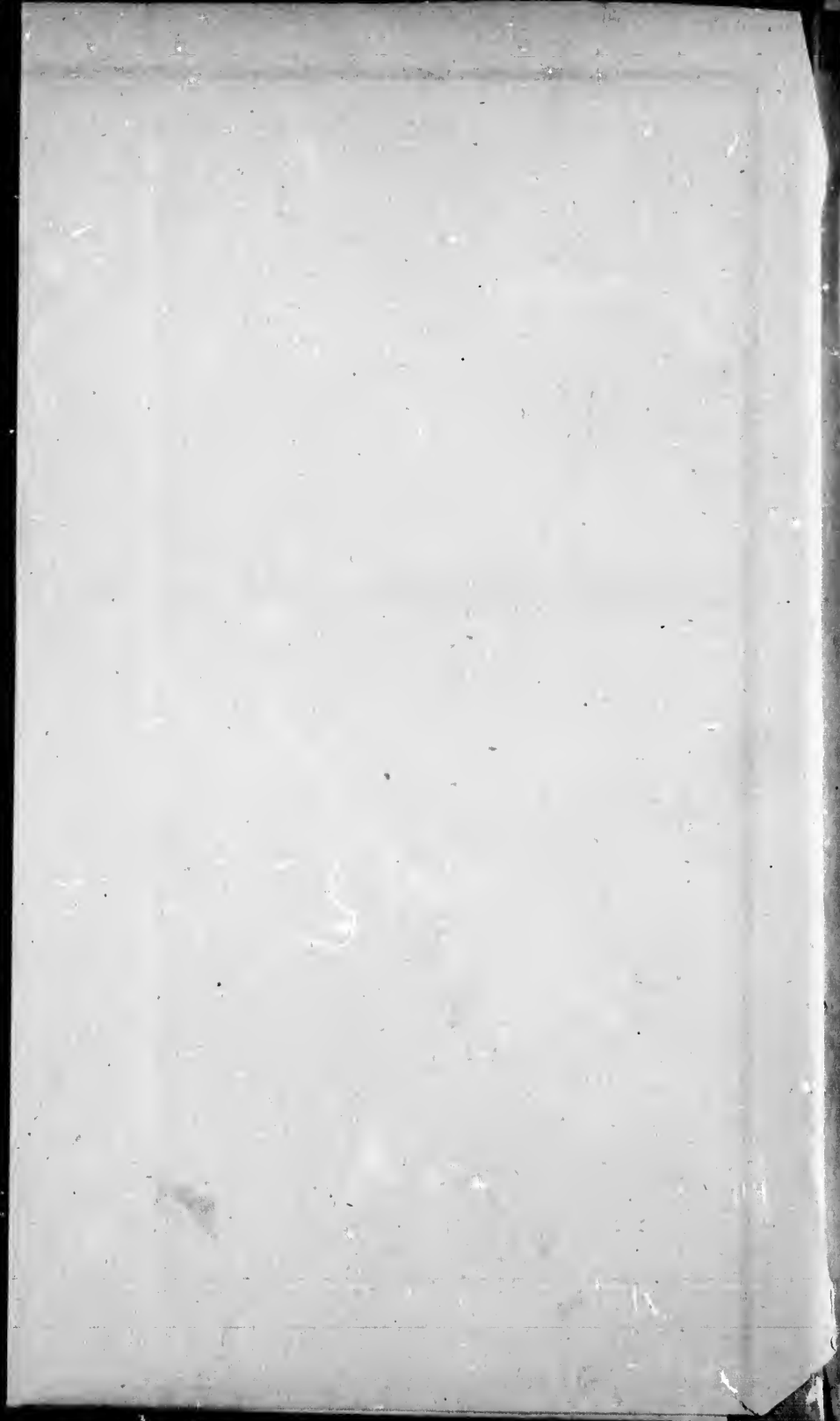
MINERAL LOCATION

*Surveyed by
J. M. Naughton P.L.S.
Jan. 1847.*

Scale 40 Chains to 1 In. ch.

*Department of Crown Lands.
Quebec, Nov. 1861.*

*Amos Russeel
Asst. Commissioner.*



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TO THE

HON. THE COMMISSIONER OF CROWN LANDS.

Toronto, March, 1872.

SIR,

I have the honor to inform you that I heard, on the 21st day of December last, that the Department over which you now preside was on the point of issuing to another a Patent for Mineral Lands, embracing Silver Islet in Thunder Bay District, which belong to myself and my associates.

I was a day or two afterwards informed that definite information could not be obtained from the Department as to whether Silver Islet and other islands, which have been already patented and are in our possession, were to be included in it or not. But I have since heard statements very positively made to the effect that application was made not only for Silver Islet and those islands, but also for the whole of the water land in front of Wood's Location, which would include in addition to our property above referred to, *our wharves, piers, basin and harbor!*

No notice of any adverse applications was given to us; and as I do not even know the grounds that have been taken against us, I must crave your indulgence if, in laying the facts relating to our position before you, I refer at length to matters material to my case.

1. The territory in which the lands referred to lie is called "Wood's Location," on Thunder Bay, comprising 6,400 acres, and is composed of a section on the North Shore of Lake Superior, and of the islands in front of it, as shewn on a map, of which the annexed is an exact copy taken from the plan which accompanied the patent from the Crown Lands Office.

I have on this plan marked Silver Islet and Burnt Island in pencil.

2. I also annex a copy of the description in the patent, which, it will be seen, includes the islands in the 6,400 acres.

3. I have lately issued a statement with reference to "The Ontario Mineral Lands Bill," which is also annexed, and to which I beg to refer you. That statement shews the history of this location from the time of its being granted to the Montreal Mining Company

to the present time, and in part what we have done on the North Shore of Lake Superior. In addition to what is there stated, I beg to submit the following remarks.

1. As to our right to hold the islands, I think it is so clear that they are covered by the Patent, that it is unnecessary for me to waste your time in discussing the matter.

I shall only remark, with reference to this, that if against the apparent certainty of their being covered by the Patent a doubt could be suggested by the ingenuity of the adverse applicants, we should be entitled to a confirmatory Patent if it can be made clear beyond a reasonable doubt that it was intended that they should be covered by our Patent, so that it may be impossible at any future time to question the title to a property on which we have expended hundreds of thousands of dollars with the knowledge of the late Government, and upon which large sums are likely to be yet spent if what we understand to be our rights are protected.

These islands had been in the possession of the Montreal Mining Company for more, I think, than twenty years before we purchased them. They paid taxes on them, and they opened up a part of Silver Islet.

No doubt had ever been suggested about the title to these islands; and as we, on the faith of the Patent and of the length of possession by the Montreal Mining Company, paid a large sum of money for these islands, and, with the knowledge of the Government, made large and permanent improvements, we respectfully submit that, if a doubt does exist, we are entitled to a confirmatory Patent.

2. We also respectfully submit that, under the circumstances which I shall presently mention, we are entitled to a grant of certain land covered with water, which is appurtenant to our property on Wood's Location. The Montreal Mining Company, in the fall of 1870, while we held a contract of purchase from them, and with our concurrence, for our benefit, applied officially for this to the late Government. Since then we have had no notice or intimation from the Government, either that our application had been disposed of, or that any other claim was under consideration or had been made.

We base our claim on the following grounds:—

(1.) At the time we bought it was perfectly well known that the mineral veins, or lodes, on the islands that gave indications of silver extended beneath the surface of the water. In the case of Silver Islet, these veins could be seen through the water and the fact that they extended under the water was the main inducement which the Montreal Mining Company, by the publication of its reports and otherwise, held out to capitalists. It was the main inducement

to us to purchase, and but for this, we should not have made the purchase of the Montreal Company's lands at all. Indeed, without the right to mine under water, Silver Islet would be practically worthless, being so small.

(2.) At the time we purchased we had no doubt whatever, and we believe the gentlemen who composed the Montreal Company's Board had no doubt, that we should get from the Government all the rights and privileges that might be necessary to the full development and enjoyment of the property.

We think we were justified in believing this for various reasons. In the first place, the Montreal Company, as riparian owner, had as I understand the law, the right as against all other persons to this appurtenant land.

In the next place, as adjacent owner, it had the right, established by the custom of the Crown, to follow veins under water on the property of the Crown.

It was the well known policy of the Crown to give encouragement to the development of properties of this kind, as is shewn in the Act itself which incorporated the Montreal Company, and which recites that, "it is of great importance to this Province that its mines and mineral wealth should be properly worked and brought into use."

In addition to this, it was well known to the Government that we were expending large sums of money in permanent improvements and we have letters from the Crown Lands Department referring to the works going on at Silver Islet without giving us any intimation of any objection.

3. A glance at the map, with the following explanations, will shew two things.

(a.) That a grant of this appurtenant land would be useless for any beneficial purpose to any person who did not also own the islands or main shore, and

(b.) That the use of this water covered land is indispensable to the proper development and enjoyment of the islands and part of the main shore.

Silver Islet is about 650 yards from Burnt Island, which is about 200 yards from the shore.

Burnt Island belongs to us, and has an outcrop of the vein which is being worked on Silver Islet, and which is also being worked on the main shore, on which a shaft has been sunk.

The water between Silver Islet and Burnt Island is about 60 feet deep and between Burnt Island and the main shore it is about 40 feet.

Now, what could any person desire the space between these islands and between them and the main land for? What use could he make of this land without also having land not covered with water from which to work.

It would be impossible to sink and maintain a shaft in 60 feet of water there, for the *bonâ fide* purpose of mining.

If, on Silver Islet with a basis to work from, it took twelve months with the most consummate engineering skill, to construct defensive works for mining; and if, as is the fact, the Montreal Mining Company was driven from Silver Islet itself, which was several feet above the ordinary water level; and if we, as was also the case, were compelled to suspend mining in consequence of the waves breaking in on us in a storm, and could only succeed in mastering them by going to enormous expense—one can, without any engineering knowledge, readily see that it would be impossible to construct any works at all where the miner would have to commence operations at a depth of 60 feet, exposed to all the perils and difficulties which, in the case of Silver Islet, have been found to be so formidable.

The only object that such a person could have in view would be to obtain the property to the injury of the *bonâ fide* miner. He could not mine himself; but he might prevent us from mining on his lands, or make us submit to what I can only fitly describe as *blackmailing*.

(4.) But, apart from this consideration altogether, there is this further.

Supposing it possible to sink a shaft between Silver Islet and Burnt Island, in 60 feet of water, without any solid basis to work from, such a shaft would be a most serious obstruction to navigation in what is really the only harbour of refuge in Thunder Bay District; and although, as I understand, this matter of navigation is peculiarly within the jurisdiction of the Dominion Government, the title to the soil is in the Ontario Government; and I most respectfully submit that it would be injurious to the interests of the public, as well as to the interest of individuals, if the Ontario Government should enable any one by a grant of land covered with water to place any obstruction in the harbor, as a shaft and the works connected with it would be.

The course of vessels coming in from the Lake to the wharves and harbor, which are on the shore inside of Burnt Island, is at times by way of Burnt Island, and at times between Silver Islet and Burnt Island.

The practical result of allowing any such work to be constructed would be, so far as the public is concerned, the obstruction of naviga-

tion in one of the most important parts of the North Shore for all time to come ; and, so far as we are concerned, in materially interfering with the use of our wharves, piers and harbor.

The wharf and pier are between 700 and 800 feet long.

(5.) With reference to the other point, viz , that the use of this water covered land is indispensable to the proper development and enjoyment of the islands and a part of the main shore.

The vein on Silver Islet crops out on Burnt Island and on the main shore in a uniform line.

As I have already mentioned, we are now working on Silver Islet and on the main shore, and we have in view the sinking of another shaft on Burnt Island.

It is obvious that it would be of great advantage to connect these three points, which could be done by means of a tunnel (which, of course, would not interfere with navigation), as communications would thus be established which would be independent of the weather and of the difficulties created by ice, which are very great.

In consequence of the small size of Silver Islet this would become a necessity if the mine should prove productive for any length of time to come, as some other outlet for the ore and debris would have to be found in order to the working of the mine to advantage.

And if we have the right to mine under water there is no doubt, I think, that a tunnel would be constructed, at any rate ; as to the great saving of expense which would follow the construction of a tunnel, would be added the chance of paying the cost of construction out of the work itself by following the course of the vein.

If the riparian owner (including in that phrase the owner of the islands) is prohibited from following veins under water, the practical result will be that no one will be willing to expend the money that is necessary for successful operations.

He would not run the risk if there was any chance of being stopped when he had got to the water line, or even to the base of a small island ; and these small islands would thus become locked up.

In fact, even the rumors about the issuing of the Patent I refer to, have already had a depressing effect on capitalists, both in the United States and England.

A feeling of insecurity has, to my own knowledge, sprung up which, I have no doubt, will have the effect of retarding development and mining if we do not receive protection.

It is known that the Montreal Company held these lands under a Patent; and there is an impression abroad that, if we are not protected, no man can be safe even under a Patent from the Crown.

So that, even as a matter of public policy, it would be best, I respectfully submit, that it should be known that the Government *will* protect the *bond fide* purchaser and miner, even if there are technical defects in his title.

No capitalist will invest his money for *bond fide* mining purposes if there is any doubt about his title.

Silver Islet has acquired such a notoriety, that the action of the Government (whatever it may be) will immediately become known to everybody who has any mining interests or proclivities.

There are parties in England with whom I have been in correspondence, and also in the United States, who are anxiously awaiting the result of this question.

(6.) I claim, Sir, that having been the first person to carry on mining successfully on the North Shore, and to open up that district to the investment of large sums in *bond fide* mining operations, we should be entitled to some consideration, and even to a preference, if it came to a question of choice between ourselves and persons who have done nothing in the way of developing Thunder Bay District.

I think we may fairly call ourselves the discoverers of silver on the North Shore, as we were the first to prove that it exists there in paying quantities; and that having run a large risk in proving this we are entitled to more than ordinary consideration.

(7.) In conclusion, Sir, I respectfully submit that all question on this point is set at rest by our being the only persons whose application for this property is in strict accordance with the regulations of your department: and this being so, that we are, under any circumstances, entitled to priority over any other person.

We may add that we have been obliged to go to a very large expense in order to put ourselves right in this respect.

In addition to other expenses, we have been obliged to pay about \$1,500 for having a survey made at this season of the year, and we feel aggrieved at being put to such a large expense in defending our title under the circumstances.

I have the honor to be

Your obedient servant,

ALEXANDER H. SIBLEY,

Trustee.

EXTRACTS FROM A. H. SIBLEY'S

STATEMENT RESPECTING

THE ONTARIO MINERAL LANDS BILL.

As misapprehensions seem to exist, with reference to our Bill, for an Act for the incorporation of the "Ontario Mineral Lands Company," I beg most respectfully to make some explanations with regard to it, to Honourable Members of the Legislature.

1. On the 28th July, 1847, by chapter 67 of 10 and 11 Victoria a Company called "The Montreal Mining Company" was incorporated, with power to acquire mineral lands on the north shores of lakes Superior and Huron, and to explore, develop, issue, sell, lease, or otherwise dispose of them.

2. That Company, under its Charter, got Patents for a large quantity of lands; and finding, after a considerable expenditure of money in exploring and developing, that these lands could not be turned to profitable account without a much larger outlay than could be afforded, a resolution was passed at the Annual General Meeting, in 1865, authorising "the directors during the ensuing year to treat "for the sale or lease of the whole or any part of the Company's "property; and to sell and dispose of or lease the same on such "terms and conditions of payment as may appear to the directors "advisable and for the Company's benefit."

3. A similar resolution was passed annually at the successive general meetings of that Company; and in the meantime, efforts were made in England with the view of inducing English capitalists to purchase the Company's lands or to join in developing or mining them."

Assays were made by Professors Chapman, Dawson, and others, which indicated the existence of silver ore on some of these lands, and especially on Silver Islet.

The Honorable Thomas Ryan, then the President of that Company, endeavoured to procure the assistance of English capitalists in London, but reported on the 9th March, 1870, as appears from the minute-book of the Company, "that although he gave some time and attention to the matter in London, he found little disposition to "embark capital in distant mining enterprises."

At the same meeting it was also reported that Messrs. McDougall & Davidson, who had made a conditional offer for a portion of these lands, including Silver Islet, "after a lapse of four months, found themselves unable to accomplish the formation of "the Company in England."

4. Then, on the 16th of February, 1870, an offer was made to me and to W. B. Frue, Esq., by an agent of the Company's, for the sale of a part of these lands which fell through.

5. Subsequently, negotiations were carried on between the Montreal Directors and certain parties in Montreal, who again endeavoured to place the property in England, where they partially succeeded in negotiating a sale; but not being able to provide all the money needed, the English parties telegraphed to me, in August, 1870, in New York, offering one-half of the property on the terms of a bond which would expire on the 1st of September. I accepted the offer, went to Montreal, and on the day when the money was to be paid over the English parties, represented by a solicitor sent from London, declined the purchase, withdrew, and left me to find all the capital or abandon the purchase.

On the 1st of September, 1870, having succeeded in getting some other persons to join with me, I became the purchaser of these lands for myself and them, for \$225,000, which has been paid in full. Captain Frue, at once, on a telegram from me from Montreal, chartered a steamer, and left Houghton, in the State of Michigan, with about thirty men, mining tools, supplies, &c., &c., for Silver Islet, and towing a large scow and heavy raft of timber to commence the construction of a breakwater for Silver Islet, which the Montreal Company had failed in mining.

6. From that time and until the 10th of May, 1871, Captain Frue was engaged in constructing works to protect the mining on Silver Islet, at enormous cost. A breakwater was at first constructed which enabled us to begin the work of mining in about 30 days. In November, 1870, a heavy gale carried away a part of this structure, but it was repaired, and mining began again, which, however, was several times interrupted, owing to the difficulty of getting a structure which in size and weight would be sufficient to withstand the heavy seas which sometimes prevail there.

On the 8th of March, 1871, a heavy sea, bearing a large body of ice, carried away nearly half the crib work, and filled the mine with water and ice; and the works were not restored until the 10th of May, 1871.

During the summer of 1871, large additions were made to the crib work (the more exposed part being 75 feet wide), and it was loaded with over 50,000 tons of rock, carried from the main shore.

7. On the island and breakwater there are now erected a large boarding-house, blacksmith's shop, engine house, assorting house and shaft house, and an engine is at work on it; and mining operations have been carried on uninterruptedly since the 10th of May last.

8. Our expenditure in and about Silver Islet within a year, has been about \$200,000 exclusive of the purchase money, which, with interest and taxes amounts to about \$240,000 more.

9. The number of men employed on and about Silver Islet is 175 in summer and 130 in winter, apart from the force employed in smelting and otherwise.

10. In addition to the expenditure and works on Silver Islet large improvements have been made by us on the mainland opposite the Islet, and last summer we began to mine there also.

We have erected on the mainland about forty houses, including a church and school-house, a large store for the sale of commodities required in that country, and have also built a harbor, with breakwater, basins, and wharves, which are used not only for general commercial purposes but also for refuge.

11. There being no light-house on the coast we have kept at our own expense, during the season of navigation, on Silver Islet, a large light, at a height of forty feet, and two range lights on the main shore continually alight from dark to daylight, for the benefit of steam and sailing craft plying on the lake and coast.

12. We also keep in constant use three steam tugs, two large scows, and fifteen smaller boats.

13. We have on more than one occasion relieved a Government steamer with surveying parties on board, at great inconvenience to ourselves; with coal, without which she could not have left our harbor; and ours is really the only "Harbor of Refuge" in the Thunder Bay district; as the masters of the "Chicora," "Manitoba," "Cumberland," "Algoma," and other vessels, can testify.

14. We have had our large steam tug employed during the summer in carrying men and supplies at different points in our lands, where explorations are being made, with a view to development and

bona fide mining operations; and Government surveyors with supplies, as well as Indians, have been transported by us whenever they needed it, from point to point on the Lake Shore which are not visited by any other steam craft, without our having in any instance accepted remuneration in any shape.

15. We also offered to the late Government, and are willing to give to any Government, any land in our territory that they may require for public works, free of charge.

16. We have given a great deal of encouragement to the Indians.

We employ them in large numbers, and give them the same pay as we do to others.

Almost the whole force employed by us are Canadians. On Wood's location, within a year, we have established a colony of about 300 souls, almost all Canadians.

17. We understand it has been objected that all the money realized is carried away to the United States. This is not the case. We have paid about \$240,000 to Canadians for their rights, and besides the money earned by the large number of Canadians to whom we give employment, we are obliged to expend money in Canada in very considerable quantities.

During the last year we paid for supplies in Toronto about \$40,000 and in Collingwood \$15,000, besides paying for freight and other incidentals. We have paid the Government for timber and taxes large sums; we are obliged to keep up an organization in Ontario which involves the expenditure of money. We have by our success caused larger additions to be made in one year to the revenue of the Crown Lands Department than had been made from the same source for many years before, I believe; and what is better still for the country, we have been the direct and immediate cause of directing capital into the Lake Superior region which had almost become a sealed country.

Owing directly and exclusively to our successful venture, several mines are to be opened this spring for *bona fide* operations with large capitals—one of them, "The Jarvis Island," with a capital of £100,000 sterling, raised in England, and by Mr. Mandlebaum; and another also organized in England, with a capital of £40,000 sterling.

18. A number of capitalists have also been making preparations for mining on the North Shore on an extensive scale, provided they get limited liability charters. Among them I may mention the promoters of "The North Shore Silver Mining Company," "The International," and the several "Shunia Companies."

Mr. Mandlebaum's name in connection with these Companies is a sufficient guarantee of their ability and respectability, and I know as a fact that they are applying for their charter for *bona fide* mining operations, and have succeeded in getting together a large amount of capital. Mr. Mandlebaum, during the last summer alone, expended \$65,000 in mining operations, supplies, &c., on the North Shore.

19. When I made the purchase from the Montreal Company, in September 1870, the whole country about Thunder Bay was in a state of torpor.

Two Companies there, "The Thunder Bay Mining Company of Montreal," after expending \$50,000; and "The Shunia," about \$25,000, discharged their workmen, and virtually abandoned their mines.

The latter Company, encouraged by our success, and by Mr. Mandlebaum's exertions, has resumed its work of mining with very flattering prospects of success.

20. Our success has also given an impetus to exploration, which has resulted in discoveries of extreme importance. I allude particularly to the discovery of Tin, which I look upon as much more important because more enduring than mines of Gold and Silver, and because it is the only discovery of Tin that has been made on the North American continent, excepting in one small spot in Mexico.

21. We gave material aid and assistance to this discovery although we are not in any way interested in it.

And we have freely aided exploring parties in various ways, and have given every encouragement to capitalists to invest on the North Shore.

22. If Ontario itself has not the means to develop the mineral resources of this region, they must either remain unproductive, or they must be developed by foreign capital.

23. We have paid, say \$240,000 for the land; have spent \$200,000 more in permanent improvements. These two sums represent a permanent investment in the country, and at 8 per cent. an annual rate of over \$35,000. Add to this the \$55,000 paid by us for supplies from Ontario, and say \$5,000 for freight. Add also over \$30,000 for wages to Canadian employees; over \$2,000 per annum for taxes; so much for duties on goods introduced from the United States, and you have (leaving out the expenditure of \$450,000 which I treat as capital), an annual rate which amounts to more than \$130,000 in the country; in addition to which there are various items of expenditure not enumerated. I feel that I am quite safe in saying that the country got an immediate money benefit amounting to

\$140,000 in the first year, from Silver Islet alone, apart altogether from the general advantage arising from the settlement and improvements which I have before referred to, and which are in my opinion more valuable than the money.

A. H. SIBLEY,

Trustee and Petitioner.

February, 1872.

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DESCRIPTION OF WOOD'S LOCATION.

All those parcels or tracts of land, situate, lying, and being on the northern shore of Lake Superior, in the said Province, containing by admeasurement, six thousand four hundred acres, be the same more or less, of which said parcel or tract of land the front angles have been marked and established by the Provincial Surveyor, John MacNaughton, and the boundaries whereof are as follows, that is to say, commencing at a cedar post about five inches square, supported by three Syenite boulders, placed by Provincial Surveyor MacNaughton, on the north-west shore of Lake Superior, in north latitude forty-eight degrees, nineteen minutes, forty-eight seconds, and west longitude eighty-nine degrees and seven minutes, by Captain Bayfield's chart: Thence, north, thirteen degrees, thirty minutes west astronomically, one hundred and fifty-four chains, more or less, so as with the small islands in front of the lands herein described, as shown on Mr. MacNaughton's plan of survey of Record in the Department of Crown Lands, to include an area of ten square miles: Thence north, seventy-six degrees, thirty minutes east, four hundred chains. Thence South thirteen degrees thirty minutes east, one hundred and seventy-five chains, more or less, to a cedar post about six inches square, with a pile of stones around it, placed by Mr. MacNaughton on the north shore of Lake Superior: Thence, along the water's edge thereof to the place of beginning; together with the islands in front thereof, as above described, and as shown in the before-mentioned plan of Provincial Surveyor MacNaughton.

