

AN ACT

RELATING TO

THE REGULATION OF MINES

IN

NOVA SCOTIA.

HALIFAX, N. S.:
PRINTED BY CHARLES ANNAND.
1873.

AN ACT

OF THE PARLIAMENT

IN REGULATION OF MINES

IN

NOVA SCOTIA.

PRINTED BY CHARLES WATSON,
HALL'S COURT, N. B.

1873.

THE REGULATION OF MINES.

1. This Chapter may be legally cited, when desirable, as "The Mines Regulation Chapter." Alternative title:

2. In this Chapter, unless the context otherwise requires,—the term "mine" includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways, railways and sidings both below ground, and above ground, in and adjacent to a mine, and any such shaft, level and inclined plane of and belonging to the mine: Definition of terms used in Chapter.

The term "shaft" includes pit:

The term "inclined plane" includes slope:

The term "plan" includes a map and section or sections, and a correct copy or tracing of any original plan as so defined:

The term "Commissioner" means the Commissioner of Public Works and Mines

The term "Inspector" used in this Chapter means an Inspector of Mines appointed under the laws of this Province relating to Mines and Minerals.

The term "owner," when used in relation to any mine, means any person or body corporate who is the immediate proprietor, or lessee, or occupier of any mine, or of any part thereof, and does not include a person or body corporate who merely receives a royalty, or rent from a mine, or is merely the proprietor of a mine subject to any lease, grant, or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of any mine or any part thereof shall be subject to this Chapter in like manner, as if he were an owner, but so as not to exempt the owner from any liability.

The term "agent," when used in relation to any mine, means any person having, on behalf of the owner, care or direction of any mine, or any part thereof.

The term "manager," when used in relation to any mine, means the chief officer having the daily supervision of the underground workings.

The term "boy" means any male person under the age of eighteen years.

3. If any question arises whether a mine is a mine to which this Chapter applies, such question shall be referred to the Commissioner, whose decision thereon shall be final. Questions as to character of mines decided by Commissioner.

EMPLOYMENT OF BOYS.

No boy under ten to be employed in any mine.

4. No boy under the age of ten years shall be employed in or about, or allowed to be for the purpose of employment in or about any mine below ground or above ground.

Time of employment of boys between 10 and 12 under ground.

5. A boy of the age of ten and under the age of twelve years shall not be employed in, or allowed to be for the purpose of employment in any mine below ground for more than sixty hours in any one week, or more than ten hours in any one day.

Regulations as to employment of boys under ground.

6. For the purpose of the provisions of this Chapter with respect to the employment of such boys in a mine below ground, the following regulations shall have effect ; that is to say,

- (1.) The period of each employment shall be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface :
- (2.) A week shall be deemed to begin at midnight on Saturday night, and to end at midnight on the succeeding Saturday night.

As to employment of young persons about engines.

7. Where there is a shaft or an inclined plane or level in any mine, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up or down or along such shaft, plane, or level by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, or by an animal, or by manual labour, a person shall not be allowed to have charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith, unless he is a male of at least eighteen years of age.

Where the engine, windlass or gin is worked by an animal, the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine, windlass, or gin; but such driver shall not be under twelve years of age. This clause shall not apply to operations known in the mines as counter or back balances.

Penalty for employment of persons in contravention of this Chapter.

8. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Chapter with respect to the employment of boys or to the employment of persons about any engine, windlass, or gin, he shall be guilty of an offence against this Chapter ; and in case of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Chapter, unless he prove that he had taken all reasonable means by publishing and to the

Proviso.

best of his power enforcing the provisions of this Chapter to prevent such contravention or non-compliance.

If it appear that a boy, or a person employed about an engine, windlass, or gin, was employed on the representation of his parent or guardian that he was of that age at which his employment would not be in contravention of this Chapter, and under the belief in good faith that he was of that age, the owner, agent, or manager of the mine and employer shall be exempted from any penalty, and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Chapter.

WAGES.

9. No wages shall be paid to any person employed in or about any mine at or within any public house, beer shop, or place for the sale of any spirits, beer, wine, or other spirituous or fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto, or occupied therewith. No wages to be paid at public houses, &c.

Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with this section shall be guilty of an offence against this Chapter; and in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Chapter, unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent such contravention or non-compliance.

10. Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, such persons shall, if the majority of such persons so desire, and unless the mine is exempted by the Commissioner, be paid according to the weight of the mineral gotten by them, and such mineral shall be truly weighed accordingly. As to payment of persons employed in mines by weight.

Provided always, that nothing herein contained shall preclude the owner, agent, or manager of the mine, from agreeing with the persons employed in such mine, that deductions shall be made in respect of stones or materials other than mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of any tubs, cars, or hutches being improperly filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such deductions being determined by the banksman or weigher and check-weigher if there be one. Proviso.

If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section, he shall be guilty of an offence against this Chapter; and in the event of any contravention of or non-compliance with this section by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Chapter, unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent such contravention and non-compliance.

Check weigher
on behalf of min-
ing employes,
his appointment,
duties, and re-
moval.

11. The persons who are employed in a mine, and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person (in this Chapter referred to as a "check-weigher") at the place appointed for the weighing of such mineral, in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed. The check-weigher shall be one of the persons employed either in the mine at which he is so stationed or in another mine belonging to the owner of that mine. He shall have every facility afforded to him to take a correct account of the weighing for the persons by whom he is so stationed; and if in any mine proper facilities are not afforded to the check-weigher as required by this section, the owner, agent, and manager of such mine shall each be guilty of an offence against this Chapter, unless he prove that he had taken all reasonable means by enforcing to the best of his power the provisions of this section to prevent such contravention or non-compliance.

The check-weigher shall not be authorized in any way to impede or interrupt the working of the mine, or to interfere with the weighing, but shall be authorized only to take such account as aforesaid; and the absence of the check-weigher shall not be a reason for interrupting or delaying such weighing.

If the owner, agent or manager of the mine desires the removal of a check-weigher, on the ground that such check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing, or has otherwise misconducted himself, he may complain to any Justice of the Peace of the county in which the mine is situated, who, if of opinion that the owner, agent, or manager shows sufficient *prima facie* ground in writing for the removal of such check-weigher, shall by summons call upon the check-weigher to appear at a certain time and place therein mentioned. Such summons and a copy of the said complaint shall be served on the check-weigher by any constable of the county, at least five days before the return day of said summons. In default of appearance of said check-weigher

to answer the complaint, proof of the service of the said summons shall be furnished by the said constable in the same way as in ordinary civil suits before a Justice of the Peace. On the hearing of the case the Justice shall hear the parties and if he think that at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check-weigher, or in case of the non-appearance of the said check-weigher and on proof of the service of the summons as aforesaid, he shall make a summary order for his removal, and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

The Justice may in every case make such order as to the costs of the proceedings as he thinks just, and execution may issue for the recovery of the same as in suits for debts before a Justice of the Peace.

SINGLE SHAFTS.

12. The owner, agent, or manager of a mine shall not employ any person in such mine, or permit any person to be in such mine for the purpose of employment therein, unless there are in communication with every seam of such mine for the time being at work at least two shafts or outlets, separated by natural strata of not less than ten feet in breadth, by which shafts or outlets distinct means of ingress and egress are available to the persons employed in such seam, whether such two shafts or outlets belong to the same mine or one or more of them belong to another mine, and unless there is a communication of not less than four feet wide and three feet high between such two shafts or outlets, and unless there is at each of such two shafts or outlets or upon the works belonging to the mine and either in actual use or available for use within a reasonable time proper apparatus for raising and lowering persons at each such shaft or outlet.

Prohibition of
single shafts.

Provided that such separation shall not be deemed incomplete by reason only that openings through the strata between the two shafts or outlets have been made for temporary purposes of ventilation, drainage, or otherwise; or, in the case of mines where inflammable gas has not been found within the preceding twelve months, for the same purposes, although not temporary.

Every owner, agent and manager of a mine who acts in contravention of, or fails to comply with this section shall be guilty of an offence against this Chapter.

The Supreme Court or any Judge thereof, whether any

other proceedings have or have not been taken, may, upon the application of the Attorney General, prohibit by injunction the working of any mine in which any person is employed, or is permitted to be for the purpose of employment, in contravention of this section, and may award such costs in the matter of the injunction as the Court or Judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Chapter.

Written notice of the intention to apply for such injunction in respect of any mine shall be given to the owner, agent or manager of such mine not less than twenty days before the application is made.

Exceptions from provisions as to single shafts.

13. The provisions of this Chapter with respect to shafts or outlets shall not apply in the following cases; that is to say,

(1.) In the case either of opening a new mine for the purpose of searching for or proving minerals, or of any working for the purpose of making a communication between two or more shafts, so long as not more than twenty persons are employed below ground at any one time in the workings in connection with each shaft or outlet in such new mine or such working:

(2.) In the case of any proved mine so long as it is exempted in writing by the Commissioner on the ground either—

(a.) that the mine is not a coal mine, or a mine with inflammable gas, that sufficient provision has been made against danger from other causes than explosions of gas by using stone, brick, or iron in the place of wood for the lining of the shaft and the construction of the midwall; or

(b.) that the workings in any seam of a mine have reached the boundary of the property or other extremity of the mineral field of which such seam is a part, and that it is expedient to work away the pillars already formed in course of the ordinary working, notwithstanding that one of the shafts or outlets may be cut off by so working away the pillars of such seam;

and so long as there are not employed below ground at any one time in the workings in connection with the shaft or outlet in any such mine, more than twenty persons, or (if the mine is not a coal mine or mine with inflammable gas) than such larger number of persons as may for the time being be allowed by the Commissioner:

(3.) In the case of any mine, one of the shafts or outlets of which has become, by reason of some acci-

dent, unavailable for the use of the persons employed in the mine, so long as such mine is exempted in writing by the Commissioner, and the conditions on which such exemption is granted are duly observed.

14. If a written representation be made to the Commissioner by the owner or agent of a mine not having at the passing of this Chapter two shafts or outlets, that an extension of time for providing an additional shaft or outlet ought to be granted to him; the question as to whether such exemption or extension of time ought to be granted shall be decided by the Commissioner.

Commissioner to decide upon applications for extension of time to provide additional shafts.

RETURNS, NOTICES AND ABANDONMENT.

15. For procuring mining returns—

(1.) The lessee of every mine leased from the Crown shall send to the office of the Commissioner a correct return of all the minerals wrought in such mine, as is required by Chapter 9, "Of Mines and Minerals," and such other information and at the stated times specified in such Chapter :

Returns by lessees, owners, agents and managers of mines.

(2.) And on or before the thirty-first day of January in every year the owner, agent, or manager of every mine to which this Chapter applies, other than of every mine leased from the Crown, shall send to the office of the Commissioner a correct return specifying with respect to the year ending on the preceding thirty-first day of December, the quantity of coal, iron ore, or other mineral wrought in such mine and the number of persons ordinarily employed in or about such mine below ground and above ground, distinguishing the persons and labour below ground and above ground and the different classes of the persons so employed :

(3.) The owner, agent, manager or occupier of every mine shall once a year if required by the Inspector, send to him a return of facts relating to the mode and description of means of ventilation, a description of the upcast and downcast shafts, of the length and sectional area of the airways, the number of splits and quantity of fresh air in cubic feet per minute, and the average total quantity of air in cubic feet per minute, in his mine.

The returns shall be in such forms as may be from time to time prescribed by the Commissioner, who shall from time to time, on application, furnish forms for the purpose of such returns.

Every owner, agent, or manager of a mine who fails to comply with this section or makes any return which is to his knowledge false in any particular shall be guilty of an offence against this Chapter.

Written notice
to be given of ac-
cidents in mines.

16. Where in or about any mine whether above or below ground, either

(1.) Loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder, or of any steam boiler; or

(2.) Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner, agent, or manager of the mine shall, within twenty-four hours next after the explosion or accident send notice in writing of the explosion or accident and of the loss of life or personal injury occasioned thereby to the office of the Commissioner, and shall specify in such notice the character of the explosion or accident, and the number of persons killed and injured respectively, and as soon after as possible and before the end of each year a return of facts relating to such accident or explosion in the form given in the Schedule to this Chapter.

Where any personal injury of which notice is required to be sent under this section, results in the death of the person injured, notice in writing of the death shall be sent to the office of the Commissioner within twenty-four hours after such death comes to the knowledge of the owner, agent, or manager.

Every owner, agent, or manager who fails to act in compliance with this section shall be guilty of an offence against this Chapter.

Notice of
changes in own-
ership or work-
ing of mines.

17. In any case,

(1.) Where any change occurs in the name of, or in the name of the owner, agent, or manager of any mine, or in the officers of any incorporated company which is the owner of, a mine not exempted from compliance with this clause by the Commissioner;

(2.) And in any of the following cases of coal mines, namely,

(a.) Where any working is commenced for the purpose of opening a mine;

- (b.) Where a shaft of any mine is abandoned or the working thereof discontinued; or
- (c.) Where the working of a mine is recommenced after an abandonment or discontinuance for a period exceeding two months;

the owner, agent, or manager of such mine shall give notice thereof at the office of the Commissioner within two months after such commencement, abandonment, discontinuance, recommencement, or change; and if such notice be not given, the owner, agent, or manager shall be guilty of an offence against this Chapter.

18. Where any mine is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurs, the owner thereof, and every other person interested in the mineral of such mine, shall cause the top of the shaft and any side entrance from the surface to be and to be kept securely fenced for the prevention of accidents:

Fencing of abandoned mines.

Provided that—

- (1.) Subject to any contract to the contrary, the owner of the mine shall, as between him and any other person interested in the minerals of the mine, be liable to carry into effect this section, and to pay any costs incurred by any other person interested in the minerals of the mine in carrying this section into effect;
- (2.) Nothing in this section shall exempt any person from any liability under any other Chapter or Act, or otherwise.

If any person fail to act in conformity with this section, he shall be guilty of an offence against this Chapter.

19. Where any mine is abandoned, the owner of such mine at the time of such abandonment shall, within three months after such abandonment, send to the office of the Commissioner an accurate plan, on a scale of not less than a scale of two chains to one inch, showing the boundaries of the workings of such mine up to the time of the abandonment, with the view of its being preserved under the care of the Commissioner.

Plans of abandoned mines to be sent to Commissioner.

Every person who fails to comply with this section shall be guilty of an offence against this Chapter.

INSPECTION.

20. The Inspector shall have power to do all or any of the following things; namely,

Powers of Inspector.

- (1.) To make such examination and inquiry as may be necessary to ascertain whether the provisions

of this Chapter relating to matters above ground or below ground are complied with in the case of any mine :

- (2.) To enter, inspect, and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct the working of the said mine :
- (3.) To examine into and make inquiry respecting the state and condition of any mine, or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto :
- (4.) To exercise such other powers as may be necessary for carrying this Chapter into effect.

Every person who wilfully obstructs the Inspector in the execution of his duty under this Chapter, and every owner, agent, and manager of a mine who refuses or neglects to furnish to the Inspector the means necessary for making any entry, inspection, examination, or enquiry under this Chapter, in relation to such mine, shall be guilty of an offence against this Chapter.

Proceedings in cases of causes of danger not specially provided for.

21. If in any respect (which is not provided against by any express provision of this Chapter, or by any special rule) the Inspector find any mine, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, or to the waste or misuse of any property of or leased from the Crown, the Inspector may give notice in writing thereof to the owner, agent, or manager of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, thing, or practice to be dangerous or defective, and require the same to be remedied; and unless the same be forthwith remedied the Inspector shall also report the same to the Commissioner.

If the owner, agent, or manager of the mine object to remedy the matter complained of in the notice, he may, within fifteen days after the receipt of such notice, send his objection in writing, stating the grounds thereof to the Commissioner, who shall thereupon hear such evidence upon the matter as may be produced before him, and together with one arbitrator appointed by the Inspector and one arbitrator appointed by the owner, agent, or manager objecting, shall determine the same; and the award of the Commissioner with one of the arbitrators shall be final.

Ten days' notice of the time and place where the Commissioner will hear such evidence shall be given to the parties interested.

If the owner, agent, or manager fail to comply either with the requisition of the notice, where no objection is sent, within the time aforesaid, or with the decision of the Commissioner and arbitrators, within ten days after the expiration of the time for objection or the time of making of the decision of the Commissioner and arbitrators (as the case may be), he shall be guilty of an offence against this Chapter, and the notice and decision shall respectively be deemed to be written notice of such offence:

Provided that the Commissioner, if satisfied that the owner, agent or manager has taken active measures for complying with the notice or decision, but has not, with reasonable diligence, been able to complete the works, may extend the time of ten days (above specified) to such time as he shall deem proper; and if the works are completed within such time no penalty shall be inflicted.

No person shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of this section, or be liable under any contract to any penalty or forfeiture for doing such acts.

22. The owner, agent, or manager of every mine shall keep in the office at the mine an accurate plan of the workings of such mine, showing the workings up to at least twelve months previously.

Plans of mines
to be kept by
owners, &c.

The owner, agent, or manager of the mine shall produce to the Inspector at the mine, such plan, and shall, if requested by the Inspector, mark on such plan the progress of the workings of the mine up to the time of such production, and shall allow the Inspector to examine the same.

And the owner, agent or manager of every mine leased by the Crown shall furnish to the Inspector a correct copy of such plan when requested by the Inspector.

If the owner, agent or manager of any mine fail to keep such plan as is prescribed by this section, or wilfully refuses to produce or allow to be examined such plan, or wilfully refuses to furnish such copy, or wilfully withholds any portion of any plan, or conceals any part of the workings of his mine, or produces an imperfect or inaccurate plan, unless he shows that he was ignorant of such concealment, imperfection or inaccuracy, he shall be guilty of an offence against this Chapter; and, further, the Inspector may, by notice in writing (whether a penalty for such offence has or has not been inflicted), require the owner, agent or manager to cause an accurate plan, such as is prescribed by this section, to be made

within a reasonable time, at the expense of the owner of the mine, on a scale of not less than two chains to one inch, or on such other scale as the plan then used in the mine is constructed on.

If the owner, agent or manager fail within twenty days, or such further time as may be shown to be necessary, after the requisition of the Inspector to make or cause to be made such plan, he shall be guilty of an offence against this Chapter.

Commissioner
may require special reports as to accidents.

23. The Commissioner may at any time direct the Inspector to make a special report with respect to any accident in a mine, which accident has caused loss of life or personal injury to any person and in such case shall cause such report to be made public at such time and in such manner as he thinks expedient.

CORONERS.

Provisions as to coroners' inquests on deaths from accidents in mines.

24. With respect to Coroners' inquests on the bodies of persons whose deaths may have been caused by explosions or accidents in mines, the following provisions shall have effect:

- (1.) Where a Coroner holds an inquest upon a body of any person whose death may have been caused by any explosion or accident of which notice is required by this Chapter to be given to the Commissioner, the Coroner shall adjourn such inquest when the majority of the jury think it necessary so to adjourn such inquest to enable the Inspector wherever practicable, or some other properly qualified person appointed by the Commissioner, to be present to watch the proceedings:
- (2.) The Coroner, at least four days before holding the adjourned inquest, shall send to the Commissioner notice in writing of the time and place of holding such adjourned inquest:
- (3.) The Coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof:
- (4.) The Inspector, or such other person so appointed, shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the Coroner:
- (5.) Where evidence is given at an inquest at which the Inspector, or such other person so appointed, is not present, of any neglect as having caused or contributed to the explosion or accident, or

of any defect in or about the mine appearing to the Coroner or jury to require a remedy, the Coroner shall send to the Inspector notice in writing of such neglect or default :

- (6.) Any person having a personal interest in, or employed in or in the management of the mine in which the explosion or accident occurred, or any relative of the deceased person upon whose body the inquest is to be held, shall not be qualified to serve on the jury empanelled on the inquest ; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or to sit on the jury.

Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Chapter.

RULES.

General Rules.

25. The following general rules shall be observed, so far as is reasonably practicable, in every mine :

General rules
be observed in
mines.

- (1.) An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables, winzes, sumps, and workings of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

Ventilation.

- (2.) In every mine in which inflammable gas has been found within the preceding twelve months, then once in every twenty-four hours if one shift of workmen is employed, and once in every twelve hours if two shifts are employed during any twenty-four hours, a competent person or persons, who shall be appointed for the purpose, shall, before the time for commencing work in any part of the mine, inspect with a safety lamp that part of the mine, and the roadways leading thereto, and shall make a true report to the manager of the condition thereof, so far as ventilation is concerned ; and a workman shall not go to work in such part until the same and the roadways leading thereto are stated to be safe.

- (3.) In every mine worked for coal or any stratified deposit, in which inflammable gas has not been found within the preceding twelve months, then once in every twenty-four hours, a competent person or persons, who shall be appointed for the purpose, shall, so far as is reasonably practicable immediately before time for commencing work in any part of the mine, inspect that part of the mine and the roadways leading thereto, and shall make a true report of the condition thereof so far as ventilation is concerned; and a workman shall not go to work in such part until the same and the roadways leading thereto are stated to be safe.
- Fencing of places not in use. (4.) All entrances to any place in a mine worked for coal or any stratified deposit not in actual course of working and extension, shall be properly fenced across the whole width of such entrance, so as to prevent persons inadvertently entering the same.
- Stations. (5.) A station or stations shall be appointed at the entrance to a mine worked for coal or any stratified deposit, or to the different parts of the same mine, as the case may require; and a workman shall not pass beyond any such station until the mine or part of the mine beyond the same has been inspected and stated to be safe.
- Withdrawal of workmen in case of danger. (6.) If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or such part thereof, or of any cause whatever, the mine or the said part is dangerous, every workman shall be withdrawn from the mine or such part thereof as is so found dangerous, and a competent person who shall be appointed for the purpose shall inspect the mine or such part thereof as is so found dangerous; and, if the danger arises from inflammable gas, shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of such mine or part thereof; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be re-admitted into the mine, or such part thereof as was so found dangerous, until the same is stated by such report not to be dangerous. Every such report shall be recorded in a book which shall

be kept at the mine for the purpose, and shall be entered by the person making the same.

- (7.) In every working approaching any place where there is likely to be an accumulation of explosive gas, no lamp or light other than a locked safety lamp shall be allowed or used; and whenever safety lamps are required by this Chapter, or by the special rules made in pursuance of this Chapter, to be used, a competent person who shall be appointed for the purpose shall examine every safety lamp immediately before it is taken into the workings for use, and ascertain it to be secure and securely locked; and in any part of a mine in which safety lamps are so required to be used, they shall not be used until they have been so examined and found secure and securely locked, and shall not without due authority be unlocked; and in the said part of a mine a person shall not, unless he is appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such safety lamp, or any lucifer match or apparatus of any kind for striking a light.

Safety lamps.

(8.) Gunpowder or other explosive or inflammable substance shall only be used in the mine under-ground as follows:

Gunpowder and blasting.

- (a.) It shall not be stored in the mine.
- (b.) It shall not be taken into the mine, except in a case or canister containing not more than six pounds.
- (c.) A workman shall not have in use at one time in any one place more than one of such cases or canisters.
- (d.) A charge of powder which has missed fire shall not be unrammed:
- (e.) It shall not be taken into or be in the possession of any person in any mine or district of a mine, and shall not be used except in accordance with the following regulations, during three months after any inflammable gas has been found in any such mine or district of a mine; namely:
 - (1.) A competent person who shall be appointed for the purpose shall, immediately before firing the shot, examine the place where it is to be used, and the places contiguous thereto, and shall not allow the shot to be fired unless he finds it safe to do so; and a shot shall not be fired except by or under the direction of a competent person who shall be appointed for the purpose:

- (2.) If such inflammable gas issues so freely that it shows a blue cap on the flame of the safety lamp, it shall only be used—
- (a.) Either in those cases of stone drifts, stone work, and sinking of shafts, in which the ventilation is so managed that the return air from the place where the powder is used passes into the main return air course, without passing any place in actual course of working; or,
- (b.) When the persons ordinarily employed in the mine are out of the mine or out of the part of the mine where it is used.
- (c.) Where a mine is divided into separate districts in such manner that each district has an independent intake and return air-way from the main air-course and the main return air-course, the provisions of this rule with respect to gun-powder or other explosive or inflammable substance shall apply to each such district in like manner as if it were a separate mine.
- (9.) Where a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed eight feet in width, and there shall be constantly kept at a sufficient distance, not being less than five yards, in advance, at least one bore-hole near the centre of the working and sufficient flank bore-holes on each side.
- (10.) Every underground plane on which persons travel, which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping places and the ends of the plane, and shall be provided in every case, at intervals of not more than twenty yards, with sufficient man-holes for places of refuge.
- (11.) Every road on which persons travel underground where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal shall be provided, at intervals of not more than fifty yards, with sufficient man-holes or with a space for a place of refuge, which space shall be of sufficient length, and of at least three feet in width, between the wagons running on the tramroad and the side of such road.
- (12.) Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.
- (13.) The top of every shaft which for the time being is out of use, or used only as an air shaft, shall be securely fenced.

Water and bore-
holes.

Signals and man-
holes.

Fencing of old
shafts.

(14.) The top and all entrances between the top and bottom of every working or pumping shaft shall be properly fenced; but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations, if proper precautions are used.

Fencing of entrances to shafts,

(15.) Where the natural strata are not safe, every working or pumping shaft shall be securely cased, lined, or otherwise made secure.

Securing of shafts.

(16.) The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not so made secure.

Securing of roof and sides.

(17.) In any mine which is usually entered by means of machinery, a competent person of such age as prescribed by this Chapter shall be appointed for the purpose of working the machinery which is employed in lowering and raising persons therein, and shall attend for such purpose during the whole time that any person is below ground in the mine.

Person shall attend hoisting machinery.

(18.) Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth, and not exempted in writing by the Inspector, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in work between the surface and the bottom of the shaft.

Signalling on working shafts.

(19.) A sufficient cover overhead shall be used when lowering or raising persons in every working shaft, except where it is worked by a windlass, or where the person is employed about the pump or some work of repair in the shaft, or where a written exemption is given by the Inspector.

Cover over-head in shaft.

(20.) A single-linked chain shall not be used for lowering or raising persons in any working shaft or place except for the short coupling chain attached to the cage or load.

Chains.

(21.) There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also if the drum be conical, such other appliances, as may be sufficient to prevent the rope from slipping.

Slipping of rope on drum.

(22.) There shall be attached to every machine worked by steam, water or mechanical power, and used for lowering or raising persons, an adequate break, and also a proper indicator (in addition to any mark on the rope) which shows to the person who works the machine the position of the cage or load in the shaft.

Break and indicator.

- Machinery fenced. (23.) Every fly-wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced.
- Gauges and safety valves on boilers. (24.) Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.
- Ladders. (25.) A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or over-hanging position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows; and every such ladder shall have substantial platforms at intervals of not more than twenty yards.
- Dressing rooms. (26.) If more than twelve persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses.
- Certain shafts how used. (27.) Where one portion of a shaft is used for the ascent and descent of persons by ladders or otherwise, and another portion is used for raising the material gotten in the mine, the first mentioned portion shall be either cased or otherwise securely fenced off from the last mentioned portion, or no person shall be permitted to travel in the shaft when the shaft is working.
- Wilful damage, &c. (28.) No person shall wilfully damage, or without proper authority remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, break, indicator, ladder, platform, steam gauge, water gauge, safety valve, or other appliance or thing provided for any mine in compliance with this Chapter.
- Observance of directions. (29.) Every person shall observe such directions with respect to working as may be given to him with a view to comply with this Chapter or the special rules hereinafter provided for.
- Daily inspection of machinery and works. (30.) A competent person or persons who shall be appointed for the purpose, shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery, and the state of the head-gear, working places, levels, planes, ropes, chains, and other works of the mine which are in actual use, and once at least in every week shall examine the state of the shafts by which persons ascend or descend, and the guides or conductors therein.
- Every person who contravenes or does not comply with any of the general rules in this section shall be guilty of

an offence against this Chapter; and in the event of any contravention of, or non-compliance with any of the said general rules in the case of any mine by any person whomsoever being proved, the owner, agent and manager shall each be guilty of an offence against this Chapter, unless he prove that he had taken all reasonable means, by publishing, and to the best of his power enforcing the said rules as regulations for the working of the mine to prevent such contravention or non-compliance.

Special Rules.

26. The owner, agent or manager of any mine may if he think fit transmit to the Inspector for approval by the Commissioner rules (referred to in this Chapter as special rules) for the conduct and guidance of the persons acting in the management of such mine or employed in or about the same as, under the particular state and circumstances of such mine, may appear best calculated to prevent dangerous accidents, and to provide for the safety and proper discipline of the persons employed in or about the mine, and such special rules when established shall be signed by the Inspector who is Inspector at the time such rules are established, and shall be observed in and about every such mine in the same manner as if they were enacted in this Chapter.

If any person who is bound to observe the special rules established for any mine acts in contravention of, or fails to comply with any of such special rules, he shall be guilty of an offence against this Chapter, and also the owner, agent and manager of such mine shall each be guilty of an offence against this Chapter, unless he prove that he had taken all reasonable means by publishing and to the best of his power enforcing the said rules as regulations for the working of the mine to prevent such contravention or non-compliance.

27. The proposed special rules, together with a printed notice specifying that any objection to such rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the mine to the Inspector at his address stated in such notice, shall, during not less than two weeks before such rules are transmitted to the Inspector, be posted up in like manner as is provided in this Chapter respecting the publication of special rules for the information of persons employed in the mine, and a certificate that such rules and notice have been so posted up shall be sent to the Inspector with the rules signed by the person sending the same.

Contravention of section offence against Chapter.

Special rules in mine.

Special rules, how established

If the rules are not objected to by the Commissioner within forty days after their receipt by the Inspector they shall be established. If the owner, agent or manager make any false statement with respect to the posting up of the rules and notices he shall be guilty of an offence against this Chapter.

How modified.

28. If the Commissioner is of opinion that the proposed special rules so transmitted or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, or for the safety of the persons employed in or about the mine, or are unreasonable, he may, within forty days after the rules are received by the Inspector object to the rules, and propose to the owner, agent, or manager in writing any modifications in the rules by way either of omission, alteration, substitution or addition.

If the owner, agent or manager do not within twenty days after the modifications proposed by the Commissioner are received by him, object in writing to them, the proposed special rules, with such modifications shall be established.

If the owner, agent or manager send his objection in writing within the said twenty days to the Commissioner, the matter shall be referred to the Governor in Council; and the date of the receipt of such objection by the Commissioner shall be deemed to be the date of the reference; and the rules shall be established as settled by an order of the Governor in Council.

Amendment of special rules.

29. After special rules are established under this Chapter in any mine, the owner, agent or manager of such mine may from time to time propose in writing to the Inspector for the approval of the Commissioner, any amendment of such rules or any new special rules, and the provisions of this Chapter with respect to the original special rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules. The Commissioner may from time to time propose in writing to the owner, agent or manager of a mine in which there are no special rules, and to the owner, agent or manager of a mine in which there are special rules, any new special rules, or any amendment to such special rules, and the provision of this Chapter with respect to a proposal of the Governor in Council for modifying the special rules transmitted by the owner, agent or manager of a mine shall apply to all such proposed special rules, new special rules, and amendments in like manner, as nearly as may be, as they apply to such proposal.

Abstract of Chapter published.

30. For the purpose of making known the special rules, if any, and the provisions of this Chapter, to all persons

employed in and about each mine, an abstract of the Chapter supplied on the application of the owner, agent or manager of the mine, by the Commissioner, and an entire copy of the special rules, (if any), shall be published as follows:

- (1.) The owner, agent or manager of such mine shall cause such abstract, and rules (if any), with the name of the Inspector, and the name of the owner, agent or manager appended thereto, to be posted up in legible characters, in some conspicuous place at or near the mine, where they may be conveniently read by the persons employed; and so often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.
- (2.) The owner, agent or manager, shall supply a printed copy of the abstract and the special rules (if any) gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner, agent or manager are paid.
- (3.) Every copy of the special rules shall be kept distinct from any rules which depend only on the contract between the employer and the employed.

If any owner, agent or manager fail to act in compliance with this section, he shall be guilty of an offence against this Chapter; but the owner or manager shall not be deemed guilty if he prove that he has taken all reasonable means, by enforcing the observance of this section, to prevent such non-compliance.

31. Every person who pulls down, injures or defaces any proposed special rules, notice, abstract or special rules, when posted up, in pursuance of the provisions of this Chapter, with respect to special rules, or any notice posted up in pursuance of the special rules, shall be guilty of an offence against this Chapter. Defacing notices.

32. The Inspector shall, when required, certify a copy, which is shown to his satisfaction to be a true copy, of any special rules which, for the time being, are established under this Chapter in any mine; and a copy so certified shall be evidence (but not to the exclusion of other proof) of such special rules, and of the fact that they are duly established under this Chapter, and have been signed by the Inspector. Certified copy of special rules to be evidence.

PENALTIES.

- Other employes
liable same as
owners, &c.
33. Every person employed in or about a mine other than an owner, agent or manager, who is guilty of any act or omission which in the case of an owner, agent or manager would be an offence against this Chapter, shall be deemed to be guilty of an offence against this Chapter.
- Penalty for offences against
this Chapter.
34. Every person who is guilty of an offence against this Chapter shall be liable to a penalty not exceeding, if he is an owner, agent or manager, eighty dollars, and if he is any other person, eight dollars, for each offence; and if the Inspector has given written notice of any such offence, to a further penalty not exceeding five dollars for every day after such notice that such offence continues to be committed.
- In certain cases
owner, &c., not
liable to prosecution.
35. No prosecution or other proceeding shall be instituted against the owner, agent, or manager of a mine to which this Chapter applies, for an offence under this Chapter, which can be prosecuted before a Justice's Court, except by the Inspector, or with the consent in writing of the Commissioner; and, in case of any offence of which the owner, agent, or manager is not guilty, if he prove that he had taken all reasonable means to prevent the commission thereof, the Inspector shall not institute any prosecution against such owner, agent, or manager, if satisfied that he had taken such reasonable means as aforesaid.
- Penalties, &c.,
recovered in
name of In-
spector.
36. All penalties under this Chapter, and all moneys and costs by this Chapter directed to be recovered as penalties, may be sued for and recovered in the name of the Inspector in the same manner and in the same courts of law in which ordinary private debts of a like amount are sued for and recovered.
- Proceedings
within three
months.
37. Any complaint or suit made or brought in pursuance of this Chapter shall be made or brought within three months from the time when the matter of such complaint or suit respectively arose.
- Owner, &c., can
be witness.
38. The owner, agent, or manager, may, if he think fit, be sworn and examined as an ordinary witness in the case where he is charged in respect of a contravention or non-compliance by another person.
- Application of
penalties.
39. Where a penalty is imposed under this Chapter for neglecting to send a notice of any explosion or accident or for any offence against this Chapter which has occasioned loss of life or personal injury, the Commissioner may (if he think fit) direct such penalty to be paid to or distributed among the persons injured and the relatives of any persons whose death may have been occasioned by such explosion, accident or offence, or among some of them.

Provided that such persons did not in his opinion occasion or contribute to occasion the explosion or accident, and did not commit, and were not parties to committing the offence.

Save as aforesaid, all penalties imposed in pursuance of this Chapter shall be paid on receipt of the same into the Provincial Treasury.

MISCELLANEOUS.

40. In the working of coal and other minerals in submarine areas: Regulations as to working of submarine areas.

- (1.) No submarine seam of coal or stratified deposit of other mineral shall be wrought under a less cover than one hundred and eighty feet of solid measures: Provided that the owner or lessee of any such area may drive passage-ways, to win the mineral to be wrought, under a less cover than one hundred and eighty feet, but not under less than one hundred feet of solid measures:
- (2.) A barrier of the mineral wrought of not less than fifty yards, twenty-five yards on both sides of the boundary lines of every lease, shall be left unwrought between the workings of every submarine seam:
- (3.) The workings of every such submarine area shall be laid off in districts of an area not greater than half of one square mile, and the barrier enclosing each separate district shall not be less than thirty yards thick, and shall not be pierced by more than three passage ways having a sectional area not greater than six feet by six feet:
- (4.) No district shall have its length when parallel to the general trend of the adjoining shore greater than one mile.
- (5.) A proposed system of working the mineral in each submarine area shall before work is commenced be submitted to and approved of by the Inspector; and no change shall be made in such approved system without the written sanction of the Inspector.

The opening of a new level or lift in a mine already working in a submarine area shall be deemed the commencement of a new winning in the meaning of this clause.

The owner, agent or manager of every mine to which this section applies, who transgresses or fails to compl

with any provision of this section shall each be liable to a penalty not exceeding one thousand dollars, and if the offence complained of is continued or repeated after a written notice has been given by the Inspector to such owner, agent or manager of any such offence having been committed, the Supreme Court or a Judge thereof, whether any other proceedings have or have not been taken, may upon application of the Attorney General prohibit by injunction the working of such mine.

Minerals to be weighed.

41. All coal, iron ore, or other mineral extracted from mines leased by the Crown, on which royalty is payable, shall be weighed at the mine. The overrun allowed for rough weighing shall not exceed the true weight by one and a half per cent.

Proviso.

A competent person shall be appointed weigher by the owner or agent, who shall enter in a book specially kept for the purpose the weight of every weighing, and shall make a true report to the office at the mine of the weighings so made by him: provided always that it shall not be necessary to weigh every car load or tub of coals; but the Inspector may agree with the manager, owner or agent of any mine as to the weight by the gauge or average weight of such car loads or tubs: provided, however, that in no case shall a less quantity than every tenth car load or tub be so weighed as aforesaid. Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Chapter.

Notices served personally or by post.

42. All notices under this Chapter shall be in writing or print, or partly in writing and partly in print; and all notices and documents required by this Chapter to be served or sent by or to the Commissioner or Inspector may be either delivered personally, or served and sent by post by a prepaid registered letter; and, if served or sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

Continuance of existing special rules.

43. The special rules which are in force in any mine under the sanction of an Inspector appointed under the Act entitled "An Act to consolidate the Statutes relating to Mines and Minerals," shall continue to be the special rules in such mine until special rules are established for such mine under this Chapter, and while they so continue, shall be of the same force as if they were established under this Chapter.

SCHEDULE.

FORM OF NOTICE OF EXPLOSION OR ACCIDENT TO BE SENT TO
THE DEPARTMENT OF MINES.

Name of Mine

Date

To the Honorable the Commissioner of Public Works and
Mines, Halifax, N. S.:

SIR,—In pursuance of Chapter 10 of the Revised
Statutes, "Of the Regulation of Mines," I beg to give you
notice that an ⁽¹⁾ ——— has occurred at this mine, of
which the following are the particulars:—

Place where the accident occurred.....

Date of the accident.....

Character of the accident.....

If from explosion, whether of gas, powder, or }
any steam boiler..... }

Number, ages, and names of persons killed.....

Number and names of persons }
injured seriously..... }

Number and names of persons }
injured slightly ⁽²⁾..... }

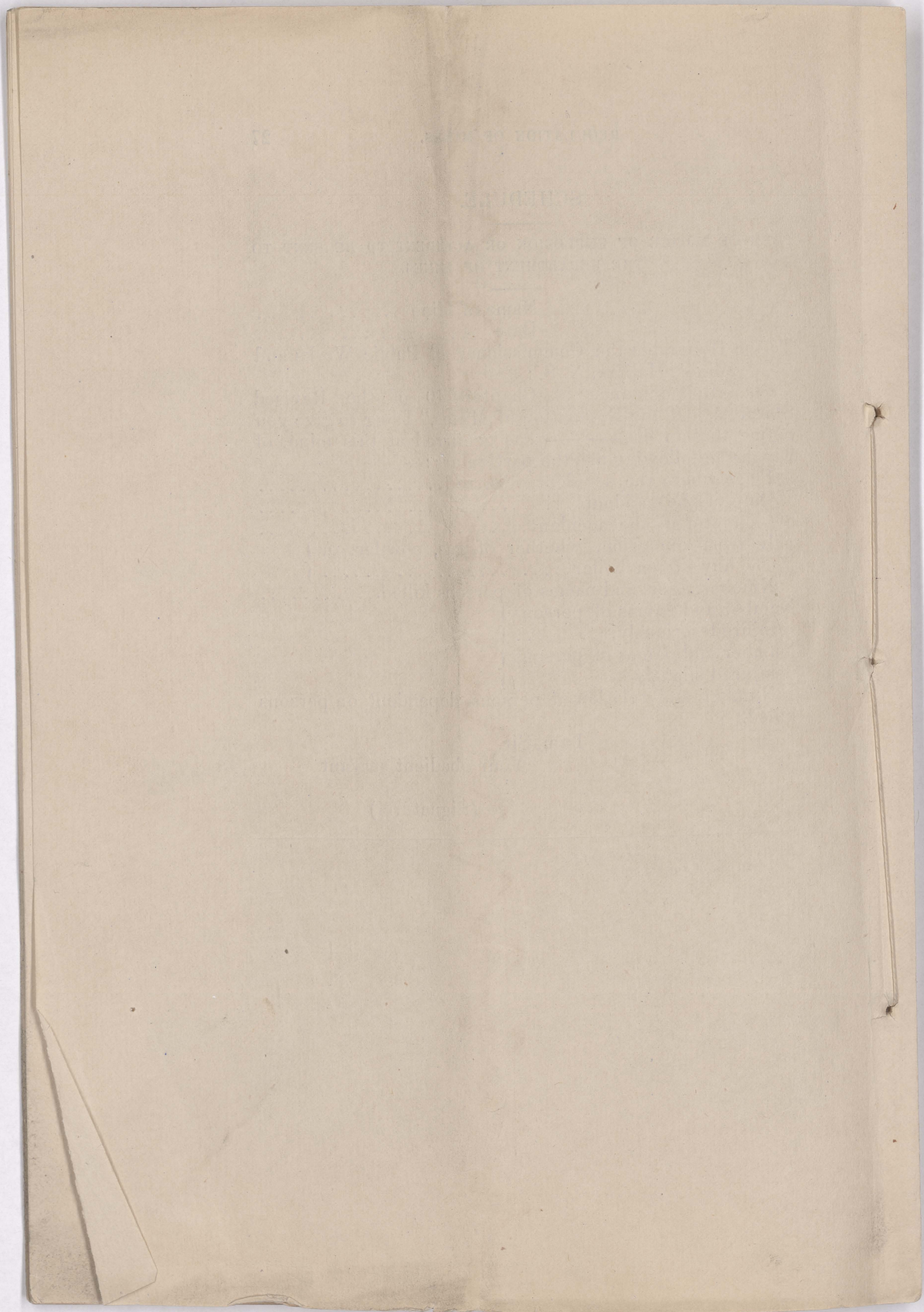
Number and relation of persons dependent on persons
killed.

I am, Sir,
Your obedient servant

(Signature.)

(1) "Explosion" or "Accident."

(2) In case of any explosion.



L A W

RELATING TO

MINES AND MINERALS

IN

NOVA SCOTIA.

HALIFAX, N. S.:
PRINTED BY CHARLES ANNAND.
1873,

LAW

MINES AND MINERALS

NOVA SCOTIA

PRINTED BY CHARLES ANNAND,
HALL'S BLDG.,
ST. JOHN'S, N.S.

MINES AND MINERALS.

1. The word "Mine" in this Chapter shall mean any locality in which any vein, stratum, or natural bed, of coal, or of metalliferous ore, or rock exists, or shall, or may be worked. The verb "to mine," in this Chapter shall include any mode or method of working whatsoever, whereby the ore, earth, or soil, or any rock, may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining gold, coal, iron, copper, or any other ore, or metallic substance, and whether the same may have been previously disturbed or not. The term "Gold-bearing quartz" shall be held to mean all auriferous rock *in situ*. "Alluvial mine" shall be held to mean gold-bearing earth or rock elsewhere than *in situ*. The terms "Commissioner" and "Commissioner of Mines" shall be held to mean the Commissioner of Public Works and Mines, and the term "Deputy" or "Deputy Commissioner" shall be held to mean Deputy Commissioner of Mines. "Lessee" shall include and mean sub-lessee or any person deriving title to a mine through a lessee of the Crown, unless such interpretation is repugnant to the context or to the spirit of this Chapter.

Definition of terms used in Chapter.

2. The office of the Commissioner of Mines shall be opened at ten of the clock in the forenoon and closed at four of the clock in the afternoon, except on Saturdays, when it shall be closed at one of the clock in the afternoon; and all applications for licenses or leases shall be made during such office hours; and all such applications made at other times shall be void.

Mines office when open.

Applications at other times void.

3. The Governor in Council shall continue to be authorized to select and appoint, when and as often as occasion may require, a suitable person to act as Commissioner of Public Works and Mines for the Province, and suitable persons to act as Deputy Commissioners of Mines in the several gold districts hereinafter provided for, and to define the limits of the jurisdictions of such Deputy Commissioners respectively; and, by virtue of and during the continuance of such appointment, such Commissioners of Public Works and Mines within the Province, and such Deputy Commissioners within the gold districts for which they are respectively appointed, shall exercise the powers of Justices of the Peace. Provided always, that no such Commissioner or Deputy shall act as a Justice of the Peace at any Court of General or Special Sessions or in any matter out of Session, except for the administering of oaths, the

Governor in Council to appoint Commissioner of Public Works and Mines and Deputy Commissioners of Mines.

Commissioner and Deputies to have powers of Justices in certain cases.

preservation of the peace, the prevention of crimes, the detection and commitment of offenders, and the carrying out of the provisions of this Chapter.

Governor in Council to appoint Deputy Commissioner of Public Works and Mines for Province.

Such Deputy to have powers of a Justice.

Governor in Council may appoint Inspector of Mines.

Duty of Inspector.

Salary.

Commissioner and Deputies to hold office during pleasure, and give bonds.

Shall not be interested in Mines, &c.

Deputies ineligible to Assembly.

4. The Governor in Council is authorized to select and appoint, when and as often as occasion may require, a suitable person to act as Deputy Commissioner of Public Works and Mines for the Province, and to define the limits of his authority and jurisdiction; and by virtue of and during the continuance of such appointment, such Deputy Commissioner of Public Works and Mines shall within the Province exercise the powers of a Justice of the Peace in the same manner and with the same limitations as in the next preceding section contained as to the Commissioner.

5. The Governor in Council is authorized to select and appoint, when and as often as occasion may require, a suitable person to act as Inspector of Mines, who shall be a competent scientific, practical, mining engineer, whose duty it shall be to visit from time to time, as may be deemed necessary, and inspect the various mines belonging to or under lease from the Crown, to ascertain if the laws, stipulations, and agreements relative to the working and management of such mines, and to the payment of rents and royalties accruing therefrom, are complied with; and if the same are being worked in a scientific, workmanlike and effective manner, due regard being had both to maintaining the value of such mines and providing for the safety of, and protecting the persons employed therein, and any further duties that may be assigned to him under the provisions of this Chapter or of any other act of the Province now in force or hereafter to be passed by the Legislature; and he shall from time to time report, in accordance with the facts, to the Commissioner. The salary of the Inspector of Mines shall be fixed by the Governor in Council.

6. The Commissioner of Public Works and Mines, the Deputy Commissioner of Public Works and Mines, the Deputy Commissioners of Mines and the Inspector of Mines, shall each hold office during pleasure, and shall give bonds for the faithful discharge of their duties in such sums as may be fixed by the Governor in Council, and shall not be directly or indirectly interested in any mine or mining operations, or in the proceeds or profits thereof, nor shall any of them act as the agent or attorney of any person interested therein, under a penalty of one thousand dollars for every offence, to be recovered in the Supreme Court.

7. The Deputy Commissioner of Public Works and Mines, the Deputy Commissioners of Mines, and the Inspector of Mines, shall be incapable of being elected to or of

sitting or voting in the House of Assembly; and any or either of them who shall so sit or vote shall forfeit two hundred dollars for every day on which he shall so sit or vote, to be recovered in the Supreme Court. None of such officers shall take any part or use any influence directly or indirectly in the election of any representative to sit in the Assembly, under a penalty of two hundred dollars for every such offence, to be recovered in the Supreme Court.

Shall take no part in elections.

OF GOLD MINES.

8. The Governor in Council, on being satisfied of the discovery of gold in any locality, may, by proclamation in the *Royal Gazette* of this Province, declare such locality to be a gold district, and assign limits and boundaries to such district, and from time to time enlarge, contract, or otherwise alter such limits.

Governor in Council may proclaim gold districts.

9. Quartz mines shall, so far as local peculiarities or other circumstances may permit, be laid off in areas of one hundred and fifty feet along a quartz lode, and two hundred and fifty feet across, which shall hereafter be known and described as Class Number One.

Areas of class number one, in quartz mines.

10. Areas shall be laid out, as far as possible, uniformly, and in quadrilateral and rectangular shapes. Measurements of areas shall be horizontal, and each area shall be bounded by lines vertical with the horizon.

Areas how laid out and measured.

11. Alluvial mines not under lease at the time of the passing of this Chapter, and alluvial mines under lease at such time, but which shall hereafter be surrendered by their lessees or become forfeited to the Crown, shall be laid out, as far as local peculiarities will allow, as directed in the case of quartz mines, the courses of the respective boundary lines of such mines to be decided by the Commissioner; and the advance payments or rents and royalties shall be the same as those of quartz mines.

Alluvial mines.

12. There shall be kept at the office of the Commissioner a book of record for each proclaimed gold district, and one for all unproclaimed districts or places in which applications for areas are made, wherein shall be entered all applications for areas, with the precise times of their being made, shewing the descriptions of the areas applied for, the amounts paid, the names of the applicants in full, with the names of the parties paying, the amounts of royalty received from the licensed mill owners, the names of the licensed mill owners, the amounts of royalty received from others than licensed mill owners, the names of the parties paying such royalty, the distinguishing numbers of the areas or the numbers of the leases

Record of applications for areas.

Records kept by Deputies. covering the areas from which the gold was obtained, in respect of which such royalty was paid: and each Deputy shall keep a similar book of record for the gold district over which he has jurisdiction, in which similar entries shall be made respecting such district; and each Deputy shall each week forward a return to the office of the Commissioner, which return shall be a true transcript of the entries made in such book of record during the week previous to the making of such return, and shall then remit to the Commissioner the several sums so paid. Such books of record shall be open at all reasonable times to the inspection of all persons desiring to see the same.

Returns to Mines office. 13. The Commissioner of Mines shall cause to be prepared, and shall keep in his office, plans of all gold districts, with the areas numbered thereon, and on which all areas applied for shall be distinctly designated by numbers. Each Deputy shall prepare and keep a duplicate of the plan of the district under his jurisdiction, on which all areas applied for in such district shall be distinctly designated; and shall, in his weekly returns, report the distinguishing numbers of the areas applied for as indicated on such plan.

Duplicates kept by Deputies. Applications for areas, to whom made. 14. All applications for areas shall be made to the Deputy Commissioners for the districts in which the areas are situated, if there be Deputies for such districts; and where there are no Deputies for such districts, or where the areas applied for are not within any proclaimed district, the applications shall be made to the Commissioner; and no such applications shall be received for areas already applied for or under license or lease.

Applications, how made. 15. Every application shall be in writing, defining the area or areas applied for, and shall be accompanied by a payment (except in the case of free claims under the provisions of this Chapter) of two dollars for each and every of such areas; and the Commissioner of Mines or Deputy Commissioner, as the case may be, receiving such application, shall endorse thereon the precise time of such receipt.

Mining leases, how executed. 16. Every lease granted under the provisions of this Chapter shall be executed, on the part of the Crown, by the Commissioner of Public Works and Mines, under his hand and seal of office, and on the part of the lessee under his hand and seal, signed and affixed thereto by the lessee or his duly authorized attorney; and, when a lease is executed by an attorney, the instrument conferring such power of executing shall be filed in the office of the Commissioner before such lease is executed by such attorney; and such lease shall be in the form in Schedule

A, hereto annexed, and shall contain all the grants, demises, reservations, covenants, promises, provisions, conditions and agreements mentioned or intended in, the by such Schedule; and shall be subject to, and contain or, reservation of, the rights of the owners of the soil, their heirs and assigns; and such lessee, his executors, administrators or assigns, where such lease is granted on private lands, shall, before making entry on such lands, obtain from the owners thereof permission to enter, either by special agreement or in accordance with the provisions of this Chapter. Form of leases.

17. When the holder of a lease of areas on private lands cannot make an agreement with the owner thereof, for leave to enter and for easements, and for damage to such lands, it shall be lawful for such holder to give notice to the owner or tenant to appoint an arbitrator to act with another arbitrator named by the lessee of the areas, in order to award the amount of damages to which the owner or tenant shall be entitled, by reason of the opening and working of a mine in such lands: and if any lessee shall enter and work upon the land leased before he shall have agreed with the owner of the land, or have proceeded to have his damages appraised, in accordance with this section, the owner may complain to the Supreme Court, who shall investigate the complaint, and if the same is substantiated, shall declare the lease to be forfeited. Assessment of damages in case of dispute between land owner and mining lessee, &c.

18. The notice mentioned in the last preceding section shall, when practicable, be personally served on such owner, or his agent if known, or tenant; and after reasonable efforts have been made to effect personal service, without success, then such notice shall be served, by leaving it at the last place of abode of the owner, agent, or tenant. Such notice shall be served, if the owner resides in the county in which the land is situate, ten days; if out of the county and within the Province, twenty days, and if out of the Province, thirty days, before the expiration of the time limited in such notice. If the proprietor refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor within the time limited therefor in the notice provided for by the next preceding section, the Custos of the county wherein the lands lie shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent, or tenant, or that such owner, agent, or tenant wilfully evades the service of such notice or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent, or tenant, appoint an arbitrator on his behalf. Notice of arbitration, how served.

Mode of assessing damages by arbitrators.

19. All arbitrators appointed under the authority of this Chapter shall be sworn, before a Justice of the Peace, to the impartial discharge of the duties assigned to them; and they shall forthwith proceed to estimate the reasonable damages which the owners and tenants of such lands, according to their several interests therein, shall sustain by reason of the opening of necessary shafts and other excavations, the construction of roads and drains, the erection of necessary works and buildings thereon, and of the occupation of so much thereof (to be determined by the Inspector of Mines in the event of any dispute arising in respect thereof) as the lessee may require for all purposes connected with the opening and working of a mine to the most advantage thereon. In estimating such damages, the arbitrators shall determine the value of the land irrespectively of any enhancement thereof from the existence of gold or other mineral ores or metallic substances therein. In case such arbitrators cannot agree, they may select a third arbitrator; and when the two arbitrators cannot agree upon a third arbitrator, the Custos of the county in which the lands lie shall select such third arbitrator. The award of any two of such arbitrators made in writing shall be final.

Proceedings in cases of unknown, uncertain, or disputed ownership of lands.

20. When the person or persons entitled to such damages shall be unknown or uncertain, the lessee shall, by advertisement published in the *Royal Gazette* at Halifax, and in a newspaper (if any) published in the county where the lands lie, for at least thirty days, in which the lands shall be particularly described, call upon all persons having a right to such damages to appear before the Custos of the county in which such lands lie on or before a certain day therein named, to be not less than thirty days after the first publication of such advertisement, to appoint an arbitrator; and if an arbitrator is not so appointed on or before such day, the Custos and lessee shall each appoint an arbitrator, and all further proceedings shall be in accordance with the provisions of this Chapter; and the Custos shall receive all moneys awarded in such case, and pay the same over to the County Treasurer; and when the right to the ownership of the land shall be in dispute, the payment for damages awarded shall in like manner be made to the Custos, who shall pay the same to the County Treasurer.

Party paying money under award not further liable.

21. Payment of such damages, by the party liable therefor, to the persons designated by the award as entitled thereto, or, if the award shall not designate the persons entitled, to such persons as, in the absence of any dispute, shall be ostensibly entitled thereto, shall exonerate the party making payment; but any persons subsequently

claiming to have been entitled to the damages so paid, may prosecute their claims by action for money had and received against the persons to whom the payment shall have been made.

22. In case of disputed or unknown title, the Supreme Court, or a Judge thereof, on application of the claimant, shall order the damages paid to the County Treasurer to be paid to the persons who, on due investigation by such Court or Judge, shall have established their right thereto; but no order shall be made until it shall be shown that notice has been given sufficient, in the judgment of the Court or Judge, to protect the rights of all persons who may be, or who may claim to be, interested.

Disputed and unknown titles settled by Supreme Court.

23. The lessee, or licensee, shall not be implicated in controversies between persons contesting title to the damages.

Lessee or licensee not implicated.

24. In no case in which the award shall find the amount of damages with sufficient certainty, shall such award be set aside, because the persons entitled to damages are not designated by name, or sufficiently designated, or by reason of irregularity as to the persons entitled, or of any matter of form; but the Supreme Court or Judge shall rectify any error, or informality, or shall adopt such proceedings as may be necessary for determining to whom the damages may be paid, or for otherwise carrying into effect the provisions and intent of this Chapter.

Where amount of award is certain it shall not be set aside.

25. The parties obtaining licenses and leases under this Chapter, and those deriving title under them, shall be answerable for damages that may ensue from the falling in of land, or for other injury which may be sustained by the owners or tenants of such lands subsequent to the agreement for, or award of, damages required by the foregoing sections, by reason of the works of the parties obtaining licenses or leases, or of those under them, or deriving title from or through them.

Licenses or leases liable for damages arising from works.

26. All leases shall be for the term of twenty-one years; but the holder of any such lease may, at any time, surrender the same by notice in writing, signed by him, and filed, together with his counterpart of lease, in the office of the Commissioner; but nothing herein contained shall be construed to discharge him from liability in respect of any covenants in the lease, for or in respect of any act, matter or thing, for which, at the date of such surrender, he was liable under the terms of such lease.

Term of leases, &c.

27. Such leases may be forfeited on failure to pay the stipulated royalties—other than those arising from quartz crushed at a licensed mill—or to keep employed annually on the demised premises the number of days' labor herein after specified, or to comply with any other of the provisions and stipulations in the leases contained.

Leases, how forfeited.

How lessee shall
use demised
lands.

28. The holder of any such mining lease shall not use any part of the lands so demised for any other purposes whatsoever, except such as shall be necessary for making roads, opening drains, erecting necessary works, buildings, and all other purposes connected with the opening and working such mines to the most advantage; and all necessary ways and watercourses over the demised premises, whether expressly reserved in such lease or not, shall be considered as reserved to the Crown, and in respect to the making, alteration, and use thereof, shall be subject to such orders and regulations as the Governor in Council may, from time to time, consider expedient; and all licensees and lessees and other persons employed about the mines on such demised premises, shall use the lands in such manner as will be least injurious to the owners and occupants of such lands, or any other lands lying contiguous thereto.

Amount of year-
ly labor on mi-
ning areas.

29. There shall be employed each year on the demised premises a number of days' labor equivalent to one hundred days for every number one area comprised therein. The year for this purpose shall be computed from the first day of January, April, July or October, which shall first ensue after the date of the lease; unless the lease shall be dated on one of such days, in which case the year shall be computed from the date of the lease: but any lessee holding ten or more, but less than twenty areas of class number one, in any gold district, will not be required, during the first year of his holding, to keep employed more than three-fourths of the number of days' labor above required to be performed per area; in like manner, if holding twenty or more, but less than thirty of such areas in the same district, he shall be required to keep employed only one-half; and if holding thirty or more, only one-fourth the above required number of days' labor, during such first year.

Provide.

Mode of compu-
ting number of
days' labor.

30. In computing the number of days' labor employed by any lessee, at the termination of any year, all or any of the leases which he at the time holds of mining areas in any one district, which leases shall not contain a total of more than one hundred areas, may, for this purpose, be tacked and considered as one lease; and if it is ascertained that an amount of labor equal to the whole amount which he is required to have performed upon the whole of the said areas, has been actually expended upon any one or more of said areas, the law in this respect shall be held to have been complied with, although the lessee may not have employed upon the areas in each separate lease the number of days' labor required by the last preceding section.

31. Where a lessee shall have employed in any one year a part only of the amount of labor required to be performed by him annually upon the premises demised to him in any one district, or under any one lease, the whole of the areas held by him in such district, or under such lease, shall not necessarily become forfeited therefor, but only a part of such demised premises proportioned to the number of days' labor which such lessee has failed to perform, shall become forfeited; and such lessee shall make selection of that part of the demised premises which he will retain. To avail himself of the provisions of this section, a lessee must make known his selection by notice in writing to the Commissioner within ten days after the termination of the year for the non-performance of labor during which a portion of the premises demised to him becomes forfeited; and the areas selected by him to be retained shall, so far as possible, be in a compact block and not detached from each other, and no number one area shall be divided in making such selection. Should any one lease contain areas thus retained and also areas which are forfeited, such lease shall be surrendered by the lessee, who shall receive a new lease of the areas so retained.

Partial forfeiture of mining areas, proceedings in case of.

32. When, from any cause whatever, a leased mine shall become forfeited to the Crown, under the proceedings directed by the sixty-seventh section of this Chapter, all the right, title and interest which the holder of such forfeited lease had therein immediately previous to such forfeiture, shall, upon such forfeiture, become thereby vested in the Crown; but the lessee of any mine may, during his lawful occupancy thereof, take down and remove any houses, buildings, machines, or other erections built or placed by him thereon, notwithstanding that the same may be considered in law as attached to the freehold.

Forfeited mine vested in crown.

Proviso.

33. Applications may be made for a lease of a mine upon lands not lying within any proclaimed gold district; and in such case the rights of parties and the proceedings to be taken with reference thereto, shall be governed, as far as possible, by the spirit and provisions of this Chapter. Parties occupying and staking off areas corresponding in size with those prescribed hereby, shall be entitled to priority in the order of their making application. Every such applicant shall be entitled to one week, and thereafter to twenty-four hours' time for making his application, for every fifteen miles distance of the mine applied for, from the office of the Commissioner at Halifax. In case the lands so applied for shall afterwards be included within any gold district, and laid off as hereinbefore prescribed, the rights of the occupants shall be respected so far as is consistent with the terms of this Chapter, on adjusting the boundary lines between the parties in occupation.

Applications for leases elsewhere than in proclaimed districts, &c.

- Mining areas leased before 1st April, 1864.
- Assessment of damages.
- Prospecting licenses.
- Shape and size of prospecting areas.
- Duration of license.
- Applications for prospecting licenses.
- Bond to be given by applicant.
- Damages against licensee, how assessed.
34. In all cases where mining areas have, previous to the first day of April, 1864, been leased, or have been occupied by virtue of a Gold Commissioner's authority, on private lands not subsequently revested in the Crown, and with respect to which no agreement has been made, nor was on the said first day of April being negotiated, for land damages between the lessee and the owner of the soil, the Commissioner shall proceed to arrange with the owners of the soil for such damages, by mutual agreement, or arbitration, and to pay such damages, in the manner and form prescribed by the seventeenth and subsequent sections of this Chapter, for applicants for mining leases; and in such cases the Commissioner shall occupy, so far as circumstances will permit, the same position relative to the owners of the soil which, under the sections above referred to, would be held by an applicant for a mining lease on private lands, whose application is made after the passing of this Chapter.
35. The Commissioner of Public Works and Mines may issue licenses to search for gold, to be called "Prospecting Licenses," which shall be subject to the rules prescribed by this Chapter.
36. Any such license may include any area not exceeding one hundred acres in extent, so as the same shall be laid off in quadrilateral and rectangular figures, and shall not in length exceed double the breadth thereof.
37. Such license shall be in force for any period not exceeding three months from the date thereof.
38. All applications for prospecting licenses shall accurately define by metes and bounds the lands applied for, and shall be accompanied by a payment at the rate of fifty cents per acre for every acre up to ten acres in extent, and of twenty-five cents for every acre in addition to that extent.
39. Before such license shall be granted the applicant shall enter into a bond with two sureties to the satisfaction of the Commissioner, to recompense the proprietor of the soil, in the event of entry being made on private lands, for damages done to his lands; to make the returns at the expiration of the license and of the renewal, and to pay the royalties hereinafter required.
40. If the proprietor of private lands so entered upon shall seek damages, he shall, before the end of three months after the expiration of the license, make his claim in writing against the holder of such license, detailing the particulars and amount of claim; and if the claim is not adjusted by agreement between the parties within one month after notice thereof as aforesaid, it may be settled by arbitration in accordance with the provisions of section

17 and subsequent sections of this Chapter; but in such case either of the parties may give the required notice to appoint an arbitrator, and the Custos of the county may appoint an arbitrator on behalf of either of such parties neglecting or refusing to make such appointment.

41. The holder of a prospecting license who shall have fulfilled all the terms and conditions thereof, shall be entitled to a renewal thereof for a second period of three months, upon like terms and conditions, except that the price of the same space shall be only half that paid on the previous application.

Renewal of li-
cense. †

42. Within the period for which the license, or renewed license, is granted, the party holding the same shall be entitled to select any area or areas, comprised therein of the size and form described in this Chapter; and shall be entitled to a lease of the areas selected upon the terms imposed herein.

Licensee may -
lect areas for
lease.

43. No lease, nor any prospecting license, shall authorize entry upon any buildings, or the curtilage appertaining to any house, store, barn, or building, or upon any garden, orchard, or grounds, reserved for ornament, or under cultivation by growing crops, and enclosed; except with the consent of the occupier, or by license from the Governor in Council, authorizing such entry, to be granted on special application, setting forth the circumstances under which the same is applied for, and on such terms as the case may require.

Lessee or licen-
see not to enter
upon buildings,
gardens, &c.

Exception.

44. On all leases of gold mines and prospecting licenses to search for gold, there shall be reserved a royalty of two per cent. upon the gross amount of gold mined.

Royalty.

45. Any miner or person building an efficient crusher of not less than eight stamps, in a locality not less than ten miles from any other efficient crusher, shall be entitled to a lease of not more than ten number one mining areas, free from advance payment or royalty, for twenty-one years. Such lease shall contain all the conditions and stipulations of ordinary gold mining leases excepting stipulations for payment of royalty.

Person building
crusher exempt
from royalty in
certain cases.

46. It shall not be lawful for any person to use or employ any mill or machinery (other than mills or machinery worked by hand) for the crushing or reduction of quartz, or the obtaining of the gold therefrom by crushing, stamping, amalgamating, or otherwise, without a license therefor first had and obtained.

Mills must be li-
censed. †

47. Such license shall be signed by the Commissioner of Mines.

By Commis-
sioner.

48. The words "Licensed Mills," when used in this Chapter, shall signify mills and machinery so licensed, and the words "Licensed Mill Owner," the person or persons to whom such license shall be granted.

Licensed mills,
&c., defined.

Bond to be given
by mill owner.

49. Before any such license shall be granted the party applying therefor shall enter into a bond to Her Majesty in the penalty of two thousand dollars, to comply with the requirements of this Chapter in respect of licensed mill owners.

Licensed mill
owners to keep
books of ac-
count.

50. Every licensed mill owner shall keep on the demised premises a book or books of account to be supplied by the Commissioner of Mines, which shall at all times be open to the inspection and examination of the Commissioner of Mines, or the Deputy, or the Inspector of Mines, or any other person thereto authorized by the Commissioner of Mines; in which book or books shall be entered a clear and distinct statement of all quartz crushed, amalgamated, or reduced at such licensed mill, and the following particulars in respect of the same:

I. The name of the owner or owners of each distinct parcel or lot of quartz crushed.

II. The weight of each such parcel or lot.

III. The date of the crushing of the same.

IV. The actual yield in weight of gold from each such parcel or lot.

V. The royalty thereon, calculated at two per cent.

VI. The mine or area (so far as the same is known or can be ascertained) from which each such parcel or lot was raised.

Mill owner to
pay royalty.

51. Each licensed mill owner shall pay or cause to be paid, in money, in weekly or other payments, as the Commissioner of Mines shall order, to the Commissioner or to the Deputy Commissioner for the District, a royalty of two per cent. on the gross amount of gold obtained by amalgamation or otherwise in the mill of such licensed mill owner, at the rate of nineteen dollars an ounce troy for smelted gold, and eighteen dollars an ounce troy for unsmelted gold.

Mill owner not
paying royalty
liable to action.

52. In case any licensed mill owner shall fail to pay such royalty in the mode or at the times prescribed by or in accordance with this Chapter he shall be liable to an action at the suit of the Commissioner of Mines as for money had and received to the use of such Commissioner; and such action may be brought, according to the amount of the claim, in the same Court which would have jurisdiction in case the amount claimed were an ordinary private debt.

Mill owner to
make monthly
returns under
oath.

53. Every licensed mill owner shall file in the office of the Deputy Commissioner for the District on the first day of the month, or, if there be no Deputy Commissioner for the District, then in the office of the Commissioner of Mines, on or before the tenth day of each month, a return, being a copy of the entries in such book or books of

account, for the last preceding month, as prescribed by the fiftieth section, which return shall be verified by the affidavit of the person principally employed in keeping such account, sworn before the Commissioner, Deputy Commissioner, or a Justice of the Peace; and, on failure to make such return or to verify the same as aforesaid, the license of any mill owner may be revoked by the Commissioner of Mines, subject to appeal, as prescribed in section 56 of this Chapter.

54. Any owner or part owner of any mill or machinery for the crushing or reduction of quartz or for the obtaining of gold therefrom (other than mills or machinery worked by hand) which shall be engaged, used or employed for the crushing or reduction of quartz, or the obtaining of gold therefrom, without a license therefor first had and obtained as prescribed by this Chapter, and any person engaged as agent, servant, workman, clerk, or otherwise, in any such mill, shall forfeit and pay the sum of four hundred dollars for each such offence; and for every day in which such offence shall be committed, the same shall be considered a new offence.

Penalty for unlicensed milling.

55. When the account books prescribed by this Chapter, or any of the accounts hereby required, shall be fraudulently or falsely kept, or the affidavits hereby prescribed, or any of them, shall be false or fraudulent, the license to the mill in respect of which the offence has been committed, may be revoked.

Fraud, how punishable.

56. The Commissioner of Mines shall have authority to inquire into any such alleged fraud, and to revoke such license if satisfied that such fraud has been committed; but his judgment shall be subject on appeal to the revision of a Judge at Chambers, who shall make such order in respect to the same as shall be agreeable to law and justice, and if he thinks fit may order any question of fact to be tried by a jury.

Decision of Commissioner not final.

57. In addition to the forfeiture of license, any licensed mill owner in respect of whose licensed mill such fraud shall have been committed, shall be liable for each offence to a penalty of not more than two thousand dollars, to be recovered in the Supreme Court, in the name of the Commissioner.

Further penalty for fraud.

58. Every licensed mill owner who shall in all respects have complied with this Chapter shall be entitled to receive from the Commissioner of Mines, at the end or expiration of every three months from the date of his license, a sum equal to five per cent upon the amount paid over by him as royalty during such period; but no such per centage shall be paid in the case of free leases.

Commission to licensed mill owner.

Exception.

Mill license, how surrendered.

59. A licensed mill owner may at any time surrender his license by delivering the same into the office of the Commissioner of Mines, with a written surrender endorsed thereon: but no such surrender shall take effect till after the lapse of ten days from the filing, at the office of the Commissioner of Mines, of a notice in writing of the intention of such mill owner to surrender the same.

Effect of surrender.

60. Upon such a surrender taking effect as aforesaid, such mill shall cease to be a "Licensed Mill," until again licensed under the provisions of this Chapter.

Construction of mill owner's bond.

61. The licensed mill owner so surrendering his license and his sureties shall remain liable under their bond for all obligations accruing thereunder up to the time when the surrender takes effect, as aforesaid, but shall not be liable for obligations accruing thereafter.

Lessees of mines to make quarterly returns.

62. Lessees of mines shall be bound to make to the office of the Commissioner of Mines or to the Deputy Commissioner for the District, within ten days after the first days of January, April, July, and October in each year, true and correct returns to the best of their knowledge and belief, on forms to be supplied by the Commissioner of Mines, in which shall be comprised the following particulars:

I. The number of days' labor performed on the demised premises during the preceding quarter.

II. The number of tons of quartz raised from the demised premises during the preceding quarter.

III. The person or persons to whom the same has been sold, or disposed of, and the different lots or parcels in which the same has been sold or disposed of, with dates.

IV. The weight of all quartz sent by him during the quarter to any licensed mill, and the name and description of the mill to which the same has been sent; and when the same has been sent and kept in distinct parcels, the weight of each separate parcel.

V. The yield of each separate parcel or lot, as returned and allotted by the mill owner, with the date of allotment.

VI. The total quantity of gold obtained from the mine in any manner during the quarter, distinguishing that resulting from the quartz crushed at licensed mills from the gold otherwise obtained.

Such returns shall be verified by affidavits to be made before the Commissioner of Mines or one of the Deputies, or a Justice of the Peace.

Lessee's liability for royalty

63. The lessee of each mine shall be liable for royalty upon all gold obtained from his mine in any other way than from quartz crushed by licensed mills; but he shall be exempt from any claim in respect of gold obtained from

quartz so crushed, the liability of the mill owner for such royalty being substituted for that of the lessee.

64. When any parcel of quartz from a free mine shall have been crushed at a licensed mill, the owner of the quartz, on proof of the facts to the satisfaction of the Commissioner of Mines, shall be entitled to receive from the Commissioner of Mines the amount deducted by the licensed mill owner, and paid as royalty under the provisions of this Chapter.

Royalty repaid to owner of free mine.

65. In case any holder of a lease granted under this Chapter shall fail to make payment of any royalty accruing under the terms of section 63 within ten days after the time prescribed by this Chapter for making his return to the Commissioner of Mines or the Deputy Commissioner for the District, he shall be liable to an action at the suit of the Commissioner of Mines, as for money had and received to his use for the value of the royalty so accruing.

Lessee not paying royalty liable to action.

66. Such action may be brought, according to the amount claimed, before the same court which would have jurisdiction in case the amount claimed were an ordinary private debt; and on a change of Commissioner of Mines, actions prosecuted by him shall be continued and prosecuted by his successor in such manner as the court shall direct; and a Commissioner may prosecute in his own name, as for money had and received to his use, although the same shall have become due to a previous Commissioner.

In name of Commissioner as for private debt.

67. In any case of liability to forfeiture of any gold mining lease for non-compliance by the lessee with the terms, stipulations, and conditions therein contained, or by this Chapter required, the Deputy Commissioner for the District, or (if the leased premises are not within a proclaimed gold district, or are in a gold district where there is no Deputy Commissioner) the Commissioner of Mines shall cause a notice in the form in Schedule E to be personally served upon the lessee (or some or one of the lessees, where more than one are included in the lease) or his agent or person principally employed on the premises, or shall cause such notice to be posted upon the premises leased where no person can be found upon whom to make service thereof, informing him of such charge and appointing a time (not less than thirty days after the service or posting of such notice) and place for the investigation of the same; and a duplicate of such notice shall also be posted up in the office of the Commissioner and another in that of the Deputy for the District, if any there be, for at least thirty days next previous to the time so appointed; and such duplicate shall be kept so posted for at least thirty days after the investigation and decision of

Lessee to receive thirty days' notice of intended forfeiture of lease.

Duplicate notices, where posted, and how long.

the case, with the decision and the date of such decision briefly noted thereon.

Proceedings antecedent to forfeiture.

68. At the time and place appointed the Commissioner or Deputy who issued the notice shall proceed to investigate such case, and the service and posting of the notice shall be proved, either orally at the investigation, or by affidavit sworn before a Commissioner of the Supreme Court. Upon proof of such notice, and upon hearing the evidence relating to the case, which shall be taken in writing and signed by the witnesses, the Commissioner or Deputy, as the case may be, on being satisfied of the non-fulfilment of the conditions of the lease, or of the provisions of this Chapter, shall give judgment forfeiting the lease and re-vesting the premises in the Crown: and such judgment shall be in the form in schedule F, and shall be signed by the Commissioner or Deputy Commissioner who shall have heard the case.

Judgment of forfeiture, form of.

Deputy to forward decision, &c., to Commissioner.

69. In case the judgment is given by a Deputy Commissioner he shall in every case forward to the Commissioner of Mines the decision, with all papers connected therewith; and such Deputy Commissioner shall keep true copies of such papers in a book to be kept for that purpose.

Appeal from Deputy to Commissioner.

70. If within thirty days after the decision the lessee, against whom the decision was made, or any person acting on his behalf, give notice to the Commissioner of Mines that he is aggrieved at the decision of the Deputy Commissioner, and appeal against it, the Commissioner shall appoint a time and place for hearing such appeal, of which such lessee shall have reasonable and timely notice; and at such time and place the Commissioner shall proceed to investigate the case anew and decide upon the whole facts thereof.

Appeal from Commissioner to Judge, how made.

71. From the judgment of the Commissioner of Mines, either in the first instance or on appeal, the party interested may appeal to a Judge at Chambers, provided that notice of such appeal be given to the Commissioner of Mines, if in the first instance within thirty days, or on appeal within ten days from the date of his decision; provided also that the party appealing shall, on applying for such appeal, make and file with the Commissioner of Mines an affidavit that he is dissatisfied with such judgment, and that he verily believes the lease has not been forfeited, and that the conditions in respect of which the forfeiture has been declared have really and truly been performed and fulfilled, and shall within the time limited for appeal enter into a bond with two sufficient sureties in the penalty of fifty dollars, to enter and prosecute his appeal according to the provisions hereof, and pay all costs which may be adjudged against him by the Court of Appeal.

72. On such appeal being perfected the Commissioner of Mines shall transmit to the Prothonotary at Halifax the notes of testimony taken before him; and the Judge at Chambers shall confirm or set aside the judgment, or make such order thereon as is agreeable to justice and in conformity with law.

Decision of Judge.

73. If the Judge shall consider that the case involves questions of controverted fact on which he is of opinion that the verdict of a jury should pass, he may make an order for the trial of the questions of fact in the county where the land lies, in which case all the papers shall be transmitted to the Prothonotary of that county; and the cause shall come on for trial in its place in the same way as ordinary appeals ordered to be tried by a jury.

He may refer questions of fact to a jury.

74. Upon the finding of the jury on the facts, the Judge shall pronounce judgment on the whole case. So soon as judgment declaring forfeiture of the lease shall be given, either by a Deputy Commissioner without appeal, the Commissioner without appeal, or by the Court of Appeal when the Commissioner's judgment is appealed from, the lessee and all persons holding under him shall thereafter cease to have any interest in the mine leased, and a minute of the judgment declaring forfeiture shall be registered in the office of the Commissioner of Mines on the expiration of the time limited for appeal, in the same manner as prescribed by this Chapter for leases and transfers; and the leased premises shall then be open to be leased to any other applicant in the same way as if no lease thereof had ever passed; and pending the proceedings between the delivery of the first judgment and any subsequent judgment on appeal therefrom, such lessee shall suspend all mining operations on the area alleged to be forfeited; otherwise he may, at the discretion of the Commissioner, be liable to be treated as a trespasser as hereinafter directed.

Final judgment, effect of.

75. No applications for leases, or prospecting licenses for forfeited areas, shall be received until the time limited for appeal has expired, and all appeals are finally determined, and the judgment declaring forfeiture registered, as herein provided.

No applications for forfeited areas received until final judgment.

76. The Commissioner of Mines shall have power by warrant, under his hand and seal, addressed to the Sheriff or any constable of the county wherein the gold district lies, to cause any person unlawfully in possession of a mine so adjudged to be forfeited, to be removed from the possession and occupation thereof; and, upon receipt of such warrant, the Sheriff or constable to whom it is directed shall immediately execute the same.

Judgment of forfeiture, how enforced.

77. Any person found mining in any lands belonging to the Crown, or to a private proprietor, the minerals in

Penalty for unauthorized mining.

which belong to the Crown, or entering thereon for the purpose of mining, shall be liable to a penalty for each offence of not less than ten dollars nor more than fifty dollars; but this section shall not extend to parties prospecting or searching for mines.

Each day a distinct offence.

78. Parties violating the provisions of the preceding section shall be considered guilty of a distinct offence for every day they shall unlawfully mine.

Mode of prosecuting for such mining.

79. On complaint in writing made to any Justice of the Peace of the county in respect of such unlawful mining or entry to mine, the Justice shall issue his warrant to apprehend the offender and bring him before the Justice to answer the complaint,—such Justice shall thereupon forthwith enter upon the investigation of the complaint; and, in case he shall find the party guilty, impose such fines or penalties as the party may have incurred under the provisions of this Chapter. In case the defendant requires time for the production of witnesses for the defence, the Justice shall adjourn the investigation for any period not exceeding six days, on being satisfied by affidavit that such time is required for that purpose; and, in such case, the defendant shall be committed to gaol, unless he gives security to the satisfaction of the Justice to appear at the time and place appointed for such adjourned investigation.

Appeal from Justice's decision.

80. The decision of such Justice shall be subject to appeal, as in ordinary cases; but before such appeal shall be allowed, the appellant shall give a bond, with sufficient sureties in double the amount of the penalty and costs, to appear in the Supreme Court and obey the judgment thereof, and pay such costs as the Court may award.

Gold unlawfully mined shall be personal property of owner of mine. How recoverable.

81. Gold in quartz or otherwise, unlawfully mined on the property of any lessee of the Crown, shall be considered in law the personal property of the owner of the mine; and a search warrant may be issued for the same by any Justice of the Peace for the county, in the same manner as for stolen goods; and, upon the recovery of any gold under such warrant, the Justice shall make such order for the restoration thereof to the proper owner as he shall consider right.

Nothing herein to affect existing remedies on part of Crown.

82. Nothing in this Chapter contained shall prevent Her Majesty from having or using any other remedy now available to recover possession of any mine forfeited from causes cognizable before the Commissioner of Mines, or from any other cause from which the same may be liable to forfeiture.

Appeal from Commissioner's decision as to application for license or lease.

83. Any party aggrieved by a decision of the Commissioner of Mines respecting any application for a prospecting license, or a lease of a gold area, or a license to

search, or a license to work, of any area other than a gold area, may appeal from such decision to the Supreme Court, at the next Term thereof, at Halifax.

84. Any party desiring to appeal from such decision shall give notice in writing to the Commissioner of his intention to appeal within twenty days after such decision, or within twenty days after such decision being made known to the party dissatisfied therewith, but always within one year from the date of such decision; and shall make and file with such notice an affidavit, sworn to before a Commissioner of the Supreme Court, that he is dissatisfied with such judgment or decision, and that he verily believes he is entitled to the license applied for, and shall also set forth therein the grounds of his appeal, and shall within ten days thereafter enter into a bond with two sureties, in the penalty of two hundred dollars, to enter and prosecute his appeal, according to the provisions of this Chapter, and pay all costs which may be adjudged against him by the Court of Appeal; and thereupon the Commissioner shall file such notice and affidavit, together with all papers and documents connected with such appeal, with the Prothonotary at Halifax, on or before the first day of such Term.

85. The provisions of the foregoing sections from 8 to 84, both included, shall apply exclusively to gold mines; except where any of such sections are expressly mentioned to apply to mines other than gold mines, or where the provisions of such sections are extended to mines other than gold by the subsequent sections of this Chapter.

OF MINES OTHER THAN GOLD MINES.

86. The Commissioner of Mines may upon application grant licenses to search to be in force for one year from the date of application therefor, to enter upon any lands in this Province, not already under license or lease for mining purposes, and to dig and explore for such minerals, other than gold, as the Crown holds for the benefit of the Province; a bond being first given to the Commissioner of Mines with sufficient sureties, to be approved by a Committee of the Executive Council, that in the event of entry being made upon private lands, recompense shall be made for damages in the manner hereinafter provided.

87. No such application shall be valid unless accompanied by a payment of twenty dollars; and the license to search may cover any single tract of ground not exceeding five square miles in extent, but not more than two and a half miles in length.

Manner and conditions of appeal.

Sections 8 to 84, both inclusive, to apply only to gold mines.

Exceptions.

Licenses to search, how granted.

Fee.
License not to cover more than 5 square miles.

Survey and description of lands, &c.

88. Upon such application and payment being made, the Commissioner of Mines, where necessary, shall cause the lands applied for to be surveyed and laid off, and a full description thereof shall be embodied in the license to search, but no such license shall authorize entry upon any lands which in accordance with section 43 of this Chapter are forbidden to be entered upon, except as in that section excepted.

Survey, &c., to be at cost of licensee, who shall report to Commissioner.

89. The cost of such survey shall be defrayed by the licensees or lessees, and the search for minerals under such licenses shall be made free of all expense to the Government; and the holder of the license shall within the time that the same shall be in force, and with all convenient speed, make a full and correct report of the result of his exploration to the Commissioner of Mines.

License, how renewed.

90. The said license to search may be renewed for a further period of twelve months, on application therefor to the Commissioner of Mines, setting forth the special circumstances of the case, not less than thirty days before the expiration thereof, and on payment of the further sum of twenty dollars; subject, however, to the approval of the Governor in Council, upon consideration of the special circumstances submitted.

Separate licenses to search over same area granted under certain conditions.

91. When a license to search for mines other than gold has been granted, it shall be lawful for the Commissioner of Mines to grant other licenses to search over the same area; provided that he shall grant no more licenses than there are areas, of one square mile each, contained within the area so first licensed; and after the first licensee has chosen his one square mile the others shall select theirs in the order of their licenses—provided that the right of search of the second licensee and his license shall commence immediately after the expiration of the license or renewed license of the first licensee or on the selection of his square mile by the first licensee; and the third license shall commence at the end of the right of search of the second or his selection of his square mile as aforesaid, and so on until the whole area is disposed of.

Damages ascertained as in case of gold mines.

92. If the proprietor of private lands entered under such license shall seek damages, the proceedings for ascertaining the amount of such damages, and making payment of the same, shall be the same as provided for by this Chapter in the case of prospecting licenses for gold.

Licensee may select a square mile, and apply for license to work.

93. The holder of a license to search may at any time before the expiration thereof, select from the land covered by such license, an area of one square mile, for the purpose of working the mines and minerals therein; and may make an application in writing to the Commissioner of Mines for a license to work the same, which application shall be accompanied by a payment of fifty dollars.

Fee.

94. Upon such application and payment being made, the Commissioner of Mines shall cause the portion so selected to be surveyed and laid off, and the applicant shall defray the expense of such survey, which said portion shall be in one block, the length of which shall not exceed two and a half miles; and the person making such survey shall make a full and accurate plan thereof, and transmit the same to the Commissioner.

Survey, &c., of square mile at cost of licensee.

95. All the provisions herein contained relative to settlement by agreement or arbitration, with the owner of the soil, where the same is private land, for damages done to his land, and to payment therefor, as set forth in sections 17 to 25 inclusive, and to the occupation of such lands as set forth in section 28, and to the exemption of certain descriptions thereof from liability to be entered as specified in section 43, and to the vesting of interests forfeited under this Chapter, as specified in section 32, shall be applicable and in force in the case of mines other than gold mines, equally as in gold mines.

Certain provisions as to private lands and forfeited areas applicable as in case of gold mines.

96. Upon complying with the requirements of this Chapter the applicant shall be entitled to a license to occupy and work the one square mile applied for; the bond given for the license to search, under which the license to work was obtained, remaining in full force and virtue.

Granting of license to occupy and work.

97. Every license to occupy and work shall be for a term of two years from the date of application, and shall be extended to three years upon the additional payment by the holder of the license of one half of the amount originally paid for such license; and within such term the holder of the license shall commence effective mining operations, and shall continue the same in good faith until the termination of such term; and in case the same person shall hold licenses to work over several areas adjoining each other, not to exceed five areas, the Commissioner of Mines shall determine what shall be sufficiently effective mining operations over all the areas combined.

License to work to cover two years from application, and renewable for one year.

98. The holder of a license to occupy and work, or those representing him, having complied with the terms of the last preceding section, shall on, or before, the termination of his license, be entitled to a lease of the premises described therein, which lease shall contain all the ordinary provisions of mining leases, with such conditions as the Governor in Council may think necessary to ensure the effective and safe working of the mines on such premises.

Case of holder of several adjoining areas.

Lease how grantable to holder of license to work.

99. Any party may apply for a license to occupy and work any vacant mine, without having previously obtained or applied for a license to search, and in such case his

License to occupy and work in first instance, how granted.

application shall embody a description of the area applied for; and upon complying with all the antecedent conditions hereinbefore set forth, except those which relate solely to licenses to search, and a bond being given to the Commissioner of Mines as for a license to search, he shall be entitled to such license to occupy and work.

100. The Governor in Council may, by special order, authorize the granting a lease, or license, to occupy and work a larger area than one square mile, if on investigation of the special circumstances of the case he may think the public interests would be better subserved thereby, and in such case may impose such further conditions, not at variance with the spirit of this Chapter as may be deemed just.

Governor in Council may permit lease or license to occupy and work covering more than a square mile.

101. Leases of mines other than gold mines, granted under the provisions of this Chapter, shall be executed by the Commissioner and the lessee in the same manner as provided in section 16 of this Chapter for leases of gold mines.

Leases executed in same manner as gold leases.

(a) Leases of coal mines shall contain all the conditions, provisions, provisoes, and reservations heretofore contained in such leases, or that may be required under the provisions of this Chapter, and shall terminate on or before the twenty-fifth day of August one thousand eight hundred and eighty-six.

Form and duration of leases of coal mines.

(b) Leases of mines other than gold or coal mines shall be for the term of twenty years, and shall contain all the conditions, provisions, provisoes, and reservations usually contained in such leases, or that may be required for the safe and proper working of the mines, or that may be required by an order of the Governor in Council, or by this Chapter or any Act hereafter passed by the Legislature of this Province; and such leases may be renewed on the same terms and conditions as provided in section 102 as to coal mines, but such renewals shall not extend or be construed to extend to a period beyond sixty years from the date of the lease.

Of other mines.

Renewals not to extend beyond 60 years.

(c) Any lease may at any time be surrendered by the lessee in the same manner and upon terms similar to those hereinbefore prescribed for the surrender of a gold mining lease.

Surrender of lease same as of gold lease.

Coal lease not transferable without permission of Governor in Council.

(d) A lessee of a coal mine granted under this Chapter or any Act passed by the Legislature of this Province shall not at any time during the term of his lease, or any renewal thereof, assign, transfer, set over or otherwise part with the premises granted, or any part thereof, or such term or any portion thereof, to any person whomsoever, without the license, consent, or approbation of the Governor in Council, first had and obtained for the purpose, and signi-

fed under the hand and seal of the Commissioner of Mines.

102. Lessees of coal mines in this Province, their executors, administrators and assigns, holding leases from the Crown, or from the Commissioner of Mines, made since the first day of January, A.D. 1858, or hereafter to be made, shall, upon giving notice in writing to the Commissioner of Mines at least six months previous to the expiration of such leases, respectively, of their intention to renew such leases, respectively, for a further period of twenty years from the expiration thereof, be entitled to a renewal thereof for such extended term upon the same terms, conditions, and covenants, as contained in the original lease, and in like manner upon giving a like notice before the expiration of such renewal term, to a second renewal and extension of term of twenty years from and after the expiration of such renewal term, and in like manner upon giving like notice before the expiration of such second renewal term, to a third renewal and extension of twenty years from and after the expiration of such second renewed term: provided that at the time of giving such notices, and the expiration of such terms, respectively, the said lessees, their executors, administrators, and assigns, are and shall continue to be *bonâ fide* working the areas comprised within their respective leases, and complying with the terms, covenants, and stipulations in their respective leases contained within the true intent and meaning of section 109 of this Chapter; and provided that in no case shall such renewal or renewals extend, or be construed to extend, to a period beyond sixty years from the twenty-fifth day of August, A.D. 1886.

Coal leases, how renewable.

Limitation.

103. New leases in accordance with the provisions of this Chapter may be executed to all parties now holding leases which will expire in the year 1886.

New leases grantable to holders of existing leases.

104. The General Mining Association shall, at the expiration of the term of their lease, be entitled to a renewal as respects each mine that shall then be worked by them, upon the same terms as apply to other lessees; but the renewed lease shall not include in respect of each mine worked a larger area than would be granted to other persons or companies; so that all leases of coal mines may, after the expiration of the Association's lease, stand on an equal footing as regards areas and otherwise.

Renewal of lease of General Mining Association.

105. In the granting of leases hereafter there shall be reserved as a barrier a space of ten yards in width running all around the area leased, which barrier shall not be opened or mined except by the consent of the owner of the adjoining area, and by the order of the Governor in Council; and in case of a mine in lands covered with water

In future leases barrier 10 yards in width reserved around areas.

Under water twenty-five yards.

the barrier or reservation as above shall be twenty-five yards in width, and shall not be opened or mined unless by the consent of the owner of the adjoining area, and by the order of the Governor in Council.

Royalties.

106. All ores and minerals (other than gold) mined, wrought, or gotten under authority of licenses and leases granted under the provisions of this Chapter or of any Act heretofore passed by the Legislature of this Province, shall be subject to the following royalties to the Crown for the use of the Province, that is to say :

On coal.

Exceptions.

Proviso.

Nine cents and seven-tenths of a cent on every ton of two thousand two hundred and forty pounds of coal, except (a) slack coal, that is coal that shall have passed through a screen the bars of which are not wider apart than three-quarters of an inch, (b) coal used for domestic purposes by the workmen employed in and about the mine, and, (c) coal used in mining operations in and about the mine from which such coal has been gotten ; and provided that, where there shall have been mined, wrought, or gotten in any one year over and above two hundred and fifty thousand tons for each square mile contained in the license or lease, besides the coal so excepted from royalty, each ton so mined above the two hundred and fifty thousand tons shall be subject to a royalty of six cents and forty-eight hundredths of a cent only.

On iron.

Other ores.

Three cents on every ton of two thousand pounds of iron ore ; and five per cent on the value of all other ores or minerals.

Payable quarterly.

Such royalties shall be paid quarterly on the first days of January, April, July, and October, in each and every year (except where otherwise stipulated in the license or lease), and shall be paid to such persons and in such places as the Governor in Council may direct.

Under certain conditions two or more contiguous areas may be treated as one.

107. Where a lessee of mines other than gold holds leases of two or more, but not exceeding five, contiguous areas of a square mile each, such leases may be treated as a single lease, as in the case of leases of gold mines ; provided, nevertheless, that payments of royalty shall be made on each square mile as if in a separate lease ; and that if such lessee shall in any one year have wrought or gotten more than two hundred and fifty thousand tons of coal, liable for royalty, from the mine or mines held under such leases, there shall be no reduction of royalty upon such surplus from nine cents and seven-tenths of a cent to six cents and forty-eight hundredths of a cent per ton, except upon so much thereof as shall in the aggregate exceed two hundred and fifty thousand tons for every square mile so included.

108. On or before the tenth day of each of the months of January, April, July and October in each and every year, the owner, agent, or manager of every mine (other than a gold mine) leased from the Crown, shall send to the Commissioner a correct return specifying the quantity of coal, iron ore, or other mineral wrought or gotten in such mine, the probable use and destination of the same, and the amount of royalty which has accrued upon such material extracted during the last previous quarter; and on or before the last days of January, April, July, and October in each year, a correct return specifying the number of days' labor and the number of persons ordinarily employed in or about such mine below ground and above ground, and the different classes of the persons so employed, and the cost and description of all the shafts, quarries, slopes, levels, planes, works, machinery, tramways and railways, sunk, driven, opened, or constructed during the preceding quarter.

Quarterly returns of mine, when and how made, and how verified.

Such returns shall be sworn to by two or more credible persons principally employed in or about the working and management of such mine, before the Commissioner or a Justice of the Peace.

109. Where it shall be represented to, or come to the knowledge of, the Commissioner of Mines, that any mines or minerals claimed under a lease from the Crown, or under a lease granted pursuant to this Chapter, have been abandoned for the space of one year, have not been effectively and continuously worked, or have been worked only colorably, or to prevent a forfeiture under the terms of such lease, the Commissioner of Mines shall cause a notice, to the effect of the form in Schedule E, to be personally served upon the lessee, or some or one of the lessees, where more than one of them are included in the same lease, or his or their agent or person principally employed on the premises, or shall cause such notice to be posted up upon the premises leased, where no person can be found upon whom to make service thereof, informing him of such charge and appointing a time, to be not less than six months after the service or posting up of such notice, and also a place, for the investigation thereof. At the time and place appointed, the Commissioner of Mines shall proceed to investigate such case, and decide thereon, and shall thereupon give notice of his decision to the lessee, or his agent, by causing such notice to be served, or posted up, as in this section above directed; and if, within such term of six months, the lessee or his assignee shall and do commence and prosecute effective mining operations, to the satisfaction of the Commissioner of Public Works and Mines, according to the true intent and mean-

Proceedings in case mine is not worked.

ing of the terms, covenants and stipulations in the lease contained, and of this section, such mining areas so leased shall not be forfeited.

Evidence as to mining operations and decision as to forfeiture.

110. No mere colorable working shall prevent a forfeiture; and the Commissioner aforesaid shall have power to examine witnesses on oath, and receive all other necessary testimony, in respect of the mining operations; and, if the decision shall be that such operations are not effective, but merely colorable, the mine or mines shall be declared forfeited, and notice of the decision shall be given in accordance with the provision in section 109.

Commissioner's decision.
Form of.

Appeal from.

111. The decision of such Commissioner shall be in the form in Schedule F; and the lessee or assignee may appeal to the Supreme Court or a Judge thereof at Chambers, against such decision; but, before an appeal shall be allowed, he shall file with the Prothonotary of the Supreme Court a bond with two sureties, to be by him approved, to abide the judgment of the Court or Judge and pay the costs, as in Schedule G.

Notices how posted where areas are under water.

112. Where notices are to be posted on the premises under this Chapter, or any of the sections hereof, and the areas in respect of which the notices are to be posted shall be covered with water, the notices may be posted on the land as near as conveniently may be to the areas so covered with water.

Forfeited mine relet only on conditions determined by Governor in Council.

113. Whenever a coal mine shall become forfeited under this Chapter, such mine shall not be relet or re-granted by the Commissioner, except upon such terms as may be determined by the Governor in Council.

Mining maps of Province, and register to be kept in Commissioner's office.

114. There shall be kept in the office of the Commissioner of Mines, maps of the different mining districts in the Province, on which shall be delineated as accurately as may be, all the areas under license or lease, as mines other than gold mines; and also a book or books, of registry, in which shall be registered all the licenses and leases of such areas, and such maps and book or books, shall be open to the inspection of the public.

Sections 86 to 114 applicable only to mines other than gold mines.

115. The provisions of the foregoing sections, from 86 to 114, both inclusive, shall apply only to mines other than gold mines.

MISCELLANEOUS.

Commissioner may lease Crown Lands in mining districts, &c., reserving rights of mining lessees, under certain conditions, &c

116. The Commissioner of Mines may lease Crown Lands being within the limits of any proclaimed gold district, or comprising any tract within which the mines and minerals other than gold are under license or lease, for purposes other than mining; reserving always the rights of present or future lessees of mining areas therein, and

subject to such other reservations, and for such terms, and upon such conditions as the Governor in Council may direct; and may also sell any timber not previously disposed of growing or being upon any part of the Crown domain, included within any such gold district, or other tract under license or lease for mines or minerals other than gold, upon such terms as the Governor in Council shall authorize and direct.

117. No lease granted under the provisions of this Chapter shall be void against any subsequent purchaser, mortgagee for valuable consideration, or judgment creditor, by reason of such lease not having been previously registered in accordance with the provisions of the Chapter of the Revised Statutes, "Of the Registry of Deeds and Encumbrances affecting Lands."

No mining lease void because not recorded in Registry of Deeds.

118. The Governor in Council may at any time by proclamation as in this Chapter provided, declare a gold district which shall contain an area or areas under license or lease for the purpose of searching for or working mines and minerals other than gold; and in such case the areas under such license or lease shall, notwithstanding such license or lease, become subject to all the provisions of this Chapter which relate specially to all Gold Districts and Gold Mines, under such regulations as the Governor in Council shall make.

Governor in Council may proclaim gold districts.

119. The Governor in Council is authorized to make rules and regulations relative to gold districts and gold mines, and mines other than gold mines, and licensing and leasing the same, and to the pumping, draining, ventilation, working, management, care, possession, and disposal of the same, and to all other matters connected with the same; and to make such rules and regulations general, or applicable only to particular districts or localities, as may be deemed best; and all such rules and regulations when published in the *Royal Gazette* shall have the force of law until annulled by the Governor in Council; provided such rules and regulations shall not be repugnant to the laws of the Province, or the provisions of this Chapter; and such rules and regulations may in like manner be altered, modified or cancelled, as circumstances shall require.

Governor in Council may make mining regulations not inconsistent with law.

120. The forms to be used under this Chapter shall be substantially the same as those heretofore in use, subject, however, to such amendments and alterations as the Governor in Council may from time to time make or direct.

Existing forms continued.

121. Any lessee or licensee of mining areas lying beneath the waters of the sea, may make or cause to be made tunnels from the adjacent land above high-water mark, under the waters, to such mining areas, doing as little damage as possible to the owners or lessees of the

Lessee or licensee of submarine areas may tunnel from adjacent lands.

land in which such tunnels shall be made, and the intervening land covered with water, and the mines therein contained.

Damages, how assessed.

122. The damages of such tunnelling shall be agreed for, determined, settled, and paid, as directed in this Chapter from section 17 to section 25, inclusive, and also section 95.

In case of disagreement Commissioner shall determine location, size, number, &c., of tunnels.

123. If the lessee or licensee of such mining areas cannot agree with the owner or owners of the land, or the lessee or licensee of the mining areas through which it is necessary to drive such tunnels, the Commissioner of Public Works and Mines, subject to the approval of the Governor in Council, shall determine where such tunnels shall be made or commenced, the number of such tunnels, the size, width, and depth thereof, the quantity of land to be taken and occupied for the same, and the course and direction which such tunnels are to take through the intervening land covered with water, and the mines therein contained; and he shall cause a plan thereof to be made and filed in the office of the Registrar of Deeds for the county where the lands so taken for the commencement of the tunnels shall be situated.

Plan.

Mining leases in duplicate. Registered in Mines office.

124. Leases of mining areas shall be issued in duplicate; and such leases shall be registered in the office of the Commissioner of Mines, by the Commissioner or some person by him thereto authorized.

Certificate of registry.

125. A certificate of such registry with the day and year thereof, shall be endorsed on the duplicate delivered to the lessee.

Certain existing leases to be registered.

126. All leases which have been passed prior to the passage of this Chapter, that are not void or forfeited, shall be registered and certified as above, if not already so registered.

Declaration of interest in case of several lessees.

127. In case of lease, where there are more than one lessee, a declaration in duplicate shall be made and signed under seal by all the lessees, or their heirs and assigns, stating the proportion owned by each lessee.

Proved and registered.

128. Such declaration shall be duly proved on oath before any Justice of the Peace, or the Commissioner of Mines, and registered as hereinbefore mentioned.

All transfers of interest in mines to be registered and certified.

129. All transfers of any interest in mining leases hereafter to be made, shall be registered as aforesaid; and a certificate of such registry shall be endorsed on every such transfer as in the case of mining leases; and such registry and certificate shall be conclusive evidence of the transfer of such mining interests.

Forms.

130. The forms of declaration and transfer for the purposes of this Chapter, shall be as in Schedules B and C respectively.

131. Every company incorporated under this Chapter or any act of the Legislature for mining purposes, shall file a copy of their charter or act of incorporation in the office of the Commissioner of Mines, before any such company shall commence work, together with a list of the officers of such company; and all changes of officers made shall also be certified to the office of the Commissioner of Mines; and until such certificate is filed no such new official need be recognized by the Commissioner of Mines as an official of any such company.

Every Company shall file copy of charter and list of officers with Commissioner before beginning work.

132. A description of all mortgages, bills of sale, attachments, judgments, transfers and documents of title of any kind (except licenses), relating to or in any way affecting the title of gold, coal or other mines shall be recorded according to Schedule D, in the office of the Commissioner of Mines; and all licenses, and a description of all mortgages, bills of sale, attachments, judgments, transfers, and documents of title of any kind affecting such licenses, shall be registered in the book of application for mining rights in the office of the Commissioner, in the same manner as such licenses and descriptions are now registered; and any such mortgage, bill of sale, attachment, judgment, transfer, or document of title shall be void as against any subsequent *bonâ fide* mortgage, bill of sale, attachment, judgment, transfer, or document of title which shall be previously registered.

Description of mortgages, &c., of mines to be registered in Commissioner's office.

Also licenses.

Otherwise void in certain cases.

133. A duplicate, or true copy, certified by a notary under his seal, of every transfer, mortgage, or other conveyance, registered as above, shall be filed in the office of the Commissioner of Mines, before a Certificate of Registry is given.

Duplicate or certified copy to be filed.

134. If the applicant for a mining lease shall not execute such lease, and file it in the office of the Commissioner for execution and registry by the Commissioner, within one year from the time of his application, the areas shall be considered vacant, and may be leased to any other person.

If lease not executed and filed within a year areas deemed vacant.

135. Any person leaving any pit, hole, or excavation, for the space of eight days, open, and unfilled to the depth of three feet or more, without having the same walled or fenced around, at least four feet in height, at all times when not working the same, shall forfeit for each offence a sum not exceeding one hundred dollars, to be recovered by any person who will sue for the same.

Penalty for leaving pit open.

136. Parties violating the provisions of the preceding section shall be guilty of a distinct offence for every day that such pit, hole or excavation shall remain open and unfilled, or without the proper wall or fence.

Each day a distinct offence.

Commissioner and deputies may cause witnesses to be sworn.

137. The Commissioner shall have power to cause witnesses brought before him in all contested cases or matters, which he has power to investigate and decide, to be examined under oath, which oath the Commissioner is hereby empowered to administer; and like powers are hereby conferred on Deputy Commissioners in all contested cases and matters before them which they have power to investigate and decide; and the Commissioner and Deputy Commissioners shall have power to take affidavits under oath; and to administer the oath in all such cases, and to administer oaths in all cases where affidavits are required by this Chapter, except where such oath is required to be administered by a Commissioner of the Supreme Court. The Chief Commissioner or any Deputy Commissioner shall not receive any application for license or lease of any mines or mining areas, the right to a license or lease of which is at the time of such application in dispute before the Commissioner or Deputy.

No application to be received for mining rights in dispute before Commissioner or deputies.

Royalties how collectible, where unpaid.

138. Where royalties are due and owing to the Crown, the Governor in Council shall have power to order the Commissioner of Mines to issue a warrant under his hand and seal of office directed to the Sheriff of the county where the mine in respect of which such royalties are due is situated, requiring such Sheriff immediately on receipt thereof to levy on the goods and chattels used in working and operating such mine; and if, within the space of twenty days next after such levy, such royalties so due are not paid to such Sheriff, to proceed to sell the same or so much of such goods and chattels as shall be sufficient to pay such royalties and his fees; first having publicly advertised the same for the space of not less than ten days before such sale; and to make return of such warrant, and pay over the sum due for such royalties to the Commissioner of Mines within thirty days from the issuing thereof. Upon the receipt of such order the Commissioner shall issue such warrant, and deliver the same to such Sheriff, who shall immediately execute the same according to the exigencies thereof; and the Sheriff's fees on such execution shall be the same as for executing a writ of execution out of the Supreme Court in a civil suit.

On what days leases shall terminate. New leases grantable next day.

Proviso.

139. Leases and licenses shall terminate, on the recurrence of the day on which they bear date, in the year of their termination; and, after ten of the clock of the forenoon of the following day, the areas may be leased or licensed anew; but nothing contained in this section shall prevent the renewal and extending of licenses and leases as hereinbefore provided.

140. If any lease or any share or interest therein becomes transmitted or transferred in consequence of the death, bankruptcy or insolvency of any lessee, or in consequence of the marriage of any female lessee, or by any means other than a transfer according to the provisions of this Chapter, such transmission or transfer shall be authenticated by a declaration of the person to whom such lease or share or interest therein has been transmitted or transferred, stating the circumstances of such transmission or transfer, and describing the manner in which, and the person to whom, such property has been transmitted or transferred; and such declaration shall be made before the Commissioner, Deputy Commissioner of Public Works and Mines, or a Justice of the Peace.

Change of ownership of mining lease in certain cases to be authenticated by declaration.

141. If such transmission or transfer shall have taken place by virtue of the bankruptcy or insolvency of any lessee, such declaration shall be accompanied by such evidence as may, for the time being, be receivable in courts of justice, as proof of the title of persons claiming under any bankruptcy or insolvency; and if such transmission has taken place by virtue of the marriage of a female lessee, such declaration shall be accompanied by a copy of the register of such marriage or other legal evidence of the celebration thereof, and shall declare the identity of such female lessee; and if such transmission shall have taken place by virtue of any testamentary instrument or by intestacy, then such declaration shall be accompanied by the probate of the will or the letters of administration, or any copy thereof that may be legal evidence or would be received in courts of justice as proof of such transmission.

Evidence to accompany such declaration.

142. The Commissioner of Mines, upon the receipt of such declaration so accompanied as aforesaid, shall enter the name of the person entitled to the lease or any share or interest therein, under such transmission or transfer, in the books of registry, as so entitled thereto.

Commissioner to register name of new owner.

143. This Chapter may be legally known and cited as "An Act to Consolidate the Statutes relating to Mines and Minerals," when necessary, as well as by its regular title.

Alternative title of chapter allowed.

SCHEDULE A.

This Indenture, made this — day of —, in the year of our Lord one thousand eight hundred and seventy — between the Queen's Most Excellent Majesty, of the one part, and —, hereinafter described as lessee, of the other part:

Witnesseth, That in consideration of the royalties hereby reserved, and of the covenants and agreements herein

contained, and on the part and behalf of the said lessee, his executors, administrators and assigns, to be observed and performed, our Sovereign Lady the Queen, of her special grace, certain knowledge and mere motion, doth grant and demise unto the said lessee, his executors, administrators, and assigns, all that certain tract of land situate at _____ gold district in the County of _____, known and described as follows, that is to say :

An area, composed of _____ area of class number one, and numbered _____ on the plan of said gold district, signed by the Commissioner of Public Works and Mines, and filed in his office, as by reference to the same will appear :

And also, all and singular the beds, veins, and seams of gold, gold-bearing quartz, and other gold-bearing rocks, and gold-bearing earth, and all the gold, whether in quartz, grain, or otherwise, in, situate, and being within the limits of the said tract, and within, under, or upon the same : Provided always, and it is the true intent and meaning of these presents and of the parties hereto that nothing herein contained shall in any manner interfere with any of the rights of the owner or owners of the land in which such area _____ situated, but the said rights are reserved unto the said owner or owners, their heirs and assigns; and it is further agreed and understood that the said lessees shall not enter into the said area without the special leave and license of the owner or owners thereof unless the said lessee shall have taken proceedings in accordance with Chapter 9 of the Revised Statutes, "Of Mines and Minerals:"

To Have and To Hold the said tract of land, and the said beds, veins, and seams of gold, and gold-bearing quartz, and all other the gold-bearing rocks, and gold-bearing earth, and gold whether in quartz or otherwise, in, under, and upon the same, to the said lessee, his executors, administrators, and assigns, for, during, and unto the full end and term of twenty-one years, to commence and be computed from the _____ day of _____, and fully to be complete and ended : yielding and rendering unto our Sovereign Lady the Queen, her heirs and successors, quarterly and every quarter upon the first days of January, April, July and October, in each and every year during the continuance of this demise, at the office of the Commissioner of Public Works and Mines, at Halifax, or of the Deputy Commissioner of Mines for the district, a royalty of two per cent. upon the gross amount of gold obtained, mined, had, wrought, or gotten from or out of the said demised premises, or out of any quartz, slate, rock, mineral, or earth mined, obtained, had, or gotten out of the same in any other way than from quartz crushed by licensed mills, at the

rate of nineteen dollars per ounce Troy, for smelted gold and eighteen dollars for unsmelted gold:

And the said lessee does hereby covenant, promise and agree to and with our said Sovereign Lady the Queen, her heirs and successors, that the said lessee, his executors, administrators, and assigns, shall and will well and truly pay and deliver, or cause to be paid and delivered, to our Sovereign Lady the Queen, her heirs and successors, at the times and places and in the manner aforesaid, the said royalty hereby reserved under the terms and provisions of this lease:

And also, That the said lessee, his heirs, executors, administrators, and assigns, shall and will during the continuance of this demise, keep or cause to be kept, one or more book or books of account, wherein true entries shall be made of all such gold and gold-bearing quartz, and other rock containing gold, and all gold in grain or otherwise, as shall from time to time be mined, wrought, had, gotten, or obtained out of the said demised premises, and also of the names of the men actually employed in the working of the said demised premises, and the number of days' labor performed by such men, with the respective dates thereof; and also the names of the person or persons to whom any quartz or gold-bearing earth, or other gold-bearing material raised from the demised premises has been sold or disposed of, with the price or the percentage upon the yield thereof, received therefor, and also the weight of any quartz, or other gold-bearing material raised from the demised premises, which may be sent to any licensed mills for crushing quartz, the name and description of the mill to which the same has been sent, and also the yield of gold from such quartz or other material, as returned by the mill owner; and also, that such book or books of account shall at all times be open and subject to the inspection and examination of the Commissioner of Public Works and Mines, or of the Deputy Commissioner of the district, or of the Inspector of Mines, and also of any other person or persons thereto specially appointed by the Commissioner of Public Works and Mines for the time being; and also that the said lessee, his executors, administrators or assigns, shall upon the first days of January, April, July and October in each and every year during the continuance of this demise, deliver or cause to be delivered to the Commissioner of Public Works and Mines at Halifax, or to the Deputy Commissioner of Mines for the district, a true and correct return on forms to be supplied by the Commissioner which shall show the particulars prescribed and required by the sixty-second section of Chapter 9 of the Revised Statutes, "Of Mines and Minerals," verified by an affidavit

of some one or more suitable person or persons employed in or about the working or management of the mines hereby granted and demised, made before the Commissioner of Mines, or a Deputy, or before a Justice of the Peace; and shall in all respects obey, abide by, perform and fulfil all the requirements of the said Chapter:

And likewise, That the said lessee shall annually cause to be employed on the demised premises so many men as shall make the whole labor performed thereon during the year in opening and working the said mines amount in all to the number of — hundred days' labor; and also shall and will, during the continuance of this grant or demise, work the said mines in a good and workmanlike manner; and shall and will, from time to time, and at all times during the continuance of this grant or demise well and effectually maintain and support all and every the working-pits, shafts, levels, drifts, and water-courses of and belonging to the said mines with all such timber and deals and other materials as shall be requisite or necessary for that purpose, and so as to prevent the same and roofs of the said mines from falling in or being otherwise damaged; and shall and will at the end or other sooner determination of the said term, peaceably and quietly yield and deliver unto the Commissioner of Public Works and Mines, or the Deputy Commissioner of the district, or such other person or persons as the Lieutenant-Governor for the time being shall appoint under his sign-manual to receive and take possession thereof, all the said mines, and all and singular other the premises hereinbefore mentioned, except such furnaces, engines, mills, forges, foundries, railroads, implements, houses, and buildings as shall not be attached to the freehold, in such good order, plight and condition, as fairwrought mines ought to be left, with such timber, deals, and other material as aforesaid, (such mines as during the term hereby granted shall be abandoned by reason of their being unproductive only excepted): Provided always, and it is hereby agreed and declared, and the said lessee, for himself, his heirs, executors, administrators and assigns, doth accept this grant or demise under the condition that in case default shall be made by the said lessee, his executors, administrators or assigns, in keeping such book or books of accounts, or in making such entries therein, or in delivering such affidavit or affidavits as aforesaid, or in payment of the said royalties hereby reserved for the space of ten days after the periods herein before appointed for paying the same, or in the keeping annually employed on the demised premises the amount of labor herein above specified; or if the affidavits hereinbefore set forth and required to be made shall be false and fraudulent, or any

other covenant herein contained shall not be kept and observed, then, and in every or any or either of the said cases, these presents, and all and every the powers and privileges hereby granted shall be utterly null and void anything to the contrary thereof in these presents notwithstanding :

Provided always, nevertheless, that it shall and may be lawful for the said lessee, his executors, administrators and assigns, at any time or times hereafter, when so minded, to give notice in writing, and file the same in the office of the Deputy Commissioner of Mines of the district, or of the Commissioner of Public Works and Mines in any district where there is no Deputy, setting forth that he is desirous of surrendering this lease ; and in such case, so soon as any such notice shall be so filed in the office of the Commissioner of Public Works and Mines the interest and estate of the said lessee in the demised premises shall forthwith revert in her said Majesty, and the said lessee, his executors, administrators, or assigns, shall thenceforth cease to have any interest therein, or to be liable under the terms and provisions of this lease for any royalty, except the royalty on gold mined or obtained up to the date of said surrender or in any other way than from quartz crushed at licensed mills :

Provided also further, And it is the true intent and meaning of these presents, that the said lessee, his executors, administrators, or assigns shall continue and remain liable under the conditions of this lease for and in respect of any matter or thing herein or hereby covenanted to be done or performed, and for which a liability shall have existed at the date of such surrender, and also shall continue and remain liable for all royalty due as last above mentioned at the date of said surrender.

In witness whereof, Our said Sovereign Lady the Queen has caused _____, Commissioner of Public Works and Mines for the Province of Nova Scotia to subscribe his hand and seal of office to this Indenture, and the said lessee has subscribed his hand and seal thereto.

Signed, sealed, and delivered, by the	}	[L.S]
said Commissioner of Public Works		[L.S]
and Mines in presence of _____		
By the said lessee, in presence of _____		

SCHEDULE B.

We _____, of _____, in the County of _____, do hereby declare that we are the legal owners under lease, No. _____, district _____, dated the _____ day of _____, A. D. 18____, of _____ shares in said lease mentioned.

Given under our hands and seals, this — day of —, A. D. 18—.

Personally appeared before me, —, of —, who, being sworn, says that — duly signed the foregoing declaration in his presence.

Sworn before me, at — }
this — day of —, A. D. 18—. }

SCHEDULE C.

Know all men by these presents that I, —, of —, in the County of —, in consideration of — dollars to me in hand, well and truly paid by — of —, have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer and set over to —, of —, his executors, administrators, and assigns, — shares owned by me under mining lease No. —, in gold district —. To have and to hold the same to the said — his executors, administrators, and assigns.

In witness whereof I have hereunto set my hand and seal, this — day of —, A. D. 18—.

Signed, sealed, and delivered, }
in presence of — }

Personally appeared before me, —, of —, who, being sworn, says that — duly signed the above transfer in his presence.

Sworn before me, at — }
this — day of — A. D. 18—. }

J. P.

SCHEDULE F.

In pursuance of a notice duly served on the lessee or lessees (*or assignees as the case may be*), under a lease of certain mining areas, situate and being at ———, in the County of ———, made between the Queen of the one part, and A B and C D of ———, &c., of the other part, and dated the — day of —, A. D. 18—. I have examined into the matter of complaint against the said lessee or lessees (*or assignees, &c.*) for not working the said mining areas effectively and in accordance with the terms, covenants and stipulations in the said lease contained, and the true intent and meaning of the laws in such case made and provided; and on due consideration after the examination of witnesses and the facts of the case, I being satisfied that the charge has been fully made out, have decided and declared, and by these presents do decide and declare, the said mining areas, and every part and parcel thereof, to be forfeited.

Witness my hand at Halifax, this — day of ———, A. D. 18—.

E. F.,

Commissioner of Public Works and Mines,
Or G. H. Deputy Commissioner of Mines.

SCHEDULE G.

Bond to the Queen and her successors in penalty of \$600.

Whereas the Commissioner of Public Works and Mines hath by a decision dated the — day of —, A. D., 18—, decided and declared certain mining areas, formerly leased to A. B. and C. D., by lease dated the — day of —, A. D. 18—, forfeited, and the above bounden G. H., J. K., &c., have appealed against the said decision to the Supreme Court (*or a Judge of the Supreme Court, as the case may be*)

Now the condition of this obligation is such that if the said G. H., J. K., &c., do and shall obey and abide by the judgment that shall be given herein, and shall well and truly pay all costs which they may be adjudged to pay in the premises, then this obligation shall be void, otherwise the same shall remain in force.

Signed, sealed,
and delivered
in presence of }

G. H. (L. S.)

J. K. (L. S.)

CHAPTER REVISED STATUTES
OF MINES AND MINERALS.

(Passed the 10th day of May, A. D. 1864.)

BE it enacted by the Governor, Council, and Assembly, as follows:

1. The word "mine," in this chapter, shall mean any locality in which any vein, stratum, or natural bed, of coal, or of metaliferous ore, or rock, shall, or may, be worked. The verb "to mine," in this chapter, shall include any mode or method of working whatsoever, whereby the ore, earth, or soil, or any rock, may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining Gold, Coal, Iron, Copper, or any other ore, or metallic substance, and whether the same may have been previously disturbed, or not.
2. Gold bearing quartz shall be held to mean all auriferous rock *in situ*.
3. Gold elsewhere than in rock *in situ*, shall mean alluvial mines.
4. The Governor in Council is hereby authorized to select and appoint, when and so often as occasion may require, a suitable person to act as Chief Commissioner of Mines for the Province, and suitable persons to act as Deputy Commissioners of Mines in the several districts, hereinafter provided for, one of whom shall be named Provincial Deputy Commissioner, and to define the limits of their jurisdiction respectively; and by virtue of and during the continuance of such appointment, such Chief Commissioner of Mines within all the Gold Districts, and such Deputies within the districts to which they are respectively appointed, shall exercise the power of Justices of the Peace; provided always that no such Commissioner shall act as a Justice of the Peace, at any court of general or special sessions, or in any matter out of session except for the administering of affidavits, the preservation of the Peace, the prevention of crimes, the detection and commitment of offenders, and in carrying out the provisions of this Act.
5. The Governor in Council shall also appoint an Inspector of Mines, who shall be a competent, scientific, practical, coal-mining engineer, whose duty it shall be to visit, from time to time, as may be deemed necessary, and inspect the various mines belonging to, or under lease from, the Crown, to ascertain if the laws, stipulations, and agreements, relative to the working and management of such

mines, and to the payment of rents and royalties accruing therefrom, are complied with; and if the same are being worked in a scientific, workmanlike, and effective manner, due regard being had both to maintaining the value of such mines and providing for and protecting the safety of the persons employed therein; and the Inspector of Mines shall, from time to time, report in accordance with the facts to the Government.

6. The Chief Commissioner of Mines and his Deputies, and the Inspector of Mines, shall hold office during pleasure, and shall give bonds for the faithful discharge of their duties in such sums as may be fixed by the Governor in Council. The salary of the Chief Commissioner of Mines shall be two thousand dollars. The salaries of the Deputy Commissioners shall be fixed by the Governor in Council, not to exceed three dollars per day, while actually employed: the salary of the Inspector of Mines shall be fixed by the Governor in Council.

7. The Chief Commissioner, Deputy Commissioners, and Inspector of Mines, shall be incapable of being elected to, or of sitting or voting in, the House of Assembly; and any such Commissioner, Deputy Commissioners, or Inspector of Mines, who shall sit, or vote, as a member, shall forfeit two hundred dollars for every day in which he shall so sit, or vote, to be recovered in the Supreme Court.

8. No Chief Commissioner, Deputy Commissioner, or Inspector of Mines, shall vote, or take any part, or use any influence, directly or indirectly, in the election of any representative to sit in the Assembly, under a penalty of two hundred dollars for every such offence, to be recovered in the Supreme Court.

9. No Chief Commissioner, Deputy Commissioner, or Inspector of Mines, shall be directly or indirectly interested in any mine or mining operations, or in the proceeds or profits thereof, nor shall he act as the agent, or attorney of any person interested therein, under a penalty of one thousand dollars for every offence, to be recovered in the Supreme Court.

OF GOLD MINES.

10. The Governor in Council, on being satisfied of the discovery of Gold in any locality, may, by proclamation in the "Royal Gazette," declare such a locality to be a Gold District, and assign limits and boundaries to such District, and, from time to time, enlarge, contract, or otherwise alter such limits.

11. Quartz Mines shall, so far as local peculiarities or other circumstances may permit, be in general laid off in areas of one hundred and fifty feet along a quartz lode, by two hundred and fifty feet across, which shall hereinafter be known and described as areas of class *Number one*.

12. Areas shall be laid out, as far as possible, uniformly, and

in quadrilateral and rectangular shapes. Measurements of areas shall be horizontal and each area shall be bounded by lines vertical to the horizon.

13. Alluvial mines not under lease at the time of the passing of this Act, and alluvial mines under lease at such time, but which shall hereafter be surrendered by their lessees, or become forfeited to the Crown, shall be laid out, as far as local peculiarities will allow, as directed in case of quartz mines, the courses of the respective boundary lines of such mines to be decided by the Chief Commissioner of Mines; and the advance payments, or rents, and royalties shall be the same as those of quartz mines.

14. The Chief Commissioner of Mines and each Deputy shall be provided with a Book of Record, wherein shall be entered all applications for areas, with the precise time of their being made, showing the description of area applied for, the amount paid, the name or names of the applicants in full, with the name of the party paying, which shall be open at all reasonable times, to the inspection of all persons desiring to see the same; and as each applicant shall pay for and file his written application for a mine, the name of the applicant shall be written on the area, or areas, applied for; and each Deputy Commissioner shall make a return weekly, or oftener if required, to the Chief Commissioner, of all applications so made, and of the names written on the plan required by the 15th section, and remit the amounts paid.

15. It shall be the duty of each Deputy Commissioner to prepare, when necessary, and keep a plan of the Gold Field, or Fields, within his jurisdiction, with the areas that shall have been laid off, all distinctly marked thereon; and with his weekly, or other Return to the Chief Commissioner, he shall forward a duplicate plan of all surveys made during the week, if any, and the Chief Commissioner shall cause such plan to be forthwith copied upon a general plan to be prepared and kept by him, of the Gold Fields in question.

16. The Deputy Commissioner shall, on receipt of an application, endorse thereon the precise time when received; but no application shall be valid unless made in writing, defining the area applied for, and accompanied (except in case of free claim by discovery, under the provisions of this chapter) by the advance sum hereinafter required to be paid for such area.

17. The advance sum to be paid upon every application made after the passing of this Act, for a Gold mine, shall be at the rate of two dollars for each area of class Number one; but nothing herein contained shall prevent the repayment, out of royalty accruing from the leased premises, of any such advance sum paid in accordance with any former Act of this Province.

18. Applicants for leases of mining areas, in private lands, may arrange, by agreement in writing, with the proprietors for leave to enter, and for easements and for damage to lands; and in such case the agreement shall be deposited with the Chief Commissioner, or

Deputy Commissioner for the district, and the applicant shall thereupon be immediately entitled to his lease, and to enter and mine upon the area applied for.

19. When no agreement shall have been made between the applicant for a mine and the owner of the land (as provided for in 18th section of this chapter), it shall be lawful for the said applicant to give notice to the owner, tenant, or other persons interested therein, to appoint an arbitrator to act with another arbitrator named by the applicant, in order to award the amount of damages to which the owner, tenant, or other person interested in said land shall be entitled by reason of the opening of a mine thereon; and such notice shall be personally served upon the person or persons, to whom addressed, or left at his, her, or their, last place of abode, at least ten days before the expiration of the time therein limited for the appointment of such arbitrator.

20. The arbitrators thus chosen by the applicant, and the owner tenant, or other person interested in the soil, shall be sworn to the impartial discharge of the duties assigned them; and they shall forthwith proceed to estimate the reasonable damages which the owners and tenants of such land, according to the several interests therein, shall sustain by reason of the opening of necessary shafts and other excavations, the construction of roads and drains, the erection of necessary works and buildings thereon, and of the occupation of so much thereof, to be determined by the Inspector of Mines in the event of any question arising therefrom, as the applicant may require for all other purposes connected with the opening and working a mine, or mines, to the most advantage, thereon. In estimating such damages, the arbitrators shall value the land irrespectively of any enhancement thereof from the supposed existence of Gold, or other minerals, ores, or metallic substances therein, or in the neighborhood thereof. In case the arbitrators cannot agree, they may select a third arbitrator.

21. When the proprietor is unknown, or cannot be found, or upon notice refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor or proprietors within the time named therefor in the notice provided for by the last section, the Custos of the County wherein the lands lie shall appoint one on his, or their, behalf; and when two arbitrators cannot agree upon a third arbitrator, as directed in the last section, the Custos of the County shall select such third arbitrator, who shall be sworn as aforesaid. The award of any two of the three arbitrators, made in writing, shall be final.

22. When it shall be made to appear to the Chief Commissioner of Mines that the applicant has paid the damages awarded against him, to the person or persons entitled to receive the same, he shall be entitled to enter upon the area applied for and to receive a lease thereof as hereinafter directed.

23. When the right shall be in dispute, or the persons entitled

be unknown, or uncertain, the party liable therefor shall pay the awarded damages to the County treasurer, such payment to the County treasurer to be equivalent to the payment hereinbefore directed.

24. Payment of such damages, by the party liable therefor, to the persons designated by the award as entitled thereto, or if the award shall not designate the persons entitled, to such persons as, in the absence of any dispute, shall be ostensibly entitled thereto, shall exonerate the party making payment; but any persons subsequently claiming to have been entitled to the damage so paid, may prosecute their claim by action for money had and received against the persons to whom the payment shall have been made.

25. In case of disputed, or unknown title, the Supreme Court, or a judge thereof, on application of the claimant, shall order the damages paid to the County treasurer, to be paid to the persons who, on due investigation by such Court or judge, shall have established their right; but no order shall be made until it shall be shown that notice has been given sufficient, in the judgment of the Court, or judge, to protect the rights of all persons who may be, or who may claim to be, interested.

26. The mining Lessee, or Licensee, shall not be implicated in controversies between persons contesting title to the damages.

27. In no case in which the award shall find the amount of damages with sufficient certainty, shall such award be set aside, because the persons entitled to damages are not designated by name, or sufficiently designated, or by reason of irregularity as to the persons entitled, or of any matter of form; but a judge, or the Supreme Court shall rectify any error, or informality, or shall adopt such proceedings as may be necessary for determining to whom the damages may be paid, or for otherwise carrying into effect the provisions and intent of this chapter.

28. The parties obtaining licenses and leases under this chapter and those deriving title under them, shall be answerable for damages that may ensue from the falling in of land, or for other injury which may be sustained by the owners, or tenants, of such lands subsequent to the agreement for, or award of, damages required by the foregoing sections, by reason of the works of the parties obtaining licenses or leases, or of those under them, or deriving title from or through them.

29. All leases shall be for the term of twenty-one years; but the holder of any such lease, may, at any time, surrender the same by notice in writing signed by him and filed in the office of the Chief Commissioner of Mines; but nothing herein contained shall be construed to discharge him from liability in respect of any covenants in the lease, for or in respect of any act, matter, or thing for which, at the date of such surrender, he was liable under the terms of such lease.

30. Such leases may be forfeited on failure to pay the stipulated

royalties other than those arising from quartz crushed at a licensed mill, or to keep employed annually on the demised premises the number of days' labor hereinafter specified, or to comply with any other of the provisions and stipulations in the lease contained.

31. The holder of such mining lease shall not use any part of the lands so demised for any other purpose whatsoever, except such as shall be necessary for making roads, opening drains, erecting necessary works, buildings, and all other purposes connected with the opening and working such mines to the most advantage; and all necessary ways and watercourses over the demised premises, whether expressly reserved in such lease, or not, shall be considered as reserved to the Crown, and in respect to the making, alteration, and use thereof, shall be subject to such orders and regulations as the Governor in Council may, from time to time, consider expedient; and all Licensees and Lessees and other persons employed about the mines on such demised premises shall use the lands in such manner as will be least injurious to the owners and occupants of such lands, or any other lands lying contiguous thereto.

32. There shall be employed annually on the demised premises a number of days' labor equivalent to one hundred days for every Number One area comprised therein. But any lessee holding ten or more, but less than twenty, areas of class Number One in any Gold District, will not be required, during the *first* year of his holding, to keep employed more than three-fourths of the number of days' labor above required to be performed per area; in like manner, if holding twenty or more, but less than thirty, of such areas in the same district, he shall be required to keep employed only one half; and if holding thirty or more, only one fourth the above required number of days' labor, during such first year. This section shall apply to all leases the first year whereof terminated on, or after, the first day of April, A. D. 1864.

33. In computing the number of days' labor employed by any lessee, at the termination of any one year, all or any of the leases which he at the time holds of mining areas in any one District, not exceeding twenty-four in number, may, for this purpose be tacked and considered as one lease; and if it is ascertained that an amount of labor equal to the whole amount which he is required to have performed upon the whole of the said areas, has been actually expended upon any one or more of said areas, the law in this respect will be held to have been complied with, although the lessee may not have employed upon each separate mining area the number of days' labor required by the last preceding section. This section shall apply to all leases the first year whereof terminated on, or after, the first day of April, A. D. 1864.

34. Where a lessee shall have employed in any one year a part only of the amount of labor required to be performed by him annually upon the premises demised to him in any one District, or under any one lease, the whole of the areas held by him in such

District, or under such lease, shall not necessarily become forfeited therefor, but only a part of such demised premises proportionate to the number of days' labor which such lessee has failed to have performed, shall become forfeited; and such lessee shall make selection of that part of the demised premises which he will retain. To avail himself of the provisions of this section, a lessee must make known his selection by notice in writing to the Chief Commissioner of Mines within ten days after the termination of the year for the non-performance of labor during which a portion of the premises demised to him become forfeited; and the areas selected by him to be retained shall, so far as possible, be in a compact block and not detached from each other, and no Number One area shall be divided in making such selection. Should any one lease contain areas thus retained and also areas which are forfeited, such lease shall be surrendered by the lessee who shall receive a new lease of the areas so retained, and for the unexpired portion of the term for which the surrendered lease had been given. Provided that on obtaining such new lease, and by the same, the lessee shall be required in addition to the work to be done thereunder, to do the work unperformed by him under the surrendered lease.

35. When, from any cause, whatever, a leased mine shall become forfeited to the Crown, under the proceedings directed by the 73rd clause of this Chapter, all the right, title, and interest which the holder of such forfeited lease had therein immediately previous to such forfeiture shall, upon such forfeiture, become thereby vested in the Crown; but the lessee of any mine may, during his lawful occupancy thereof, take down and remove any houses, buildings, machines, or other erections built or placed by him thereon, notwithstanding that the same be considered in law as attached to the freehold.

36. Applications may be made for a mine or mines, upon lands not lying within any proclaimed Gold District, and in such case the rights of parties and the proceedings to be taken with reference thereto, shall be governed, as far as possible, by the spirit and provisions of this chapter. Parties occupying and staking off areas corresponding in size with those prescribed hereby, shall be entitled to priority in the order of their making application, as hereinbefore required, to the Chief Commissioner of Mines. In case the lands so applied for shall afterwards be included within any Gold District, and laid off as hereinbefore prescribed, the rights of the occupants shall be respected so far as is consistent with the terms of this chapter, on adjusting the boundary lines between the parties in occupation.

37. In all cases where mining areas have, previous to the first day of April, 1864, been leased, or have been occupied by virtue of a Gold Commissioner's authority, on private lands not subsequently re-vested in the Crown, and with respect to which no agreement has been made, nor was on the said first day of April being negotiated, for land damages between the lessee and the owner of the

soil, the Chief Commissioner of Mines shall proceed to arrange with the owners of the soil for such damages, by mutual agreement, or arbitration, and to pay such damages, in the manner and form prescribed by the 18th and subsequent sections of this chapter, for applicants for mining leases; and in such cases the Chief Commissioner of Mines shall occupy, so far as circumstances will permit, the same position relative to the owners of the soil which, under the clauses above referred to, would be held by an applicant for a mining lease on private lands whose application is made after the passing of this Act.

38. The Chief Commissioner of Mines may issue licenses to search for Gold, to be called "Prospecting Licenses," which shall be subject to the rules prescribed by this Act.

39. Such Licenses may include any area not exceeding one hundred acres in extent, so as the same shall be laid off in quadrilateral and rectangular figures, and shall not in length exceed double the breadth thereof.

40. Such Licenses shall be in force for any period not exceeding three months from the date thereof.

41. All applications for Prospecting Licenses shall accurately define by metes and bounds the lands applied for, and shall be accompanied by a payment at the rate of fifty cents per acre for every acre up to ten acres in extent, and twenty-five cents for every acre in addition to that extent.

42. Before such application shall be granted the applicant shall enter into a bond with two sureties to the satisfaction of the Commissioners of Mines, to recompense the proprietor of the soil, in the event of entry being made on private lands, for damages done to his lands; to employ and lay out during the continuance of the License, in prospecting the lands applied for, labor to the extent of one man per day for every lot not exceeding five acres in extent, and for any quantity above five acres at the rate of one additional half day for every additional quantity not exceeding ten acres; and to make the quarterly returns and to pay the royalties hereinafter required.

43. If the proprietor of private lands so entered upon shall seek damages, he shall, before the end of three months after the expiration of the license, make his claim in writing against the holder of said license, detailing the particulars and amount of claim; and if the claim is not adjusted by agreement between the parties within one month after notice thereof as aforesaid, it may be settled by arbitration in accordance with the provisions of section 18 and subsequent sections of this chapter; but in such case either of the parties may give the required notice to appoint an arbitrator, and the Custos of the County may appoint an arbitrator on behalf of either of such parties neglecting, or refusing, to make such appointment.

44. The holder of a Prospecting License who shall have fulfilled

all the terms and conditions thereof, shall be entitled to a renewal thereof for a second period of three months, upon like terms and conditions, except that the price of the same place shall be only half that paid on the previous application.

45. Within the period for which the License, or renewed License, is granted, the party holding the same shall be entitled to select any area or areas, not exceeding one quarter of a mile on the lode and in breadth five hundred feet, comprised therein in form as described in this Chapter, and shall be entitled to a lease of the areas selected upon the terms imposed herein.

46. No Lease, nor any Prospecting License, shall authorize entry upon any buildings, or the curtilage appertaining to any house, store, barn, or building, or upon any garden, orchard, or grounds, reserved for ornament, or under cultivation by growing crops and enclosed, except with the consent of the occupier, or by special license from the Governor in Council, authorizing such entry, to be granted on special application setting forth the circumstances under which the same is applied for, and on such terms as the case may require.

47. On all leases, of Gold Mines, and Prospecting Licenses to search for Gold, there shall be reserved a royalty of three per cent. upon the gross amount of Gold mined.

48. The discoverer of any new mine shall be entitled to a lease for twenty-one years, free from advance payment, or royalty, of an area of class Number One as prescribed by this Chapter.

49. No person shall be considered the discoverer of a new quartz mine unless the place of the alleged discovery shall be distant, if on a known lode, at least three miles from the nearest known mine on the same lode, and if not on a known lode at least one mile at right angles from the course of the lode; if in alluvial workings, at least two miles distant from any previously discovered mine.

50. It shall not be lawful for any person or persons to use or employ any mill or machinery (other than mills or machinery worked by hand), for the crushing or reduction of quartz, or the obtaining of the gold therefrom by crushing, stamping, amalgamating, or otherwise, without a license therefor first had and obtained.

51. Such licenses shall be signed by the Chief Commissioner of Mines.

52. The words "Licensed Mills," when used in this chapter shall signify mills and machinery so licensed, and the words "Licensed Mill Owner," the person or persons to whom such license shall be granted.

53. Before any such license shall be granted the party applying therefor shall enter into a bond to Her Majesty in the penalty of two thousand dollars.

54. Licensed mill owners shall keep on the demised premises a book or books of account to be supplied by the Commissioner of Mines, which shall at all times be open to the inspection and ex-

amination of the Commissioner of Mines or his Deputy, or the Inspector of Mines, or any other person thereto authorized by the Commissioner of Mines; in which book or books shall be entered a clear and distinct statement of all quartz crushed, amalgamated, or reduced at such licensed mill, and the following particulars in respect of the same.

I. The name of the owner or owners of each distinct parcel or lot of quartz crushed.

II. The weight of each such parcel or lot.

III. The date of the crushing of the same.

IV. The actual yield in weight of gold from each such parcel or lot.

V. The royalty thereon calculated at three per cent.

VI. The mine or area (so far as the same is known or can be ascertained) from which each such parcel or lot was raised.

55. Each licensed mill owner shall separate from the yield or produce of gold of each lot or parcel of quartz as crushed three parts out of every hundred parts of such yield as the portion thereof belonging and payable to Her Majesty as royalty, and shall pay the same in such weekly or other payments as the Chief Commissioner of Mines shall order, into the office of the Chief Commissioner of Mines or his deputy for the district, or otherwise shall pay as aforesaid the equivalent in money for the same, at the rate of nineteen dollars and fifty cents per ounce troy for smelted gold, and eighteen dollars and fifty cents per ounce troy for unsmelted gold.

56. So soon as gold shall be obtained by amalgamation, or otherwise, from any parcel or lot of quartz crushed at any licensed mill, three parts in the hundred of such gold shall forthwith thereafter be and become the property of Her Majesty.

57. In case any licensed mill owner shall fail to pay such three parts on the hundred of gold, or money in lieu thereof, in the mode and at the times prescribed by this chapter, he shall be liable to an action at the suit of the Commissioner of Mines, as for money had and received to his use, for the value of said gold, estimated at nineteen dollars per ounce troy.

58. Such action may be brought according to the amount of the claim before the same courts which would have jurisdiction in case the amount claimed were an ordinary private debt.

59. Each payment of gold or money made by a licensed mill owner shall be accompanied by a copy of so much of his said book of account as shall be required to show the particulars prescribed by the fifty-fourth section hereof, which shall be verified by the affidavit of the person principally employed in keeping such account made before the Commissioner of Mines or his deputy, or before a Justice of the Peace; and on failure to make such returns or to verify the same as aforesaid, the license may be revoked by the Commissioner of Mines, subject to appeal as prescribed in section sixty-two of this chapter.

60. Any owner or part owner in any mill or machinery for the

crushing or reduction of quartz or for the obtaining of gold therefrom (other than mills or machinery worked by hand) which shall be engaged, used or employed in the crushing or reduction of quartz, or in the obtaining of gold therefrom, without a license therefor first had and obtained as prescribed by this chapter, and any person or persons engaged as agent, servant, workman, clerk, or otherwise in any such mill, shall forfeit and pay each the sum of four hundred dollars for each offence, and for every day in which such offence shall be committed the same shall be considered a new offence.

61. When the account books prescribed by this chapter, or any of the accounts hereby required, shall be fraudulently or falsely kept, or the affidavits hereby prescribed, or any of them, shall be false or fraudulent, the license to the mill in respect of which the offence has been committed may be revoked.

62. The Chief Commissioner of Mines shall be authorized to inquire into any such alleged fraud, and to revoke such license if satisfied that such fraud has been committed, but his judgment shall be subject on appeal to the revision of a judge at chambers who shall make such order in respect of the same as shall be agreeable to law and justice, and if he thinks fit may order any question of fact to be tried by a jury.

63. In addition to the forfeiture of license, any licensed mill owner in respect of whose licensed mill such fraud shall have been committed, shall be liable for each offence to a penalty of not more than two thousand dollars, to be recovered in the Supreme Court.

64. Every licensed mill owner who shall in all respects have complied with this chapter shall be entitled to receive from the Chief Commissioner of Mines at the end, or expiration, of every three months from the date of his license a sum equal to five per cent. upon the amount paid over by him as royalty during such period.

65. A licensed mill owner may at any time surrender his license by delivering the same into the office of the Commissioner of Mines, with a written surrender endorsed thereon, but no such surrender shall take effect till after the lapse of ten days from the filing at the office of the Chief Commissioner of Mines, of a notice in writing of the intention of such mill owner to surrender the same.

66. Upon such a surrender taking effect as aforesaid, such mill shall cease to be a "licensed mill" until again licensed under the provisions of this chapter.

67. The licensed mill owner so surrendering his license and his sureties shall remain liable under their bond for all obligations accruing thereunder up to the time when the surrender takes effect, as aforesaid, but shall not be liable for obligations accruing thereafter.

68. Lessees of mines shall be bound to make to the office of

the Chief Commissioner of Mines, or his deputy for the district, on the first day of January, April, July, and October in each year, a true and correct return to the best of their knowledge and belief, on forms to be supplied by the Chief Commissioner of Mines, in which shall be comprised the following particulars:

I. The number of days' labor performed on the demised premises during the preceding quarter.

II. The number of tons of quartz raised from the demised premises during the preceding quarter.

III. The person, or persons, to whom the same has been sold, or disposed of, and the different lots, or parcels, in which the same have been sold, or disposed of, with dates.

IV. The weight of quartz sent by him during the quarter to any licensed mill, and the name and description of the mill to which the same has been sent; and when the same has been sent and kept in distinct parcels, the weight of each separate parcel.

V. The yield of each separate parcel, or lot, as returned and allotted by the mill owner, with the date of allotment and of receipt.

VI. The quantity of all gold obtained from the mine in any manner during the quarter, distinguishing that resulting from the quartz crushed at licensed mills from the gold otherwise obtained; which return shall be verified by affidavits to be made before the Commissioner of Mines, or one of his Deputies, or a Justice of the Peace.

69. The lessee of each mine shall be liable for royalty upon all gold obtained from his mine in any other way than from quartz crushed by licensed mills; but he shall be exempted from any claim in respect of gold obtained from quartz so crushed, the liability of the mill owner for such royalty being hereby substituted instead of that of the lessee.

70. When any parcel of quartz from a free mine shall have been crushed at a licensed mill, the owner of the quartz on proof of the facts to the satisfaction of the Commissioner of Mines, shall be entitled to receive from the Chief Commissioner of Mines, the amount deducted by the licensed mill owner and paid as royalty under the provisions of this chapter.

71. In case any holder of a lease granted under this Chapter shall fail to make payment of any royalty accruing under the terms of the sixty-ninth section within ten days after the time prescribed by this Chapter for making his return to the Chief Commissioner of Mines, or his Deputy, he shall be liable to an action at the suit of the Commissioner of Mines, as for money had and received to his use for the value of the royalty so accruing, estimating the same at nineteen dollars per ounce troy.

72. Such action may be brought according to the amount claimed before the same court, which would have jurisdiction in case the amount claimed were an ordinary private debt; and on a change of Commissioner of Mines, actions prosecuted by

him shall be continued and prosecuted by and in the name of his successor; and a Commissioner may prosecute in his own name, as for money had and received to his use, although the action for the same had accrued to a previous Commissioner.

73. In any case of alleged forfeiture of any mining lease, for non-compliance by the lessee with the terms, stipulations, and conditions therein contained, or by this chapter required, the Deputy Commissioner for the District, or if the leased premises are not within a proclaimed Gold District, or are in a Gold District where there is no Deputy Commissioner, then the Chief Commissioner of Mines shall investigate the said case and decide in a summary way thereon; and when such decision declares the Lease in question to be forfeited, the Chief Commissioner, or Deputy Commissioner, so deciding, shall immediately thereafter have a notice personally served upon such lessee, or some or one of them where more than one are included in the same lease, or his or their agent, or person principally employed on the premises, if to be found within the Gold District, and if not, such notice shall be posted up upon the leased premises, which notice shall convey the decision of the Commissioner, and briefly state the grounds thereof. The Deputy Commissioner shall also, in all such cases, report his decision to the Chief Commissioner with a statement of the facts upon which the same is founded.

74. If, within ten days after the service, or of the posting up such notice, the lessee or lessees, against whom the decision was made, or any person acting on his or their behalf, give notice to the Chief Commissioner of Mines that he is aggrieved at the decision of the Deputy Commissioner and appeal against it, the Chief Commissioner shall appoint a time and place for hearing such appeal, of which such lessee or lessees shall have reasonable and timely notice; and at such time and place, the Chief Commissioner shall proceed to investigate the case anew and decide upon the whole facts thereof.

75. From the judgment of the Chief Commissioner of Mines, either in the first instance, or on appeal, the party interested may appeal to a judge at chambers, provided that notice of such appeal be given to the Chief Commissioner of Mines within ten days from the date of his decision; provided also that the party appealing shall on applying for such appeal make and file with the Chief Commissioner of Mines an affidavit that he is dissatisfied with such judgment, and that he verily believes the lease has not been forfeited, and that the conditions in respect of which the forfeiture has been declared have really and truly been performed and fulfilled, and shall within two days thereafter, enter into a bond with two sufficient sureties in the penalty of fifty dollars, to enter and prosecute his appeal according to the provisions hereof, and pay all costs, which may be adjudged against him by the Court of Appeal.

76. On such appeal being perfected the Chief Commissioner of Mines shall transmit to the prothonotary at Halifax the notes of testimony taken before him, and the judge at chambers shall confirm, or set aside, the judgment, or try the case *de novo*, or make such order thereon as is agreeable to justice and in conformity with law.

77. If the judge shall consider that the case involves questions of controverted fact on which he may be of opinion the verdict of a jury should pass, he may make an order remitting the trial of the question, or questions, of fact to the county where the land lies, in which case all the papers shall be transmitted to the prothonotary of that county; and the cause shall come on for trial in its place in the same way as ordinary appeals ordered to be tried by a jury.

78. Upon the finding of the jury on the facts the judge shall pronounce judgment on the whole case. So soon as judgment declaring forfeiture of the lease shall be given, either by a Deputy Commissioner without appeal, the Chief Commissioner without appeal, or by the court of appeal when the Commissioner's judgment is appealed from, the lessee and all persons holding under him shall thereafter cease to have any interest in the mine leased, and the same shall be open to be leased to any other applicant in the same way as if no lease thereof had ever passed; and pending the proceedings between the delivery of the first judgment and any subsequent judgment on appeal therefrom, such lessee shall suspend all mining operations on the area alleged to be forfeited, otherwise he may at the discretion of the Commissioner, be liable to be treated as a trespasser as hereinafter directed.

79. The Chief Commissioner of Mines shall have power by warrant to the Sheriff or any constable of the county wherein the Gold District lies, to remove any party in possession of a mine so adjudged to be forfeited.

80. Any person found mining in any lands belonging to the Crown, or on any land of a private proprietor, the minerals in which belong to the Crown, or entering thereon for the purpose of mining, shall be liable to a penalty for each offence of not less than ten dollars nor more than fifty dollars; but this section shall not extend to parties prospecting, or searching for mines.

81. Parties violating the provisions of the preceding section, shall be considered guilty of a distinct offence for every day they shall unlawfully mine.

82. On complaint in writing made to any Justice of the Peace of the County in respect of such unlawful mining, or entry to mine, the Justice shall issue his warrant to apprehend the offender and bring him before the Justice to answer the complaint; such Justice shall thereupon forthwith enter upon the investigation of the complaint, and in case he shall find the party guilty, impose such fines, or penalties, as the party may have incurred under the provisions

of this chapter. In case the defendant requires time for the production of witnesses for the defence, the Justice may adjourn the investigation to any period not exceeding six days, on being satisfied by affidavit that such time is required for that purpose, and in such case the defendant shall be committed to gaol unless he gives security to the satisfaction of the Justice to appear at the time and place appointed for such adjourned investigation.

83. The decision of such Justice shall be subject to appeal, as in ordinary cases, but before such appeal shall be allowed, the appellant shall give bonds to render him in custody of the Sheriff, to pay the costs of the appeal, in case of a decision against him, and in case of the defendant appealing, as the Court of Appeal may impose, with costs.

84. Gold in quartz or otherwise, unlawfully mined on the property of any lessee of the Crown, shall be considered in law the personal property of the owner of the mine, and a search warrant may be issued for the same by any Justice of the Peace for the county, in the same manner as for stolen goods; and, upon the recovery of any gold under such warrant, the Justice shall make such order for the restoration thereof to the proper owner, as he shall consider right.

85. Nothing in this chapter contained shall prevent Her Majesty from having or using any other remedy now available to recover possession of any mine forfeited from causes cognizable before the Chief Commissioner of Mines, or from any other cause from which the same may be liable to forfeiture.

OF MINES OTHER THAN GOLD MINES.

86. The Chief Commissioner of Mines may upon application grant licenses to be in force for one year from the date of application therefor, to enter upon any lands in this Province, not already under license or lease for mining purposes, and to dig and explore for such minerals other than Gold as the Crown holds for the benefit of the Province; a bond being first given to the Chief Commissioner of Mines with sufficient sureties to be approved by the Governor in Council, that in the event of entry being made upon private lands, recompense shall be made for damages in the manner hereinafter provided.

87. No such application shall be valid unless accompanied by a payment of twenty dollars; and the license of exploration may cover any single tract of ground not exceeding five square miles in extent, but not less than two miles in width.

88. Upon such application and payment being made, the Chief Commissioner of Mines shall cause the lands applied for to be surveyed and laid off, and a full description thereof shall be embodied in the license of exploration, but no such license shall authorize entry upon any lands which in accordance with the 46th section of

this chapter, are forbidden to be included in any Gold Mining Lease, or Prospecting License, except as in that section excepted.

89. The cost of such survey shall be defrayed by the Chief Commissioner of Mines, but the search for minerals under such licenses shall be made free of all expense to the Government, and the holder of the license shall within the time that the same shall be in force, and with all convenient speed, make a report of the result of his explorations to the Chief Commissioner of Mines.

90. The said license of exploration may be renewed for a further period of twelve months, on application therefor to the Chief Commissioner of Mines, setting forth the special circumstances of the case, not less than thirty days before the expiration thereof, and on payment of the further sum of twenty dollars, subject however, to the approval of the Governor in Council, upon consideration of the special circumstances submitted.

91. If the proprietor of private lands entered under such license shall seek damages, the proceedings for ascertaining the amount of such damages, and making payment of the same, shall be the same as provided for by this chapter in the case of Prospecting Licenses for Gold.

92. The holder of an exploration license may at any time before the expiration thereof, select from the land covered by such license, an area of one square mile, for the purpose of working the mines and minerals thereon; and may make an application in writing to the Chief Commissioner of Mines for a license to work the same, which application shall be accompanied by a payment of fifty dollars.

93. Upon such application and payment being made, the Chief Commissioner of Mines shall cause the portion so selected to be surveyed and laid off, and shall defray the expense of such survey, which said portion shall be in one block, the length of which shall not exceed two and a half miles; and the person making such survey shall make a report and plan thereof, and transmit the same to the Chief Commissioner of Mines.

94. All the provisions herein contained relative to settlement by agreement, or arbitration, with the owner of the soil, where the same is private land, for damages done to his land, and to payment therefor as set forth in section 18 to 28 inclusive, and to the occupation of such lands as declared in section 31, and to the exemption of certain descriptions thereof from liability to be leased, as specified in section 46, and to the vesting of interests forfeited under this chapter as specified in section 35, shall be applicable and in force in the case of mines other than Gold mines, equally as in Gold mines.

95. Upon complying with the requirements of this chapter by paying damages where the ground applied for is private land, the applicant shall be entitled to a license to occupy and work the one square mile applied for.

96. Every license to occupy and work shall be for a term of two years from the date of application, and within such term the holder of the license shall commence effective mining operations, and shall continue the same in good faith until the termination of such term.

97. The holder of a license to occupy and work, or those representing him, having complied with the terms of the last preceding section, shall on the determination of his license be entitled to a lease of the premises described therein, which lease shall contain all the ordinary provisions of mining leases, with such conditions as the Governor in Council may think necessary to ensure the effective and safe working of the mine or mines on said premises.

98. Any party may apply for a license to occupy and work any vacant mine, without having previously obtained or applied for an exploration license, and in such case his application shall embody a description of the area applied for, and upon complying with all the antecedent conditions hereinbefore set forth, except those which relate solely to exploration licenses, he shall be entitled to such license to occupy and work.

99. The Governor in Council may by special order authorize the granting a lease, or license, to occupy and work a larger area than one square mile, if on investigation of the special circumstances of the case they may think the public interests would be better subserved thereby, and in such case may impose such further conditions, not at variance with the spirit of this chapter, as may be deemed just.

100. All leases of Coal mines shall terminate on, or before, the 25th day of August, A. D. 1886; leases of mines other than coal mines shall be for twenty-one years; any lease may at any time be surrendered by the lessee in like manner, and upon such terms, as hereinbefore prescribed for the surrender of a Gold mining lease.

101. In the granting of licenses, or leases, after the passing of this Act, there shall be reserved a space of twenty yards in width, between the lines of the respective grantees; but on the application of both parties interested, the Governor in Council may by special order direct a license, or lease, of such reservation to be granted on such terms and in such manner as may be just and reasonable.

102. All licenses and leases of mines and minerals other than Gold mines, shall be subject to the following Royalties to the Crown, to the use of the Province on the produce thereof, after it has been brought into marketable condition, payable yearly from the period of their respective dates, that is to say—of five per cent. on all such ores and minerals, except Gold, Iron, and Coal—of eight cents on every ton of Iron, and of ten cents on every ton of 2,240 lbs. of Coal, which said Royalties shall be paid to such person, or persons, at such times and in such places as the licenses, or leases, shall respectively stipulate, or as the Governor in Council may from time to time direct.

103. Every licensee, or lessee, of mines, or minerals, other than Gold mines, shall on the first day of January in each and every year, make a return showing the number of days' labor performed on the premises under license or lease, the cost and description of the shafts, adits, levels, drains, and other works, and machinery constructed, excavated, or erected thereon; the description and quantity of the material extracted from the mine, or mines, thereon, and subject to Royalty, and the amount of Royalty which has accrued upon such material extracted during the last previous year. Such return shall be sworn to by two or more credible persons, principally employed in, or about, the working and management of such mines, before the Chief Commissioner, or Provincial Deputy Commissioner of Mines, or a Justice of the Peace, and shall be immediately transmitted to the Chief Commissioner of Mines.

104. Where it shall be represented to, or shall come to the knowledge of, the Chief Commissioner of Mines, that any mines or minerals claimed under a lease from the Crown, or under a lease granted pursuant to this chapter, have been abandoned for the space of one year, have not been effectively and continuously worked, or have been worked only colorably, or to prevent a forfeiture under the terms of such lease, or that the lessee of such mines has failed to comply with any of the terms, covenants, or stipulations in his lease contained, or by this chapter required, or is acting in violation thereof, the Chief Commissioner of Mines shall cause a notice to be personally served upon the lessee, or some, or one of them, where more than one of them are included in the same lease, or his or their agent, or person principally employed on the premises, or shall cause such notice to be posted up upon the premises leased, where no person can be found to make service thereof, informing him of such charge and appointing a time, to be not less than fourteen days after the service or posting up of such notice, and also a place, for the investigation thereof. At the time and place appointed, the Chief Commissioner of Mines shall proceed to investigate the said case, and decide thereon, and shall thereupon give notice of his decision to the lessee, or his agent, by causing such notice to be served, or posted up, as in this section above directed.

105. From the judgment of the Chief Commissioner of Mines the party interested may appeal to a Judge at Chambers, in which case the proceedings, until final judgment, shall be the same in every particular as are in this chapter provided for in the case of an appeal against the judgment of the Chief Commissioner relative to an alleged forfeiture of a Gold mining lease.

106. There shall be kept in the office of the Chief Commissioner of Mines, a Map of the Province, on which shall be delineated as accurately as may be, all the areas under license, or lease, as mines other than Gold mines; and also a book, or books, of Registry, in which shall be registered all the licenses and leases of such monies;

and such map and book, or books, shall be open to the inspection of the public.

MISCELLANEOUS.

107. The Chief Commissioner of Mines may lease Crown lands being within the limits of any proclaimed Gold District, or comprising any tract within which the mines and minerals other than Gold are under license, or lease, for purposes other than mining, reserving always the rights of present, or future, lessees of mining areas therein, and subject to such other reservations, and for such terms, and upon such conditions as the Governor in Council may direct, and may also sell any timber not previously disposed of, growing or being upon any part of the Crown domain, included within any such Gold district, or other tract, under license, or lease, for mines, or minerals, other than Gold, upon such terms as the Governor in Council shall authorize and direct.

108. No lease granted under the provisions of this chapter shall be void against any subsequent purchaser, mortgagee for valuable consideration, or judgment creditor, by reason of such lease not having been previously registered in accordance with the provisions of Chapter 117 of the Revised Statutes, "Of the Registry of Deeds and Incumbrances affecting Lands."

109. The Governor in Council may at any time by proclamation as in this chapter provided, declare a Gold District which shall contain an area or areas under license, or lease, for the purpose of searching for, or working, mines and minerals other than Gold; and in such case the areas under such license, or lease, shall notwithstanding such license, or lease, become subject to all the provisions of this chapter, which relate specially to Gold Districts and Gold Mines, under such regulations as the Governor in Council shall make.

110. The Governor in Council is authorized to make rules and regulations relative to Gold Districts and Gold mines, and mines other than Gold mines, and licensing and leasing the same, and to the pumping, draining, ventilation, working, management, care, possession, and disposal of the same, and to all other matters connected with the same; and to make such rules and regulations general, or applicable only to particular districts or localities, as may be deemed best; and all such rules and regulations when published in the Royal Gazette, shall have the force of law until repealed by the legislature; provided such rules and regulations shall not be repugnant to the laws of the Province, or the provisions of this chapter; and such rules and regulations may in like manner be altered, modified, or cancelled, as circumstances shall require.

111. The forms to be used under this chapter shall be substantially the same as those heretofore in use, subject, however, to such amendments and alterations as the Governor in Council may, from time to time, make or direct.

An Act to amend Chapter 25 of the Revised Statutes, "Of Mines and Minerals."

(Passed the 2nd day of May, A. D. 1865.)

Be it enacted by the Governor, Council, and Assembly, as follows :

1. All leases of mines shall be executed by the Chief Commissioner of Mines, on behalf of the Crown, after approval by a committee of the Executive Council.
2. All bonds which, previous to the passing of this act, were required to be approved by the Governor in Council, shall be subject to approval by a committee of the Executive Council only.
3. Applicants for licenses to search for, or licenses to work, or leases of mines other than gold, where an admeasurement of the area applied for is requisite, shall pay the cost of survey of such area before receiving a license or lease thereof.
4. Where a lessee of mines other than gold holds leases of two or more, but not exceeding five contiguous areas of a square mile each, such leases may be treated as a single lease, as in the case of leases of gold mines; provided, nevertheless, that payments shall be made on each square mile as if in a separate lease; and that if such lessee shall in any one year have wrought or gotten more than two hundred and fifty thousand tons of coal, liable for royalty, from the mine or mines held under such leases, there shall be no reduction of royalty upon such surplus, from sixpence to fourpence per ton, except upon so much thereof as shall in the aggregate exceed two hundred and fifty thousand tons for every square mile so included.
5. Every lessee or licensee of mines and minerals other than gold shall, quarterly, on the first of January, April, July, and October, in each and every year, instead of on the first day of January alone, make the returns required yearly by section 103 of chapter 25 of the Revised Statutes, entitled "Of Mines and Minerals," in the manner and form set forth in said section.
6. All royalties accruing upon mines other than gold shall be payable quarterly, on the first day of January, April, July, and October, in each and every year.

Act to amend Chapter 22 of the Revised Statutes, "Of Mines and Minerals."

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled, February 22, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, as follows:

Section 1. All leases of mines shall be approved by the Chief Commissioner of Mines in behalf of the Government, and approval by a majority of the Executive Council shall be necessary to the taking of this act.

Section 2. All leases shall be approved by the Governor in Council, and shall be subject to annulment by a majority of the Executive Council.

Section 3. The provisions of this act shall not apply to leases for work on placer mines, or to leases for work on placer mines in which the lessee has an absolute right of survey.

Section 4. The provisions of this act shall not apply to leases for work on placer mines in which the lessee has an absolute right of survey.

Section 5. The provisions of this act shall not apply to leases for work on placer mines in which the lessee has an absolute right of survey.

Section 6. The provisions of this act shall not apply to leases for work on placer mines in which the lessee has an absolute right of survey.

Section 7. The provisions of this act shall not apply to leases for work on placer mines in which the lessee has an absolute right of survey.

Section 8. The provisions of this act shall not apply to leases for work on placer mines in which the lessee has an absolute right of survey.

Section 9. The provisions of this act shall not apply to leases for work on placer mines in which the lessee has an absolute right of survey.

Section 10. The provisions of this act shall not apply to leases for work on placer mines in which the lessee has an absolute right of survey.

Acts relating to "Mines and Minerals."

Passed the Seventh day of May, in the Twenty-ninth year of the Reign
of Her Majesty Queen Victoria, A. D. 1866.

CHAPTER 9.

An Act to amend Chapter 25 of the Revised Statutes, "Of Mines
and Minerals," and the Act in amendment thereof.

BE it enacted by the Governor, Council, and Assembly, as follows:

1. Lessees of Coal Mines in this Province, their executors, administrators, and assigns, holding leases from the Crown, or from the Chief Commissioner of Mines, made since the first day of January, A. D. 1858, or hereafter to be made, shall, upon giving notice in writing to the Chief Commissioner of Mines, at least six months previous to the expiration of such leases, respectively, of their intention to renew such leases respectively for a further period of twenty years from the expiration thereof, be entitled to a renewal thereof for such extended term upon the same terms, conditions, and covenants, as contained in the original lease, and in like manner upon giving a like notice before the expiration of such renewed term to a second renewal and extension of term of twenty years from and after the expiration of such renewal term, and in like manner upon giving like notice before the expiration of such second renewal term to a third renewal and extension of twenty years from and after the expiration of such second renewed term; provided that at the time of giving such notices, and the expiration of such terms, respectively, the said lessees, their executors, administrators, and assigns, are and shall continue to be *bona fide* working the areas comprised within their respective leases, and complying with the terms, covenants, and stipulations in their respective leases contained, within the true intent and meaning of section 104 of the Act hereby amended, and provided that in no case shall such renewal or renewals extend, or be construed to extend, to a period beyond sixty years from the twenty-fifth day of August, A. D. 1866, and provided also that the Legislature shall be at liberty to revise and alter the royalty imposed under such lease in or after the year 1886.

2. After the passing of this Act new leases in accordance with its provisions may be executed to all parties now holding leases which will expire in the year 1886.

3. The General Mining Association shall, at the end of their lease, be entitled to a renewal as respects each mine that shall then be worked by them, upon the same terms as apply to other lessees, but the renewed lease shall not include in respect of each mine worked a larger area than would be granted to other companies, so that all lessees of coal mines may, after the expiration of the Company's lease, stand on an equal footing as regards areas and otherwise.

CHAPTER 26.

An Act to amend Chapter 25 of the Revised Statutes, "Of Mines
and Minerals."

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The proviso contained in the latter part of section 34 of the said chapter is hereby repealed.

Passed the seventh day of May, in the Twenty-ninth year of the Reign of Her Majesty Queen Victoria, A. D. 1858.

CHAPTER 3.

An Act to amend Chapter 23 of the Revised Statutes "Of Mines and Minerals," and the Act in amendment thereof.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Lessees of Coal Mines in this Province, their executors, administrators, and assigns, holding leases from the Crown, or from the Chief Commissioner of Mines, made since the first day of January, A. D. 1858, or hereafter to be made shall, upon giving notice in writing to the Chief Commissioner of Mines, at least six months previous to the expiration of such leases, respectively, of their intention to renew such leases respectively for a further period of twenty years from the expiration thereof, be entitled to a renewal thereof for such extended term upon the same terms, conditions, and covenants as contained in the original lease, and in the manner upon giving a like notice before the expiration of such renewal term to a second renewal and extension of term of twenty years from and after the expiration of such renewal term, and in like manner upon giving the notice before the expiration of such second renewal term to a third renewal and extension of twenty years from and after the expiration of such second renewal term; provided that at the time of giving such notice, and the expiration of such terms, respectively, the said lessees, their executors, administrators, and assigns are and shall continue to be lawfully working the mines comprised within their respective leases, and complying with the terms, covenants, and stipulations in their respective leases contained, within the true intent and meaning of section 104 of the Act heretofore amended, and provided that in no case shall such renewal or renewals extend or be construed to extend to a period beyond sixty years from the twenty-fifth day of August, A. D. 1858; and provided also that the Parliament shall be at liberty to revise and alter the royalty imposed under such lease in or after the year 1868.

2. After the passing of this Act new leases in accordance with the provisions may be granted to all parties now holding leases which will expire in the year 1868.

3. The General Mining Association shall, at the end of their lease, be entitled to a renewal or renewals of such lease, shall then be worked by them, upon the same terms as apply to other leases, but the renewed lease shall not extend in respect of such mining worked by a party, nor shall it be granted to other companies, so that all leases of coal mines may, after the expiration of the Company's lease, stand on an equal footing as regards terms and otherwise.

CHAPTER 34.

An Act to amend Chapter 23 of the Revised Statutes "Of Mines and Minerals."

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The proviso contained in the latter part of section 84 of the said chapter is hereby repealed.

AN ACT

To amend Chapter 25 of the Revised Statutes, "Of Mines and Minerals."

(Passed the 7th day of May, A. D. 1867.)

Be it enacted by the Governor, Council, and Assembly, as follows:—

1. After the passing of this Act it shall not be lawful for any person except the owner or agent of mining claims then being worked, or unless by the authority in writing of the Deputy Commissioner of Mines of the district, to sell or purchase, except from such owner or authorized person, any quartz containing gold or smelted gold, at or within three miles of any gold district.

2. Any person violating the provisions of this Act shall be guilty of a misdemeanor.

3. On the complaint in writing made to any Justice of the Peace of the County, by any person interested in any mining claim, that mined gold or gold bearing quartz is illegally deposited in any place, or held by any person contrary to the provisions of this Act, a general search warrant may be issued by such Justice as in the case of stolen goods, including any number of places or persons named in the said information or complaint; and upon the recovery of any gold or gold bearing quartz, under such warrant, the Justice shall make such order for the restoration thereof to the lawful owner as he shall consider right.

4. The decision of such Justice shall be subject to appeal, as in ordinary cases, to the Supreme Court of the County; but before such appeal shall be allowed, the appellant shall give bonds to the value of the gold or gold bearing quartz, that he will prosecute his appeal at the next sittings of the Supreme Court of the County, and will pay the costs of the appeal in case of a decision against him, and in case of the defendant appealing, to pay such fine as the court of appeal may impose, with costs.

5. No action shall be sustained against any complainant unless express malice be proved.

6. When smelted gold or gold bearing quartz is found in the possession of any operative workman or laborer, actively engaged in or on any mine, contrary to the provisions of this Act, it shall be *prima facie* evidence that the same has been stolen, and he may be proceeded against accordingly.

7. In any indictment brought against any party under the provision of this Act, it shall be sufficient evidence to lay property in the Queen or in any person as owner; and any variance in the latter case, or where the owner is not proved, may be amended on the trial by laying the property in the Queen.

8. It shall be obligatory upon all persons who have obtained license to search for minerals, called "prospecting licenses," under the chapter hereby amended, to fill up all holes, pits, or excavations, which they may have made for prospecting purposes, and afterwards abandoned.

9. Any person leaving any such pit, hole, or excavation, for the space of eight days, open, and unfilled to the depth of one foot or more, without having the same walled or fenced round, at least four feet in height, at all times when not working, the same shall forfeit for each offence a sum not exceeding one hundred dollars, to be recovered by any person who will sue for the same.

AN ACT

TO CONSOLIDATE THE STATUTES RELATING TO "MINES AND MINERALS."

(Passed the 14th day of June, A. D. 1869.)

SECTION.

1. Definition of terms, "mine," and "to mine."
2. Gold bearing quartz.
3. Gold elsewhere than in rock.
4. Chief Commissioner of Mines and Deputies—how appointed.
To have powers of Justice of Peace. Proviso.
5. Inspector of Mines—how appointed—his duties, &c.
6. Duration of office.
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Salaries.
7. Incapacity to sit or vote in Assembly.
Penalty—how recoverable.
8. Penalty for voting, taking part, &c., in elections—how recoverable.
9. Shall not be interested in mine or mining, &c., or act as agent, &c.
Penalty—how recoverable.
10. Gold district—how established, &c.
11. Quartz mines—how laid out.
12. Areas—form of as far as possible, &c.
13. Alluvial mines—how laid out.
14. Book of records for entry of time, description of area, amounts paid, and names of applicants.
Shall be open at all reasonable times.
Name of applicant shall be written on each area.
Returns.
15. Plans to be prepared and kept and areas marked thereon.
Duplicate to be returned weekly.
General plan.
16. Application—how made.
17. Advance paid on application.
18. Reservation of rights of owners of soil.
Agreement with owners.
19. Where no agreement, arbitrators to be appointed.
20. Service of notice.
21. County not to bear expense of arbitration.
22. Arbitrators to be sworn—their duties, powers, &c.
In case of disagreement to select third.
23. When no arbitrator appointed by proprietor, Custos shall appoint for him.
Award of two.
24. When right in dispute, or person unknown—publication of notice.
25. Payment of arbitrators.

SECTION.

26. Payment of damages to exonerate party making it.
27. Disputed title—damages, how paid.
28. Mining lessee not implicated.
29. Award not to be set aside for informality.
30. Lessees, &c., answerable for other damages.
31. Duration of leases—surrender, &c.
32. Forefeiture.
33. Holders of mining leases to use lands for mining purposes only.
34. Labor on areas—how regulated.
35. How computed.
36. Where part of labors performed, forfeiture partial.
Right to select—notice of selection.
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37. When lease forfeited title of lessee to rest in crown.
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38. Applications for mines without gold district, how governed.
39. Where mine occupied previous to April 1st, 1864, and no agreement made with proprietor, Chief Commissioner shall proceed at once to settle damages.
40. Prospecting licenses may be issued.
41. Area of same—form of it.
42. Duration of.
43. Application for.
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44. Bonds to be given for damage, &c.
45. Damages to private lands how recovered.
46. Holder entitled to renewal.
47. Holder entitled to select areas, &c., and to lease.
48. Lease or license not to effect cultivated lands, &c., without consent or special license.
49. Royalty reserved.
50. Free lease.
51. Licenses for machinery, &c.
52. To be signed by Chief Commissioner.
53. Definition of term "Licensed mills."
54. Bond.
55. Books to be open to Commissioner or Deputy
Entries to be made therein.
56. Royalty—how paid.
57. Proportion for royalty.
58. On failure to pay royalty—mill-owner liable to action.
59. Action—how brought.

SECTION.	SECTION.
60. Payment accompanied by return with affidavit.	102. Duration of leases of coal mines—other mines.
61. Forfeiture for working mill, &c., without license.	103. Renewal of leases.
62. Licenses may be revoked for fraud in books.	104. New leases.
63. Chief Commissioner to enquire into fraud.	105. Renewal of leases to General Mining Association.
64. Penalty for fraud in addition to forfeiture.	106. Spaces between areas to be reserved.
65. Return upon royalty paid.	107. Royalties defined.
66. Millowner may surrender license.	108. Quarterly returns to be made.
67. On such surrender license to cease.	To be sworn.
68. Millowner liable for accrued obligation.	109. Mine abandoned—how dealt with.
69. Lessees to make quarterly returns.	Notice to be served.
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70. Lessee liable for royalty on gold obtained otherwise than by licensed mill.	110. Appeal to judge.
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72. Action for recovery of royalty.	Book of Registry.
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75. Appeal, &c., to Chief Commissioner.	114. Governor in Council may declare special districts.
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79. After forfeiture interest of lease to cease.	116. Forms.
80. Chief Commissioner may remove parties from forfeited mines.	117. Tunnels.
81. Penalty for illegal mining. Proviso.	118. Damages of tunnel.
82. Each day a distinct offence.	119. Disputes as to tunnels with owners and lessees.
83. Complaint—how adjudicated on.	120. Lease to be in duplicate.
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85. Gold unlawfully mined—how recovered.	123. Where there are several lessees—duplicate.
86. Nothing herein prevents Her Majesty recovering forfeited mine by other remedies.	124. Declaration on oath.
87. Chief Commissioner to grant licenses.	125. Transfers.
88. Payment to accompany application.	126. Form of declaration.
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89. Upon application and payment, lands to be surveyed.	128. Description of titles, &c.
90. Cost of survey and search.	129. Duplicate of same.
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91. Renewal of license of exploration.	131. Holder of prospecting license to have one day more than another person.
92. Other licenses over same area.	132. Penalty for leaving excavation unprotected.
93. Damages to private lands.	133. Distinct offence each day.
94. Holder of exploration license may select area and make application for license.	134. Licenses to search on Sable Island.
95. Survey.	Payment.
96. Provisions relative to arbitration, &c.	135. Licenses and leases to be executed by Chief Commissioner of Mines.
97. Applicant when entitled to license.	136. Act repealed.
98. Duration for license to work.	
99. Lease to holder of license to work.	
100. License to work without prior license.	
101. Governor in Council may authorize lease of larger area.	

Be it enacted by the Governor, Council and Assembly, as follows :

1. The word "mine," in this act, shall mean any locality in which any vein, stratum, or natural bed, of coal, or of metalliferous ore, or rock, shall, or may, be worked. The verb to "mine," in this act, shall include any mode or method of working whatsoever, whereby the ore, earth, or soil, or any rock, may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining gold, coal, iron, copper, or any other ore, or metallic substance, and whether the same may have been previously disturbed, or not.

2. Gold bearing quartz shall be held to mean all auriferous rock *in situ*.

3. Gold elsewhere than in rock *in situ*, shall mean alluvial mines.

4. The Governor in Council is hereby authorized to select and appoint, when and so often as occasion may require, a suitable person to act as Chief Commissioner of Mines for the Province, and suitable persons to act as Deputy Commissioners of Mines in the several districts hereinafter provided for, one of whom shall be named Provincial Deputy Commissioner, and to define the limits of their jurisdiction respectively; and by virtue of and during the continuance of such appointment, such Chief Commissioner of Mines within all the Gold Districts, and such Deputies within the districts to which they are respectively appointed, shall exercise the powers of Justices of the Peace; provided always that no such Commissioner shall act as a Justice of the Peace, at any court of general or special sessions, or in any manner out of session except for the administering of affidavits, the preservation of the peace, the prevention of crimes, the detection and commitment of offenders, and in carrying out the provisions of this act.

5. The Governor in Council shall appoint an Inspector of Mines, who shall be a competent, scientific, practical, coal-mining engineer, whose duty it shall be to visit, from time to time, as may be deemed necessary, and inspect the various mines belonging to or under lease from the crown, to ascertain if the laws, stipulations, and agreements, relative to the working and management of such mines, and to the payment of rents and royalties accruing therefrom, are complied with; and if the same are being worked in a scientific, workmanlike, and effective manner, due regard being had both to maintaining the value of such mines and providing for and protecting the safety of the persons employed therein; and the Inspector of Mines shall, from time to time, report in accordance with the facts to the Government.

6. The Chief Commissioner of Mines and his Deputies, and the Inspector of Mines, shall hold office during pleasure, and shall give bonds for the faithful discharge of their duties in such sums as may be fixed by the Governor in Council. The salary of the Chief Commissioner of Mines shall be two thousand dollars. The salaries of the Deputy Commissioners shall be fixed by the Governor in Council, not to exceed three dollars per day, while actually employed; the salary of the Inspector of Mines shall be fixed by the Governor in Council.

7. The Deputy Commissioners, and Inspector of Mines, shall be incapable of being elected to, or of sitting or voting in, the House of Assembly; and any such Deputy Commissioner, or Inspector of Mines, who shall sit or vote, as a member, shall forfeit two hundred dollars for every day in which he shall so sit, or vote, to be recovered in the Supreme Court.

8. No Deputy Commissioner, or Inspector of Mines, shall vote or take any part, or use any influence, directly or indirectly, in the election of any representative to sit in the Assembly, under a penalty of two hundred dollars for every such offence, to be recovered in the Supreme Court.

9. No Chief Commissioner, Deputy Commissioner, or Inspector of Mines, shall be directly or indirectly interested in any mine or mining operations, or in the proceeds or profits thereof, nor shall he act as the agent or attorney of any person interested therein, under a penalty of one thousand dollars for every offence, to be recovered in the Supreme Court.

OF GOLD MINES.

10. The Governor in Council, on being satisfied of the discovery of Gold in any locality, may, by proclamation in the "Royal Gazette," declare such locality to be a Gold District, and assign limits and boundaries to such district, and, from time to time, enlarge, contract, or otherwise alter such limits.

11. Quartz Mines shall, so far as local peculiarities or other circumstances may permit, be in general laid off in areas of one hundred and fifty feet along a quartz lode, by two hundred and fifty feet across, which shall hereafter be known and described as class *number one*.

12. Areas shall be laid out, as far as possible, uniformly, and in quadrilateral and rectangular shapes. Measurements of areas shall be horizontal, and each area shall be bounded by lines vertical to the horizon.

13. Alluvial mines not under lease at the time of the passing of this act, and alluvial mines under lease at such time, but which shall hereafter be surrendered by their lessees, or become forfeited to the crown, shall be laid out, as far as local peculiarities will allow, as directed in case of quartz mines, the courses of the respective boundary lines of such mines to be decided by the Chief Commissioner of Mines; and the advance payments, or rents, and royalties shall be the same as those of quartz mines.

14. The Chief Commissioner of Mines and each Deputy

shall be provided with a Book of Record, wherein shall be entered all applications for areas, with the precise time of their being made, showing the description of area applied for, the amount paid, the name or names of the applicants in full, with the name of the party paying, which shall be open at all reasonable times to the inspection of all persons desiring to see the same; and as each applicant shall pay for and file his written application for a mine, the name of the applicant shall be written on the area, or areas, applied for; and each Deputy Commissioner shall make a return weekly, or oftener if required, to the Chief Commissioner, of all applications so made; and of the names written on the plan required by the 15th section, and remit the amounts paid.

15. It shall be the duty of each Deputy Commissioner to receive applications for mines then vacant, and to prepare when necessary, and to keep a plan of the gold field, or fields, within his jurisdiction, with the areas that shall have been laid off, all distinctly marked thereon; and with his weekly, or other Return to the Chief Commissioner, he shall forward a duplicate plan of all surveys made during the week, if any, and the Chief Commissioner shall cause such plan to be forthwith copied upon a general plan to be prepared and kept by him, of the gold fields in question.

16. The Deputy Commissioner shall, on receipt of an application, endorse thereon the precise time when received; but no application shall be valid unless made in writing, defining the area applied for, and accompanied (except in case of free claim under the provisions of this act) by the advance sum hereinafter required to be paid for such area.

17. The advance sum to be paid upon every application for a lease of a gold mine, shall be at the rate of two dollars for each area of class number one.

18. Leases granted under the provisions of this act to applicants for mining areas, shall be subject to and contain the reservation of the rights of the owners of the soil, their heirs and assigns; and such lessee or lessees, their executors, administrators and assigns, when such lease or leases are granted on private lands, shall obtain from the owners thereof permission to enter, either by special agreement or in accordance with section nineteen, and subsequent sections of this act.

19. When the holder of a lease of areas on private land cannot make an agreement with the owner for leave to enter, and for easements, and for damage to such lands, it shall be lawful for the said holder to give notice to the owner, tenant, or other persons interested therein, to appoint an arbitrator to

act with another arbitrator named by the applicant, in order to award the amount of damages to which the owner, tenant, or other person interested in said land shall be entitled by reason of the opening and working of a mine therein; and such notice shall be personally served upon the person or persons to whom addressed, or left at his, her, or their last place of abode, at least ten days before the expiration of the time therein limited for the appointment of such arbitrator; and if any lessee shall enter and work upon the land leased, before he shall have agreed with the owner of the land, or proceeded to have his damages appraised, in accordance with this section, the owner may complain to the Chief Commissioner of Mines, who shall investigate the complaint, and if the same is substantiated, he shall declare the lease to be forfeited.

20. The notice above named shall be personally served on such owner, or his agent, if known, and after reasonable efforts are made to effect personal service without effect, then by leaving it at the last place of abode of the owner or the persons interested in the land. Said notice shall be served, if the owner resides in the County, ten days, if out of the County and within the Province, twenty days, and if out of the Province, thirty days, before the expiration of the time limited in said notice; and the Custos shall be satisfied by affidavit thereof, and that the said notice has come to the knowledge of the said owner, or other person interested, or that such owner or other person wilfully evades the service of such notice.

21. The County shall not be subjected to any expense by reason of the appointment of an arbitrator so appointed by the Custos or otherwise; but before the arbitrator so appointed by the Custos shall act, he shall be sworn to the faithful discharge of the duties devolved upon him before a Justice of the Peace.

22. The arbitrators thus chosen by the applicant, and the owner, tenant, or other person interested in the soil, shall be sworn to the impartial discharge of the duties assigned them, before a Justice of the Peace; and they shall forthwith proceed to estimate the reasonable damages which the owners and tenants of such land, according to the several interests therein, shall sustain by reason of the opening of necessary shafts and other excavations, the construction of roads and drains, the erection of necessary works and buildings thereon, and of the occupation of so much thereof, to be determined by the Inspector of Mines in the event of any question arising in

respect thereof, as the applicant may require for all other purposes connected with the opening and working of a mine or mines, to the most advantage, thereon. In estimating such damages, the arbitrators shall value the land irrespectively of any enhancement thereof from the supposed existence of gold, or other minerals, ores, or metallic substances therein. In case the arbitrators cannot agree they may select a third arbitrator.

23. When the proprietor refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor or proprietors within the time named therefor in the notice provided for by the 19th section, the Custos of the County wherein the lands lie shall appoint one on his, or their, behalf; and when two arbitrators cannot agree upon a third arbitrator, as directed in the last section, the Custos of the County shall select such third arbitrator, who shall be sworn as aforesaid. The award of any two of the three arbitrators, made in writing, shall be final.

24. When the right shall be in dispute, or the persons entitled shall be unknown or uncertain, the lessee shall, by advertisement in the "Royal Gazette," and a newspaper, if any, published in the County where the lands lie, cause the parties interested to be cited for at least thirty days, after which, if no person or persons appear, the Custos and lessees shall each appoint an arbitrator, and all further proceedings shall be in accordance with section 23; and the Custos shall receive all moneys, and pay the same over to the County Treasurer.

25. Arbitrators shall be paid the sum of four dollars per day each, for an arbitration held under the provisions of this act, to be paid by the parties who appoint them or for whom they are appointed.

26. Payment of such damages, by the party liable therefor, to the persons designated by the award as entitled thereto, or if the award shall not designate the persons entitled, to such persons as, in the absence of any dispute, shall be ostensibly entitled thereto, shall exonerate the party making payment; but any persons subsequently claiming to have been entitled to the damage so paid, may prosecute their claim by action for money had and received against the persons to whom the payment shall have been made.

27. In case of disputed, or unknown title, the Supreme Court, or a Judge thereof, on application of the claimant, shall order the damages paid to the County Treasurer, to be paid to the persons who, on due investigation by such Court or

Judge, shall have established their right; but no order shall be made until it shall be shown that notice has been given sufficient, in the judgment of the Court, or Judge, to protect the rights of all persons who may be, or who may claim to be, interested.

28. The mining lessee, or licensee, shall not be implicated in controversies between persons contesting title to the damages.

29. In no case in which the award shall find the amount of damages with sufficient certainty, shall such award be set aside, because the persons entitled to damages are not designated by name, or sufficiently designated, or by reason of irregularity as to the persons entitled, or of any matter of form; but a Judge, or the Supreme Court shall rectify any error, or informality, or shall adopt such proceedings as may be necessary for determining to whom the damages may be paid, or for otherwise carrying into effect the provisions and intent of this act.

30. The parties obtaining licenses and leases under this act, and those deriving title under them, shall be answerable for damages that may ensue from the falling in of land, or for other injury which may be sustained by the owners, or tenants, of such lands subsequent to the agreement for, or award of, damages required by the foregoing sections, by reason of the works of the parties obtaining licenses or leases, or of those under them, or deriving title from or through them.

31. All leases shall be for the term of twenty-one years; but the holder of any such lease may, at any time, surrender the same by notice in writing, signed by him and filed in the office of the Chief Commissioner of Mines; but nothing herein contained shall be construed to discharge him from liability in respect of any covenants in the lease, for or in respect of any act, matter or thing, for which, at the date of such surrender, he was liable under the terms of such lease.

32. Such leases may be forfeited on failure to pay the stipulated royalties other than those arising from quartz crushed at a licensed mill, or to keep employed annually on the demised premises the number of days' labor hereinafter specified, or to comply with any other of the provisions and stipulations in the lease contained.

33. The holder of such mining lease shall not use any part of the lands so demised for any other purpose whatsoever, except such as shall be necessary for making roads, opening drains, erecting necessary works, buildings, and all other purposes connected with the opening and working such mines to

the most advantage; and all necessary ways and watercourses over the demised premises, whether expressly reserved in such lease, or not, shall be considered as reserved to the Crown, and in respect to the making, alteration, and use thereof, shall be subject to such orders and regulations as the Governor in Council may, from time to time, consider expedient; and all Licensees and Lessees and other persons employed about the mines on such demised premises, shall use the lands in such manner as will be least injurious to the owners and occupants of such lands, or any other lands lying contiguous thereto.

34. There shall be employed annually on the demised premises a number of days' labor equivalent to one hundred days for every number one area comprised therein. But any lessee holding ten or more, but less than twenty areas of class number one, in any gold district, will not be required, during the *first* year of his holding, to keep employed more than three-fourths of the number of days' labor above required to be performed per area; in like manner, if holding twenty or more, but less than thirty, of such areas in the same district, he shall be required to keep employed only one-half; and if holding thirty or more, only one-fourth the above required number of days' labor, during such first year.

35. In computing the number of days' labor employed by any lessee, at the termination of any one year, all or any of the leases which he at the time holds of mining areas in any one district, which leases shall not contain a total of more than one hundred areas, may, for this purpose, be tacked and considered as one lease; and if it is ascertained that an amount of labor equal to the whole amount which he is required to have performed upon the whole of the said areas, has been actually expended upon any one or more of said areas, the law in this respect will be held to have been complied with, although the lessee may not have employed upon each separate mining area the number of days' labor required by the last preceding section.

36. Where a lessee shall have employed in any one year a part only of the amount of labor required to be performed by him annually upon the premises demised to him in any one district, or under any one lease, the whole of the areas held by him in such district, or under such lease, shall not necessarily become forfeited therefor, but only a part of such demised premises proportioned to the number of days' labor which such lessee has failed to perform, shall become forfeited; and

such lessee shall make selection of that part of the demised premises which he will retain. To avail himself of the provisions of this section, a lessee must make known his selection by notice in writing to the Chief Commissioner of Mines within ten days after the termination of the year for the non-performance of labor during which a portion of the premises demised to him become forfeited; and the areas selected by him to be retained shall, so far as possible, be in a compact block and not detached from each other, and no number one area shall be divided in making such selection. Should any one lease contain areas thus retained and also areas which are forfeited, such lease shall be surrendered by the lessee, who shall receive a new lease of the areas so retained.

37. When, from any cause whatever, a leased mine shall become forfeited to the Crown, under the proceedings directed by the 74th clause of this act, all the right, title, and interest which the holder of such forfeited lease had therein immediately previous to such forfeiture, shall, upon such forfeiture, become thereby vested in the Crown; but the lessee of any mine may, during his lawful occupancy thereof, take down and remove any houses, buildings, machines, or other erections built or placed by him thereon, notwithstanding that the same may be considered in law as attached to the freehold.

38. Applications may be made for a lease of a mine or mines, upon lands not lying within any proclaimed gold district, and in such case the rights of parties and the proceedings to be taken with reference thereto, shall be governed, as far as possible, by the spirit and provisions of this act. Parties occupying and staking off areas corresponding in size with those prescribed hereby, shall be entitled to priority in the order of their making application. Every such applicant shall be entitled to one week, and thereafter to twenty-four hours' time for making his application, for every fifteen miles distance of the mine applied for, from the office of the Chief Commissioner of Mines at Halifax. In case the lands so applied for shall afterwards be included within any gold district, and laid off as hereinbefore prescribed, the rights of the occupants shall be respected so far as is consistent with the terms of this act, on adjusting the boundary lines between the parties in occupation.

39. In all cases where mining areas have, previous to the first day of April, 1864, been leased, or have been occupied by virtue of a Gold Commissioner's authority, on private lands not subsequently re-vested in the Crown, and with respect to which no agreement has been made, nor was on the said first

day of April being negotiated, for land damages between the lessee and the owner of the soil, the Chief Commissioner of Mines shall proceed to arrange with the owners of the soil for such damages, by mutual agreement, or arbitration, and to pay such damages, in the manner and form prescribed by the 19th and subsequent sections of this act, for applicants for mining leases; and in such cases the Chief Commissioner of Mines shall occupy, so far as circumstances will permit, the same position relative to the owners of the soil which, under the clauses above referred to, would be held by an applicant for a mining lease on private lands, whose application is made after the passing of this act.

40. The Chief Commissioner of Mines may issue licenses to search for gold, to be called "Prospecting Licenses," which shall be subject to the rules prescribed by this act.

41. Such licenses may include any area not exceeding one hundred acres in extent, so as the same shall be laid off in quadrilateral and rectangular figures, and shall not in length exceed double the breadth thereof.

42. Such license shall be in force for any period not exceeding three months from the date thereof.

43. All applications for prospecting licenses shall accurately define by metes and bounds the lands applied for, and shall be accompanied by a payment at the rate of fifty cents per acre for every acre up to ten acres in extent, and twenty-five cents for every acre in addition to that extent.

44. Before such application shall be granted the applicant shall enter into a bond with two sureties to the satisfaction of the Commissioner of Mines, to recompense the proprietor of the soil, in the event of entry being made on private lands, for damages done to his lands; to make the returns at the expiration of the license and of the renewal, and to pay the royalties hereinafter required.

45. If the proprietor of private lands so entered upon shall seek damages, he shall, before the end of three months after the expiration of the license, make his claim in writing against the holder of said license, detailing the particulars and amount of claim; and if the claim is not adjusted by agreement between the parties within one month after notice thereof as aforesaid, it may be settled by arbitration in accordance with the provision of section 19 and subsequent sections of this act; but in such case either of the parties may give the required notice to appoint an arbitrator, and the Custos of the County may appoint an arbitrator on behalf of either of such parties neglecting or refusing to make such appointment.

46. The holder of a prospecting license who shall have fulfilled all the terms and conditions thereof, shall be entitled to a renewal thereof for a second period of three months, upon like terms and conditions, except that the price of the same place shall be only half that paid on the previous application.

47. Within the period for which the license, or renewed license, is granted, the party holding the same shall be entitled to select any area or areas, comprised therein in form as described in this act; and shall be entitled to a lease of the areas selected upon the terms imposed herein.

48. No lease, nor any prospecting license, shall authorize entry upon any buildings, or the curtilage appertaining to any house, store, barn, or building, or upon any garden, orchard, or grounds, reserved for ornament, or under cultivation by growing crops, and enclosed, except with the consent of the occupier, or by license from the Governor in Council, authorizing such entry, to be granted on special application, setting forth the circumstances under which the same is applied for, and on such terms as the case may require.

49. On all leases of gold mines and prospecting licenses to search for gold, there shall be reserved a royalty of three per cent. upon the gross amount of gold mined.

50. Any miner or person building an efficient crusher of not less than eight stamps, in a locality not less than ten miles from any other efficient crusher, shall be entitled to a lease of not more than ten number one mining areas, free from advance payment or royalty, for twenty-one years. No crusher of less than eight stamps to be considered efficient.

51. It shall not be lawful for any person or persons to use or employ any mill or machinery (other than mills or machinery worked by hand) for the crushing or reduction of quartz, or the obtaining of the gold therefrom by crushing, stamping, amalgamating, or otherwise, without a license therefor first had and obtained.

52. Such licenses shall be signed by the Chief Commissioner of Mines.

53. The words "Licensed Mills," when used in this act, shall signify mills and machinery so licensed, and the words "Licensed Mill Owner," the person or persons to whom such license shall be granted.

54. Before any such license shall be granted the party applying therefor shall enter into a bond to Her Majesty in the penalty of two thousand dollars.

55. Licensed mill owners shall keep on the demised premises a book or books of account to be supplied by the Commissioner of Mines, which shall at all times be open to the inspection and examination of the Commissioner of Mines or his Deputy, or the Inspector of Mines, or any other person thereto authorized by the Commissioner of Mines; in which book or books shall be entered a clear and distinct statement of all quartz crushed, amalgamated, or reduced at such licensed mill, and the following particulars in respect of the same:

I. The name of the owner or owners of each distinct parcel or lot of quartz crushed.

II. The weight of each such parcel or lot.

III. The date of the crushing of the same.

IV. The actual yield in weight of gold from each such parcel or lot.

V. The royalty thereon calculated at three per cent.

VI. The mine or area (so far as the same is known or can be ascertained) from which each such parcel or lot was raised.

56. Each licensed mill owner shall separate from the yield or produce of gold of each lot or parcel of quartz as crushed three parts out of every hundred parts of such yield as the portion thereof belonging and payable to Her Majesty as royalty, and shall pay the same in such weekly or other payments as the Chief Commissioner of Mines shall order, into the office of the Chief Commissioner of Mines or his deputy for the district, or otherwise shall pay as aforesaid the equivalent in money for the same, at the rate of nineteen dollars and fifty cents per ounce troy for smelted gold, and eighteen dollars and fifty cents per ounce troy for unsmelted gold.

57. So soon as gold shall be obtained by amalgamation, or otherwise, from any parcel or lot of quartz crushed at any licensed mill, three parts in the hundred of such gold shall forthwith thereafter be and become the property of Her Majesty.

58. In case any licensed mill owner shall fail to pay such three parts on the hundred of gold, or money in lieu thereof, in the mode and at the time prescribed by this act, he shall be liable to an action at the suit of the Commissioner of Mines, as for money had and received to his use, for the value of said gold, estimated at nineteen dollars per ounce troy.

59. Such action may be brought according to the amount of the claim before the same courts which would have jurisdiction in case the amount claimed were an ordinary private debt.

60. Each payment of gold or money made by a licensed mill

owner shall be accompanied by a copy of so much of his said book of account as shall be required to show the particulars prescribed by the fifty-fifth section hereof, which shall be verified by the affidavit of the person principally employed in keeping such account, made before the Commissioner of Mines or his deputy, or before a Justice of the Peace; and on failure to make such returns or to verify the same as aforesaid, the license may be revoked by the Commissioner of Mines, subject to appeal as prescribed in section sixty-three of this act.

61. Any owner or part owner in any mill or machinery for the crushing or reduction of quartz or for the obtaining of gold therefrom (other than mills or machinery worked by hand) which shall be engaged, used or employed for the crushing or reduction of quartz, or in the obtaining of gold therefrom, without a license therefor first had and obtained as prescribed by this act, and any person or persons engaged as agent, servant, workman, clerk, or otherwise in any such mill, shall forfeit and pay each the sum of four hundred dollars for each offence, and for every day in which such offence shall be committed the same shall be considered a new offence.

62. When the account books prescribed by this act, or any of the accounts hereby required, shall be fraudulently or falsely kept, or the affidavits hereby prescribed, or any of them, shall be false or fraudulent, the license to the mill in respect of which the offence has been committed, may be revoked.

63. The Chief Commissioner of Mines shall be authorized to inquire into any such alleged fraud, and to revoke such license if satisfied that such fraud has been committed, but his judgment shall be subject on appeal to the revision of a Judge at Chambers, who shall make such order in respect to the same as shall be agreeable to law and justice, and if he thinks fit may order any question of fact to be tried by a jury.

64. In addition to the forfeiture of license, any licensed mill owner in respect of whose licensed mill such fraud shall have been committed, shall be liable for each offence to a penalty of not more than two thousand dollars, to be recovered in the Supreme Court.

65. Every licensed mill owner who shall in all respects have complied with this act shall be entitled to receive from the Chief Commissioner of Mines at the end or expiration of every three months from the date of his license a sum equal to five per cent. upon the amount paid over by him as royalty during such period; no such per centage to be paid in the case of free leases.

66. A licensed mill owner may at any time surrender his license by delivering the same into the office of the Commissioner of Mines, with a written surrender endorsed thereon, but no such surrender shall take effect till after the lapse of ten days from the filing at the office of the Chief Commissioner of Mines, of a notice in writing of the intention of such mill owner to surrender the same.

67. Upon such a surrender taking effect as aforesaid, such mill shall cease to be a "licensed mill" until again licensed under the provisions of this act.

68. The licensed mill owner so surrendering his license and his sureties shall remain liable under their bond for all obligations accruing thereunder up to the time when the surrender takes effect, as aforesaid, but shall not be liable for obligations accruing thereafter.

69. Lessees of mines shall be bound to make to the office of the Chief Commissioner of Mines, or his deputy for the district, within ten days after the first day of January, April, July, and October in each year, a true and correct return to the best of their knowledge and belief, on forms to be supplied by the Chief Commissioner of Mines, in which shall be comprised the following particulars:

I. The number of days' labor performed on the demised premises during the preceding quarter.

II. The number of tons of quartz raised from the demised premises during the preceding quarter.

III. The person or persons to whom the same has been sold, or disposed of, and the different lots or parcels in which the same have been sold or disposed of, with dates.

IV. The weight of quartz sent by him during the quarter to any licensed mill, and the name and description of the mill to which the same has been sent; and when the same has been sent and kept in distinct parcels, the weight of each separate parcel.

V. The yield of each separate parcel or lot, as returned and allotted by the mill owner, with the date of allotment and of receipt.

VI. The quantity of all gold obtained from the mine in any manner during the quarter, distinguishing that resulting from the quartz crushed at licensed mills from the gold otherwise obtained; which return shall be verified by affidavits to be made before the Commissioner of Mines or one of his Deputies, or a Justice of the Peace.

70. The lessee of each mine shall be liable for royalty upon all gold obtained from his mine in any other way than from

quartz crushed by licensed mills : but he shall be exempted from any claim in respect of gold obtained from quartz so crushed, the liability of the mill owner for such royalty being hereby substituted instead of that of the lessee.

71. When any parcel of quartz from a free mine shall have been crushed at a licensed mill, the owner of the quartz, on proof of the facts to the satisfaction of the Commissioner of Mines, shall be entitled to receive from the Chief Commissioner of Mines, the amount deducted by the licensed mill owner and paid as royalty under the provisions of this act.

72. In case any holder of a lease granted under this act shall fail to make payment of any royalty accruing under the terms of the 70th section within ten days after the time prescribed by this act for making his return to the Chief Commissioner of Mines or his Deputy, he shall be liable to an action at the suit of the Commissioner of Mines, as for money had and received to his use for the value of the royalty so accruing, estimating the same at nineteen dollars per ounce troy.

73. Such action may be brought according to the amount claimed before the same court which would have jurisdiction in case the amount claimed were an ordinary private debt ; and on a change of Commissioner of Mines, actions prosecuted by him shall be continued and prosecuted by his successor in such manner as the court shall direct, and a Commissioner may prosecute in his own name, as for money had and received to his use, although the same had become due to a previous Commissioner.

74. In any case of liability to forfeiture of any mining lease, for non-compliance by the lessee with the terms, stipulations and conditions therein contained, or by this act required, the Deputy Commissioner for the district, or if the leased premises are not within a proclaimed gold district, or are in a gold district where there is no Deputy Commissioner, then the Chief Commissioner of Mines, shall investigate the said case and decide in a summary way thereon ; and when such decision declares the lease in question to be forfeited, the Chief Commissioner or Deputy Commissioner, so deciding, shall immediately thereafter have a notice personally served upon such lessee, or some or one of them where more than one are included in the same lease, or his or their agent, or person principally employed on the premises, if to be found within the Gold District, and if not, such notice to be posted up upon the leased premises, which notice shall convey the decision of the Commissioner, and briefly state the grounds

thereof. The Deputy Commissioner shall also, in all such cases, report his decision to the Chief Commissioner with a statement of the facts upon which the same is founded.

75. If, within ten days after the service, or of the posting up such notice, the lessee or lessees, against whom the decision was made, or any person acting on his or their behalf, give notice to the Chief Commissioner of Mines that he is aggrieved at the decision of the Chief Commissioner, and appeal against it, the Chief Commissioner shall appoint a time and place for hearing such appeal, of which such lessee or lessees shall have reasonable and timely notice; and at such time and place the Chief Commissioner shall proceed to investigate the case anew and decide upon the whole facts thereof.

76. From the judgment of the Chief Commissioner of Mines, either in the first instance or on appeal, the party interested may appeal to a judge at chambers, provided that notice of such appeal be given to the Chief Commissioner of Mines within ten days from the date of his decision; provided also that the party appealing shall, on applying for such appeal, make and file with the Chief Commissioner of Mines an affidavit that he is dissatisfied with such judgment, and that he verily believes the lease has not been forfeited, and that the conditions in respect of which the forfeiture has been declared have really and truly been performed and fulfilled, and shall within two days thereafter enter into a bond with two sufficient sureties in the penalty of fifty dollars, to enter and prosecute his appeal according to the provisions hereof, and pay all costs which may be adjudged against him by the Court of Appeal.

77. On such appeal being perfected the Chief Commissioner of Mines shall transmit to the prothonotary at Halifax the notes of testimony taken before him, and the Judge at chambers shall confirm or set aside the judgment, or make such order thereon as is agreeable to justice and in conformity with law.

78. If the Judge shall consider that the case involves questions of controverted fact on which he may be of opinion the verdict of a jury should pass, he may make an order for the trial of the question or questions of fact in the county where the land lies, in which case all the papers shall be transmitted to the prothonotary of that county; and the cause shall come on for trial in its place in the same way as ordinary appeals ordered to be tried by a jury.

79. Upon the finding of the jury on the facts the Judge shall pronounce judgment on the whole case. So soon as judg-

ment declaring forfeiture of the lease shall be given, either by a Deputy Commissioner without appeal, the Chief Commissioner without appeal, or by the Court of Appeal when the Commissioner's judgment is appealed from, the lessee and all persons holding under him shall thereafter cease to have any interest in the mine leased, and the same shall be open to be leased to any other applicant in the same way as if no lease thereof had ever passed; and pending the proceedings between the delivery of the first judgment and any subsequent judgment on appeal therefrom, such lessee shall suspend all mining operations on the area alleged to be forfeited, otherwise he may, at the discretion of the Commissioner, be liable to be treated as a trespasser as hereinafter directed.

No applications for lease or prospecting license for forfeited areas shall be received until all appeals are finally determined.

80. The Chief Commissioner of Mines shall have power by warrant, under his hand and seal, addressed to the Sheriff or any constable of the county wherein the Gold District lies, to remove any party in possession of a mine so adjudged to be forfeited.

81. Any person found mining in any lands belonging to the Crown, or to a private proprietor, the minerals in which belong to the Crown, or entering thereon for the purpose of mining, shall be liable to a penalty for each offence of not less than ten dollars nor more than fifty dollars; but this section shall not extend to parties prospecting or searching for mines.

82. Parties violating the provisions of the preceding section shall be considered guilty of a distinct offence for every day they shall unlawfully mine.

83. On complaint in writing made to any Justice of the Peace of the county in respect of such unlawful mining or entry to mine, the Justice shall issue his warrant to apprehend the offender and bring him before the Justice to answer the complaint; such Justice shall thereupon forthwith enter upon the investigation of the complaint, and in case he shall find the party guilty, impose such fines or penalties as the party may have incurred under the provisions of this act. In case the defendant requires time for the production of witnesses for the defence, the Justice shall adjourn the investigation to any period not exceeding six days, on being satisfied by affidavit that such time is required for that purpose, and in such case the defendant shall be committed to gaol unless he gives security to the satisfaction of the Justice to appear at the time and place appointed for such adjourned investigation.

84. The decision of such Justice shall be subject to appeal, as in ordinary cases; but before such appeal shall be allowed, the appellant shall give a bond, with sufficient sureties, to appear in the Supreme Court and obey the judgment thereof, and pay such costs as the Court may award.

85. Gold in quartz or otherwise, unlawfully mined on the property of any lessee of the Crown, shall be considered in law the personal property of the owner of the mine, and a search warrant may be issued for the same by any Justice of the Peace for the county, in the same manner as for stolen goods; and upon the recovery of any gold under such warrant, the Justice shall make such order for the restoration thereof to the proper owner, as he shall consider right.

86. Nothing in this act contained shall prevent Her Majesty from having or using any other remedy now available to recover possession of any mine forfeited from causes cognizable before the Chief Commissioner of Mines, or from any other cause from which the same may be liable to forfeiture.

OF MINES OTHER THAN GOLD MINES.

87. The Chief Commissioner of Mines may upon application grant licenses to be in force for one year from the date of application therefor, to enter upon any lands in this Province, not already under license or lease for mining purposes, and to dig and explore for such minerals other than Gold as the Crown holds for the benefit of the Province; a bond being first given to the Chief Commissioner of Mines with sufficient sureties, to be approved by a Committee of the Executive Council, that in the event of entry being made upon private lands, recompense shall be made for damages in the manner hereinafter provided.

88. No such application shall be valid unless accompanied by a payment of twenty dollars; and the license of exploration may cover any single tract of ground not exceeding five square miles in extent, but not more than two and a half miles in length.

89. Upon such application and payment being made, the Chief Commissioner of Mines, where necessary, shall cause the lands applied for to be surveyed and laid off, and a full description thereof shall be embodied in the license of exploration, but no such license shall authorize entry upon any lands which in accordance with the 48th section of this act are forbidden to be entered upon, except as in that section excepted.

90. The cost of such survey shall be defrayed by the

licensees or lessees, and the search for minerals under such licenses shall be made free of all expense to the Government, and the holder of the license shall within the time that the same shall be in force, and with all convenient speed, make a report of the result of his exploration to the Chief Commissioner of Mines.

91. The said license of exploration may be renewed for a further period of twelve months, on application therefor to the Chief Commissioner of Mines, setting forth the special circumstances of the case, not less than thirty days before the expiration thereof, and on payment of the further sum of twenty dollars, subject, however, to the approval of the Governor in Council, upon consideration of the special circumstances submitted.

92. When a license to search for mines other than gold has been granted, it shall be lawful for the Commissioner of Mines to grant other licenses to search over the same area, provided that he shall grant no more licenses than there are areas of one square mile each contained within the area so first licensed, and after the first licensee has chosen his one square mile the others shall select theirs in the order of their licenses—provided that the right of search of the second licensee and his license, shall commence at the end of the first year, or the selection of his square mile by the first licensee, and the third license shall commence at the end of the right of search of the second in his selection of his square mile as aforesaid, and so on until the whole area is disposed of.

93. If the proprietor of private lands entered under such license shall seek damages, the proceedings for ascertaining the amount of such damages, and making payment of the same, shall be the same as provided for by this act in the case of prospecting licenses for gold.

94. The holder of an exploration license may at any time before the expiration thereof, select from the land covered by such license, an area of one square mile, for the purpose of working the mines and minerals therein; and may make an application in writing to the Chief Commissioner of Mines for a license to work the same, which application shall be accompanied by a payment of fifty dollars.

95. Upon such application and payment being made, the Chief Commissioner of Mines shall cause the portion so selected to be surveyed and laid off, and the applicant shall defray the expense of such survey, which said portion shall be in one block, the length of which shall not exceed two and a half miles; and the person making such survey shall make

a report and plan thereof, and transmit the same to the Chief Commissioner of Mines.

96. All the provisions herein contained relative to settlement by agreement or arbitration, with the owner of the soil, where the same is private land, for damages done to his land, and to payment therefor as set forth in sections 19 to 30 inclusive, and to the occupation of such lands as set forth in section 33, and to the exemption of certain descriptions thereof from liability to be entered as specified in section 48, and to the vesting of interests forfeited under this act, as specified in section 37, shall be applicable and in force in the case of mines other than gold mines, equally as in gold mines.

97. Upon complying with the requirements of this act, the applicant shall be entitled to a license to occupy and work the one square mile applied for; the bond given for the license to search, under which the license to work was obtained, remaining in full force and virtue.

98. Every license to occupy and work shall be for a term of two years from the date of application, and within such term the holder of the license shall commence effective mining operations, and shall continue the same in good faith until the termination of such term, and in case the same person shall hold licenses to work over several areas adjoining each other, not to exceed five areas, the Chief Commissioner of Mines shall determine what shall be sufficiently effectively mining operations over all the areas combined.

99. The holder of a license to occupy and work, or those representing him, having complied with the terms of the last preceding section, shall on, or before, the termination of his license, be entitled to a lease of the premises described therein, which lease shall contain all the ordinary provisions of mining leases, with such conditions as the Governor in Council may think necessary to ensure the effective and safe working of the mine or mines on said premises.

100. Any party may apply for a license to occupy and work any vacant mine, without having previously obtained or applied for an exploration license, and in such case his application shall embody a description of the area applied for, and upon complying with all the antecedent conditions hereinbefore set forth, except those which relate solely to exploration licenses, and a bond being given to the Chief Commissioner of Mines as for a license to search, he shall be entitled to such license to occupy and work.

101. The Governor in Council may, by special order, authorize the granting a lease, or license, to occupy and work

a larger area than one square mile, if on investigation of the special circumstances of the case they may think the public interests would be better subserved thereby, and in such case may impose such further conditions, not at variance with the spirit of this act as may be deemed just.

102. All leases of coal mines shall terminate on or before the 25th day of August, A. D. 1886; leases of mines other than coal mines shall be for twenty-one years; any lease may at any time be surrendered by the lessee in like manner, and upon such terms as hereinbefore prescribed for the surrender of a gold mining lease.

103. Lessees of coal mines in this Province, their executors, administrators, and assigns, holding leases from the Crown, or from the Chief Commissioner of Mines, made since the first day of January, A. D. 1858, or hereafter to be made, shall, upon giving notice in writing to the Chief Commissioner of Mines at least six months previous to the expiration of such leases, respectively, of their intention to renew such leases respectively for a further period of twenty years from the expiration thereof, be entitled to a renewal thereof for such extended term upon the same terms, conditions, and covenants, as contained in the original lease, and in like manner upon giving a like notice before the expiration of such renewal term, to a second renewal and extension of term of twenty years from and after the expiration of such renewal term, and in like manner upon giving like notice before the expiration of such second renewal term, to a third renewal and extension of twenty years from and after the expiration of such second renewed term, to a third renewal and extension of twenty years from and after the expiration of such second renewed term; provided that at the time of giving such notices, and the expiration of such terms, respectively, the said lessees, their executors, administrators, and assigns, are and shall continue to be *bona fide* working the areas comprised within their respective leases, and complying with the terms, covenants, and stipulations in their respective leases contained within the true intent and meaning of section 110 of this act, and provided that in no case shall such renewal or renewals extend, or be construed to extend, to a period beyond sixty years from the twenty-fifth day of August, A. D. 1866, and provided also that the Legislature shall be at liberty to revise and alter the royalty imposed under such lease in or after the year 1886.

104. After the passing of this act new leases in accordance with its provisions may be executed to all parties now holding leases which will expire in the year 1886.

105. The General Mining Association shall, at the end of their lease, be entitled to a renewal as respects each mine that shall then be worked by them, upon the same terms as apply to other lessees, but the renewed lease shall not include in respect of each mine worked a larger area than would be granted to other persons or companies, so that all leases of coal mines may, after the expiration of the Associations lease, stand on an equal footing as regards areas and otherwise.

106. In the granting of licenses or leases, after the passing of this act, there shall be reserved a space of twenty yards in width, between the lines of the respective grantees; but on the application of both parties interested, the Governor in Council may by special order direct a license, or lease, of such reservation to be granted on such terms and in such manner as may be just and reasonable.

107. All licenses and leases of mines and minerals other than gold mines, shall be subject to the following royalties to the Crown, to the use of the Province on the produce thereof, after it has been brought into marketable condition, payable quarterly, on the first day of January, April, July, and October, in each and every year, that is to say—of five per cent. on all such ores and minerals, except gold, iron, and coal—of eight cents on every ton of iron, and of ten cents on every ton of 2,240 lbs. of coal, which said royalties shall be paid to such person, or persons, at such times and in such places as the licenses, or leases, shall respectively stipulate, or as the Governor in Council may from time to time direct.

Where a lessee of mines other than gold holds leases of two or more, but not exceeding five contiguous areas of a square mile each, such leases may be treated as a single lease, as in the case of leases of gold mines; provided, nevertheless, that payments shall be made on each square mile as if in a separate lease; and that if such lessee shall in any one year have wrought or gotten more than two hundred and fifty thousand tons of coal, liable for royalty, from the mine or mines held under such leases, there shall be no reduction of royalty upon such surplus, from sixpence to fourpence per ton, except upon so much thereof as shall in the aggregate exceed two hundred and fifty thousand tons for every square mile so included.

108. Every licensee, or lessee, of mines, or minerals, other than gold mines, shall on the first day of January, April, July, and October, in each and every year, make a return showing the number of days' labor performed on the premises under license or lease, the cost and description of the shafts, adits, levels, drains, and other works, and machinery constructed,

excavated, and erected thereon; the description and quantity of the material extracted from the mine or mines thereon, and subject to royalty, and the amount of royalty which has accrued upon such material extracted during the last previous quarter. Such return shall be sworn to by two or more credible persons, principally employed in, or about, the working and management of such mines, before the Chief Commissioner, or his Deputy, or a Justice of the Peace, and shall be immediately transmitted to the Chief Commissioner of Mines.

109. Where it shall be represented to, or come to the knowledge of, the Chief Commissioner of Mines, that any mines or minerals claimed under a lease from the Crown, or under a lease granted pursuant to this act, have been abandoned for the space of one year, have not been effectively and continuously worked, or have been worked only colorably, or that the lessee of such mines has failed to comply with any of the terms, covenants, or stipulations in his lease contained, or by this act required, or is acting in violation thereof, the Chief Commissioner of Mines shall cause a notice to be personally served upon the lessee, or some, or one of them, where more than one of them are included in the same lease, or his or their agent or person principally employed on the premises, or shall cause such notice to be posted up upon the premises leased, where no person can be found to make service thereof, informing him of such charge and appointing a time, to be not less than fourteen days after the service or posting up of such notice, and also a place, for the investigation thereof. At the time and place appointed, the Chief Commissioner of Mines shall proceed to investigate the said case, and decide thereon, and shall thereupon give notice of his decision to the lessee, or his agent, by causing such notice to be served, or posted up, as in this section above directed.

110. From the judgment of the Chief Commissioner of Mines, the party interested may appeal to a Judge at Chambers, in which case the proceedings, until final judgment, shall be the same in every particular as are in this act provided for in the case of an appeal against the judgment of the Chief Commissioner relative to an alleged forfeiture of a gold mining lease.

111. There shall be kept in the office of the Chief Commissioner of Mines, a map of the Province, on which shall be delineated as accurately as may be, all the areas under license, or lease, as mines other than gold mines; and also a book, or books, of registry, in which shall be registered all the licenses and leases of such areas, and such map and book, or books, shall be open to the inspection of the public.

MISCELLANEOUS.

112. The Chief Commissioner of Mines may lease Crown lands being within the limits of any proclaimed Gold District, or comprising any tract within which the mines and minerals other than gold are under license, or lease, for purposes other than mining, reserving always the rights of present, or future, lessees of mining areas therein, and subject to such other reservations, and for such terms, and upon such conditions as the Governor in Council may direct, and may also sell any timber not previously disposed of, growing or being upon any part of the Crown domain, included within any such Gold District, or other tract, under license, or lease, for mines, or minerals, other than gold, upon such terms as the Governor in Council shall authorize and direct.

113. No lease granted under the provisions of this act shall be void against any subsequent purchaser, mortgagee for valuable consideration, or judgment creditor, by reason of such lease not having been previously registered in accordance with the provisions of Chapter 117 of the Revised Statutes, "Of the Registry of Deeds and Incumbrances affecting Lands."

114. The Governor in Council may at any time by proclamation as in this act provided, declare a Gold District which shall contain an area or areas under license, or lease, for the purpose of searching for, or working, mines and minerals other than gold; and in such case the areas under such license, or lease, shall, notwithstanding such license, or lease, become subject to all the provisions of this act which relate specially to all Gold Districts and Gold Mines, under such regulations as the Governor in Council shall make.

115. The Governor in Council is authorized to make rules and regulations relative to Gold Districts and Gold Mines, and mines other than gold mines, and licensing and leasing the same, and to the pumping, draining, ventilation, working, management, care, possession, and disposal of the same, and to all other matters connected with the same; and to make such rules and regulations general, or applicable only to particular districts or localities, as may be deemed best; and all such rules and regulations when published in the "Royal Gazette," shall have the force of law until repealed by the legislature; provided such rules and regulations shall not be repugnant to the laws of the Province, or the provisions of this act; and such rules and regulations may in like manner be altered, modified, or cancelled, as circumstances shall require.

116. The forms to be used under this act shall be substantially the same as those heretofore in use, subject, however, to such amendments and alterations as the Governor in Council may from time to time make or direct.

117. Any lessee or lessees, licensee or licensees, of mining areas lying beneath the waters of the sea, may make or cause to be made a tunnel or tunnels from the adjacent land above high-water mark, under the waters to the said mining areas, doing as little damage as possible to the owner or owners, lessee or lessees of the land in which such tunnel or tunnels shall be made, and the intervening land covered with water, and the mines therein contained.

118. The damages of such tunnelling shall be agreed for, determined, settled, and paid, as directed in this act from section 19 to section 30, inclusive, and also section 97.

119. If the lessee or lessees, licensee or licensees, of such mining areas cannot agree with the owner or owners of the land in which said tunnel or tunnels are to be commenced above high water mark, and with the lessee or holders of the intervening land covered with water, and the mines therein contained, the Commissioner of Public Works and Mines, subject to the approval of the Governor-in-Council, shall determine where the said tunnel or tunnels shall be made or commenced, the number of such tunnels, the size, width, and depth thereof, the quantity of land to be taken and occupied for the same, and the course and direction which said tunnel or tunnels are to take through the intervening land covered with water, and the mines therein contained; and he shall cause a plan thereof to be made and filed in the Office of the Registrar of Deeds in the County where the lands so taken for the commencement of the tunnel or tunnels shall be situated.

120. Leases of mining areas shall be issued in duplicate, which leases shall be registered in the Office of the Commissioner of Mines.

121. A certificate of such registry with the day and year thereof, shall be endorsed on the duplicate delivered to the lessee.

122. All leases which have been passed prior to the passage of this act, that are not void or forfeited, shall be registered and certified as above, on or before the 21st day of September, 1869.

123. In case of lease where there are more than one lessee, a declaration in duplicate shall be made and signed under seal of all the lessees, or their heirs and assigns, stating the proportions owned by each lessee.

124. Such declarations shall be duly proved on oath before any Justice of the Peace, or the Commissioner of Mines, and registered as hereinbefore mentioned.

125. All transfers of any interest in mining leases hereafter to be made, shall be registered as aforesaid, and a certificate of such registry shall be endorsed on such transfer or transfers as in the case of mining leases, and such registry and certificate shall be conclusive evidence of the transfer of such mining areas.

126. The forms of declaration and transfer for the purposes of this act, shall be in the form in the Schedules A and B respectively.

127. All companies incorporated under this act shall file a copy of their charter or act of incorporation in the office of the Commissioner of Mines, before any such company or companies commence work, together with a list of the officers appointed of such company or companies; and all changes of officers made shall also be certified to the office of the Commissioner of Mines, and until such certificate is filed no act of any new official shall be binding.

128. A description of all mortgages, bills of sale, attachments, judgments, transfers, and titles of any kind, relating to or in any way affecting the title of Gold or Coal Mines, shall be recorded according to Schedule C, in the office of the Commissioner of Mines; and no holder of any mortgage, bill of sale, attachment, judgment, transfer, or other title or interest in such mines, not so recorded, shall have any interest in such mine or mines.

129. A duplicate or certified copy of all transfers, mortgages, or other conveyances, registered as above, shall be filed in the office of the Commissioner of Mines, before a certificate of registry is given.

130. All mines applied for, if within twelve months after the date of application the applicant shall not take out and register his lease, as provided in this act, shall be considered abandoned, and the areas shall be treated as a vacant mine. This clause not to take effect until after the 21st day of September, 1869.

131. The holder of a prospecting license shall, at the expiration of the second period of three months mentioned in section forty-six of this act, be allowed one day to take out a lease in preference to any other person.

132. Any person leaving any pit, hole, or excavation, for the space of eight days open, and unfilled to the depth of three feet or more, without having the same walled or fenced

round, at least four feet in height, at all times when not working the same, shall forfeit for each offence a sum not exceeding one hundred dollars, to be recovered by any person who will sue for the same.

133. Parties violating the provisions of the preceding section shall be guilty of a distinct offence for every day that such pit, hole, or excavation shall remain open, and unfilled, or without the proper wall or fence.

134. The Chief Commissioner of Mines may grant licenses to search, not exceeding five square miles, in Sable Island, and the licensee shall under such license be at liberty to search for all kinds of minerals, including gold, and licenses to work and leases may be granted thereon for all such minerals.

The person applying for license, or lease, to search shall pay the same as persons applying for licenses or leases of mines other than gold.

135. All leases or licenses of mines shall be executed by the Chief Commissioner of Mines on behalf of the Crown.

136. Chapter 25 of the Revised Statutes, "Of Mines and Minerals," and all subsequent acts passed before the date of this act relating to Mines and Minerals, are hereby repealed.

SCHEDULE A.

We _____, of _____, in the County of _____, do hereby declare that we are the legal owners under lease, No. _____, district, dated the _____ day of _____, A. D. 186 _____, of _____ shares in said lease mentioned.

Given under our hand and Seal, this _____ day of _____ A. D. 186 _____

Personally appeared before me, _____, of _____, who, being sworn, says that _____ duly signed the foregoing declarations in his presence.

Sworn before me,
this _____ day of _____, A. D. 186 _____ }

SCHEDULE B.

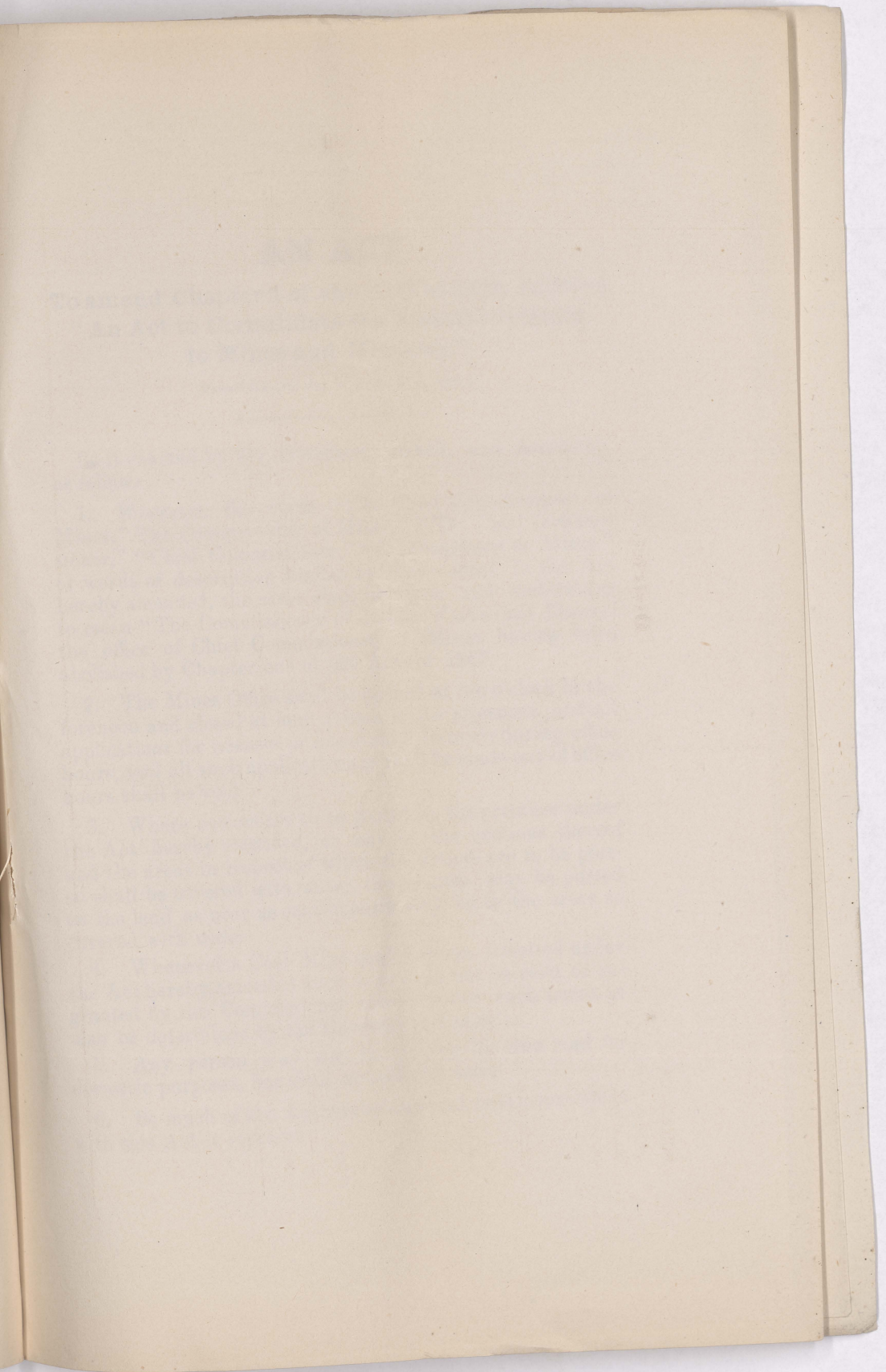
Know all men by these presents that I,
of _____, in the County of _____, in
consideration of _____ dollars to me in hand, well and
truly paid by _____ of _____, have sold,
assigned, transferred, and set over, and by these presents do
sell, assign, transfer, and set over to _____, of
_____, his executors, administrators, and assigns,
_____ shares owned by me under mining lease
No. _____, in Gold District
To have and to hold the same to the said
his executors, administrators, and assigns forever.

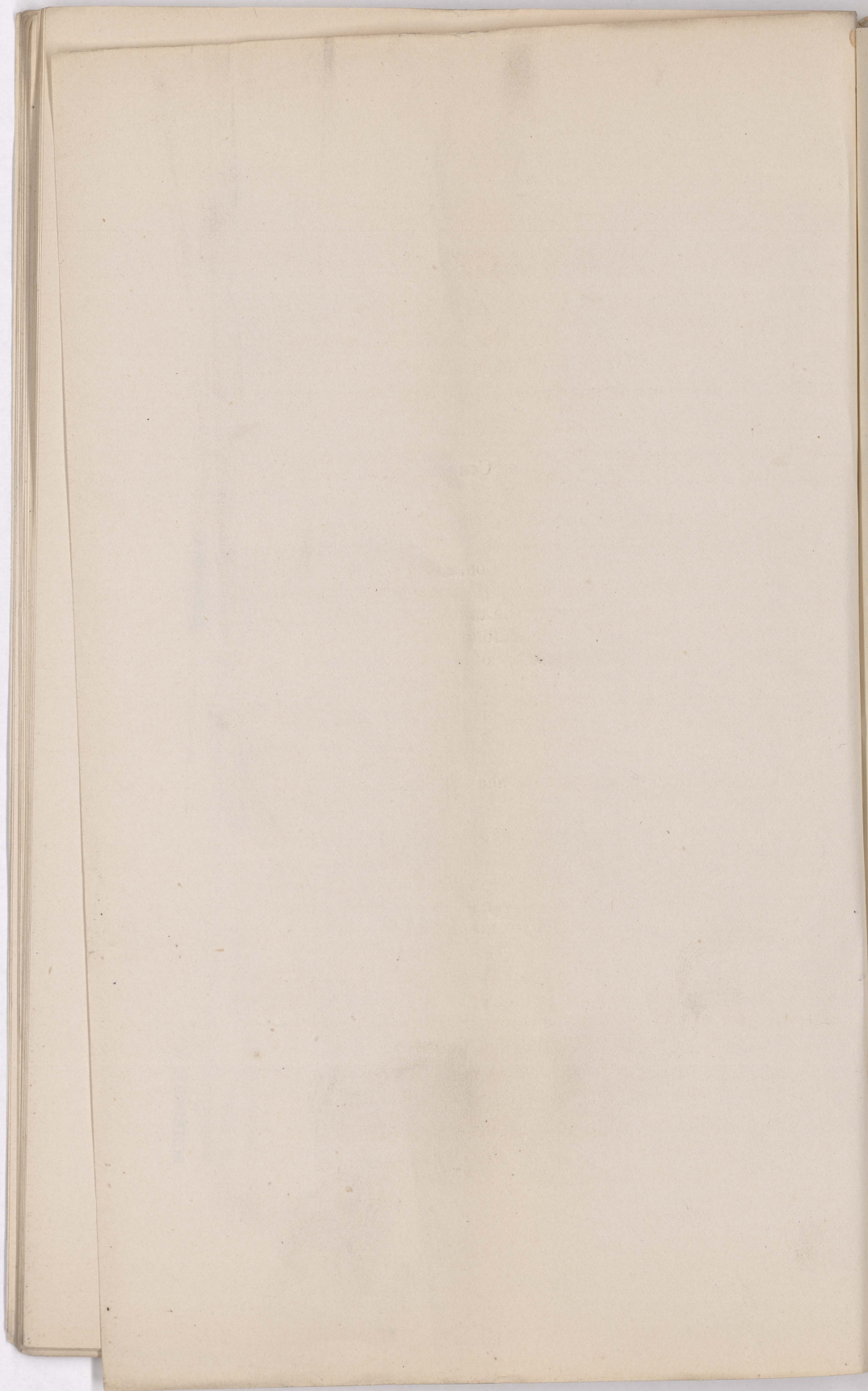
In witness whereof I have hereunto set my hand and
Seal, this _____ day of _____, A. D. 186

Signed, sealed, and delivered, }
in presence of _____ }

Personally appeared before me, _____, of _____,
_____, who, being sworn, says that
duly signed the above transfer in his presence.

Sworn before me, _____ }
this _____ day of _____ }
A. D. 186 }
J. P. }





AN ACT

To amend Chapter 1 of the Acts of 1869, entitled "An Act to Consolidate the Statutes relating to Mines and Minerals."

(Passed the 18th day of April, A. D. 1870.)

Be it enacted by the Governor, Council, and Assembly,
as follows.

1. Wherever the words "The Chief Commissioner of Mines," "The Commissioner of Mines," "The Chief Commissioner," "Chief Commissioner," "Commissioner of Mines," or words of description similar to these occur in the Act hereby amended, the same shall be taken and understood to mean "The Commissioner of Public Works and Mines," the office of Chief Commissioner of Mines having been abolished by Chapter one of the Acts of 1867.

2. The Mines Office shall be opened at ten o'clock in the forenoon and closed at four o'clock in the afternoon, and all applications for licenses or leases shall be made during office hours, and all such applications as shall be made out of office hours shall be void.

3. Where notices are to be posted on the premises under the Act hereby amended, or any of the sections thereof and the areas in respect of which the notices are to be posted shall be covered with water, the notices may be posted on the land as near as conveniently may be to the areas so covered with water.

4. Whenever a Coal Mine shall become forfeited under the Act hereby amended such mine shall not be relet or re-granted by the Commissioner except under such terms as may be determined by the Governor in Council.

5. Any person may use the coal on his own land for domestic purposes, but shall not sell the same.

6. So much of the Act hereby amended as is inconsistent with this Act is repealed.

AN ACT

To amend Chapter 1 of the Acts of 1869, entitled
"An Act to Consolidate the Statutes relating to Mines and Minerals," and the
Act in amendment thereof.

(Passed the 4th day of April, A. D. 1871.)

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Section 110 of Chapter 1 of the Acts of 1869 is amended as follows, that is to say: the notice in such section mentioned, shall apply only to forfeiture for abandonment or not working, and shall hereafter be served at least six months, instead of fourteen days, before the day for having the complaint or charge in such section referred to, and such notice shall be to the effect of the form in schedule A; and if, within such term of six months, the lessee or lessees or their assignees shall and do commence and prosecute effective mining operations, to the satisfaction of the Commissioner of Public Works and Mines, according to the true intent and meaning of the terms, covenants and stipulations in the lease contained, and of such section 110, such mining areas so leased shall not be forfeited.

2. No mere colorable working shall prevent a forfeiture; and the Commissioner aforesaid shall have power to examine witnesses on oath, and receive all other necessary testimony, in respect of the mining operations; and if the decision shall be that such operations are not effective, but merely colorable, the mine or mines shall be declared forfeited, and notice of the decision shall be given in accordance with the last provision in such section 110.

3. The decision of such Commissioner shall be in the form in schedule B; and the lessee or lessees or assignees may appeal to the Supreme Court or a Judge thereof at Chambers, against such decision; but, before an appeal shall be allowed, they shall file with the Prothonotary of the Supreme Court a bond with two sureties, to be by him approved, to abide the judgment of the Court or Judge, and pay the costs, as in schedule C.

4. The term of two years, mentioned in section 99 of Chapter 1 of the Acts of 1869, shall be extended to three years, upon the additional payment, by the holder of the license, mentioned in such section, of one half the amount originally paid for such license.

5. Section 5 of Chapter 1 of the Acts of 1870, entitled, "An Act to amend Chapter 1 of the Acts of 1869, entitled an Act to consolidate the Statutes relating to Mines and Minerals," is repealed.

SCHEDULE A.

To A. B. and C. D., lessees of certain mining areas, by virtue of a lease from Her Majesty the Queen to ——— bearing date the ——— day of ——— A. D. 18—, (or, if the lease has been assigned, to A. B. and C. D., assignees of the lessees of certain, &c., &c., as above.)

Whereas it has been represented and come to the knowledge of the Commissioner of Public Works and Mines, that the mines and minerals in the said lease, described and conveyed, have been abandoned for the space of one year, have not been effectively or continuously, or have been worked only colorably, and that the lessee or lessees (or their assignees) have failed to comply with the terms, covenants and stipulations in the lease contained;

You are hereby notified that the said charge or complaint will be investigated before me at my office in the Province Building, at Halifax, on the ——— day of ———, in the year of our Lord one thousand eight hundred and ———

Dated the ——— day of ———, A. D. 18—

E. F.,

Commissioner of Mines.

SCHEDULE B.

In pursuance of a notice duly served on the lessee or lessees (or assignees as the case may be), under a lease of certain mining areas, situate and being at ———, in the County of ———, made between the Queen of the one part, and A. B. and C. D. of ———, &c., of the other part, and dated the ——— day of ———, A. D. 18—. I have examined into the matter of complaint against the said lessee or lessees (or assignees, &c.,) for not working the said mining areas effectively and in accordance with the terms, covenants, and stipulations in the said lease contained, and the true

intent and meaning of the laws in such case made and provided, and on due consideration after the examination of witnesses and the facts of the case, I being satisfied that the charge has been fully made out, have decided and declared and by these presents do decide and declare the said mining areas and every part and parcel thereof to be forfeited.

Witness my hand at Halifax, this — day of —, A. D. 18—.

E. F.,

Commissioner of Mines.

SCHEDULE C.

Bond to the Queen and her successors in penalty of \$600.

Whereas the Commissioner of Public Works and Mines hath by a decision dated the — day of —, A. D., 18—, decided and declared certain mining areas, formerly leased to A. B. and C. D., by lease dated the — day of —, 18—, forfeited, and the above bounden G. H. J. K., &c., have appealed against the said decision to the Supreme Court (or a Judge of the Supreme Court, as the case may be.)

Now the condition of this obligation is such that if the said G. H. J. K., &c., do and shall obey and abide by the judgment that shall be given herein, and shall well and truly pay all costs which they may be adjudged to pay in the premises, then this obligation shall be void, otherwise the same shall remain in force.

Signed, sealed,
and delivered
in presence of }

G. H. (L. S.)

J. R. (L. S.)

AN ACT

Relating to Mines and Minerals.

(Passed the 18th day of April, A.D., 1872.)

Be it enacted by the Governor, Council and Assembly as follows :

1. From and after the first day of July next, instead of the rates of royalty on gold now payable under the provisions of Chapter 1 of the Acts of 1869, entitled " An Act to consolidate the Statutes relating to Mines and Minerals," a royalty of two per cent. in money shall be paid upon the gross amount of gold mined at the rate of nineteen dollars and fifty cents per ounce troy for smelted gold, and eighteen dollars and fifty cents for unsmelted gold.

2. All payments made on applications for mining leases prospecting licenses and licenses to search or to work under the provisions of the same Chapter shall hereafter be Canada currency.

3. So much of the existing laws as is inconsistent with this Act is repealed.

AN ACT

Relating to Mines and Minerals.

(Passed the 1st day of April, A.D. 1872.)

Enacted by the Governor, Council and Assembly as follows:

1. From and after the first day of July next, instead of the rate of royalty on gold now payable under the provisions of Chapter I of the Act of 1865, entitled "An Act to consolidate the Statutes relating to Mines and Minerals," a royalty of two per cent in money shall be paid upon the gross amount of gold mined at the rate of twenty dollars and fifty cents per ounce for stamped gold, and sixteen dollars and fifty cents for unstamped gold.

2. All payments made on applications for mining leases prospecting licenses and bounties to search or to work under the provisions of the same Chapter shall hereafter be Canada currency.

3. So much of the existing laws as is inconsistent with this Act is repealed.

Wm. J. ...
...

AN ACT

To amend Chap. 1. of the Acts of 1869, "Of Mines and Minerals."

(Passed the 18th day of April, A.D., 1872.)

Be it enacted by the Governor, Council and Assembly as follows:

1. An appeal shall lie from the decision of the Commissioner of Works and Mines on application for licenses to search and to work under sections 88 and 95 of the Act hereby amended, to the Supreme Court at the next term thereof at Halifax.

2. Any party desiring to appeal from such decision shall give notice in writing to the Commissioner of Works and Mines of his intention to appeal within twenty days after such decision, or within twenty days after such decision being made known to the party dissatisfied therewith, but always within one year from the date of said decision, and shall make and file with such notice an affidavit that he is dissatisfied with such judgment or decision, and that he verily believes he is entitled to the license applied for, and shall also set forth therein the grounds of his appeal, and shall within ten days thereafter enter into a bond with two sureties in the penalty of two hundred dollars to enter and prosecute his appeal according to the provisions of this Act, and pay all costs which may be adjudged against him by the Court of Appeal, and thereupon the Commissioner of Mines and Works shall file such notice and affidavit, together with all papers and documents connected with such appeal, with the Prothonotary at Halifax, on or before the first day of such term.

3. This Act shall apply to decisions under the Act hereby amended which have been rendered within twelve months before the passing of this Act, provided the appeal shall be perfected as required by this Act within forty days from the passing hereof.

4. So much of the existing law as is inconsistent with this Act is repealed.

Chung Lau
W. L. L. L.

ACT

The amend Chap. I. of the Acts of 1883 "Of
"Mines and Minerals."

(Enacted the 15th day of April, A.D. 1873)

It is enacted by the Governor, Council and Assembly as

1. An appeal shall lie from the decision of the Commissioner of Works and Mines on application for license to search and to work under sections 88 and 89 of the Act hereby amended, to the Supreme Court at the next term thereof at Hallifax.
2. Any party desiring to appeal from such decision shall give notice in writing to the Commissioner of Works and Mines of his intention to appeal within twenty days after such decision, or within twenty days after such decision being made known to the party dissatisfied therewith, but always within one year from the date of said decision, and shall take and file with such notice an affidavit that he is dissatisfied with such judgment or decision, and that he verily believes he is entitled to the license applied for, and shall also set forth therein the grounds of his appeal, and shall within ten days thereafter enter into a bond with two sureties in the penalty of two hundred dollars to enter and prosecute his appeal according to the provisions of this Act and pay all costs which may be adjudged against him by the Court of Appeal, and thereupon the Commissioner of Mines and Works shall file such notice and affidavit, together with all papers and documents connected with such appeal, with the Prothonotary at Hallifax, on or before the first day of such term.
3. This Act shall apply to decisions under the Act hereby amended which have been rendered within twelve months before the passing of this Act, provided the appeal shall be perfected as required by this Act within thirty days from the passing hereof.
4. So much of the existing law as is inconsistent with this Act is repealed.