

Oak Island 'legal minefield'

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By KRISTEN LIPSCOMBE

Researcher Mark Finnan says the mystery of the infamous Oak Island treasure may never be resolved.

"It's a major archeological, historical site, but we may never find out who did this and what its significance is to Nova Scotia, Canada and maybe the world," Mr. Finnan said in a July phone interview.

Mr. Finnan, who has penned two books on the subject, talked about the past, present and future of Oak Island in Lunenburg last month.

He said treasure-trove licences recently issued by the provincial government will prevent Dan Blankenship, one of the island's most well-known treasure hunters, from continuing his exploration of a promising underground shaft called Borehole 10X.

Mr. Finnan said digging in Borehole 10X has produced ancient man-made materials such as bits of broken chain, metal and wire analysed to be from before 1795, in addition to video images of what appear to be tools and a chest.

"Borehole 10X has produced more interesting evidence than any other shaft on the island," said Mr. Finnan, who is originally from the South Shore but now lives near Peterborough, Ont.

But he said the Natural Resources Department did not approve the application put forth by Mahone Bay Exploration Inc., owned by Mr. Blankenship, for a new five-year, treasure-trove permit on the property the company wants to explore further.

The department issued three treasure-trove licenses in April, with the rights to explore the Borehole 10X lot going to Oak Island Explorations Ltd. - a company Mr. Blankenship used to direct with fellow treasure hunter David Tobias.

The two parted ways when Mr. Blankenship's interest in Borehole 10X grew, while Mr. Tobias remained focused on the famed money pit site.

Mr. Finnan said Oak Island Explorations is unlikely to explore Borehole 10X for that reason.

"Mr. Tobias has said he's not interested in Borehole 10X . . . Not only will this result in, perhaps, the treasure hunt never coming to a conclusion, but it will also be depriving Nova Scotia from the benefits it might derive," he said, adding that the province gets 10 per cent of whatever bounty is discovered or the financial equivalent.

John Wonnacott, a spokesman and geotechnical engineer for Oak Island Explorations, said Mr. Tobias is indeed interested in Borehole 10X, but it's not a priority for the company.

"We think the money pit is really the place to concentrate a major effort," said Mr. Wonnacott, who has designed a plan to excavate the money pit, which many treasure seekers believe may lead to a series of underground tunnels and, ultimately, to buried treasure.

"There could be something at 10X, but what was found there was inconclusive," he said. "If there's something at 10X, it's another cavern or an extension of a cavern. It's underground workings of unknown complexity, originating at the money pit."

Mr. Wonnacott said holes drilled at the money-pit site reveal layers of soil, bedrock, clay and oak opening up to an empty cavity, which indicates human activity. He said water has flooded out previous digs at the money pit.

Mr. Wonnacott estimates Oak Island Exploration's plan to drill a series of holes and freeze a ring of soil around the money pit could cost sponsors upward of \$10 million.

"We think the site has large archeological potential and we want to preserve any artifacts that we find," he said.

But Mr. Finnan said exploring Borehole 10X would cost \$500,000 maximum.

"They never got that far with the money pit, with any of the shafts," Mr. Blankenship said in a phone interview earlier this

week, adding that Borehole 10X revealed more positive evidence in two centuries of searching than any other shaft on the island.

"There was a conflicting application submitted by Mr. Blankenship, which covered area held by Oak Island Explorations," explained Rick Ratcliffe, the province's registrar of mineral and petroleum titles. "We did reject those applications."

Mr. Ratcliffe explained that the property owners must give permission to treasure-trove applicants - Oak Island Tours gave permission to Oak Island Explorations, not to Mr. Blankenship.

But Mr. Blankenship said he's frustrated because, although he is no longer a partner in Oak Island Explorations, he is vice-president of Oak Island Tours - which owns a large chunk of the 32-hectare island, including the Borehole 10X property.

Mr. Blankenship said he and Mr. Tobias combined own 23 lots on Oak Island.

"And they still saw fit to give the new treasure-trove license to my partner.

"Mr. Tobias cannot unilaterally give permission," Mr. Blankenship said. "The decision would be up to the two of us, because there's no one else involved."

He said Mr. Tobias, president of Oak Island Tours, did not follow procedures under the Canada Business Corporations Act.

"The president has the casting vote at a meeting, but no meeting has been held," Mr. Blankenship said.

Mr. Wonnacott said it's a shame the two veteran treasure hunters, both in their 80s, have had a "falling out."

"They're both very nice people and they've both spent a lot of time and energy on Oak Island," he said.

Mr. Finnan can't help but agree.

"It's a bit of a legal minefield," Mr. Finnan said. "We may miss out on having this 200-year-old mystery solved because of the way in which these licences are issued and because of the split between treasure hunters - and that is unfortunate."