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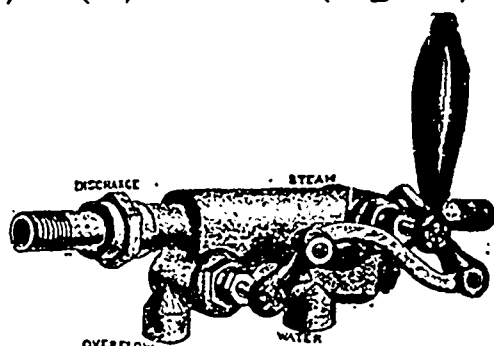
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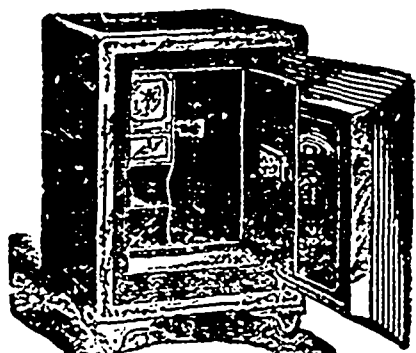
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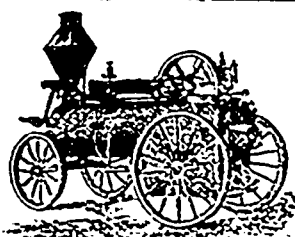
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MINING.

TITLES TO MINING PROPERTY IN NOVA SCOTIA.

By B. C. Wilson, Waverley, N. S.

One of the most important considerations in connection with the mining industry in Nova Scotia is the validity and permanence of the titles; and this applies to both the land or surface privileges and the mineral right, which by our laws are held separate and distinct.

The days of individual effort in mining, and the investing of labor only instead of capital have passed, or at least are rapidly passing away, and the absorption of the smaller holdings by capitalists and associated companies into larger properties is taking its place, and the investing of large amounts in initial outlay for plant and development, which increased depth of workings and consequent larger operations render necessary, brings the value of the titles very prominently to the front.

According to our laws, the minerals, with few exceptions, are vested in the Crown, and the land, or a major part of it, having passed out of the Crown, and being held by individuals in fee simple, it is evident that the claims of the miner and the land-owner must frequently clash.

When gold was discovered in the Province, and licenses to work were issued by the Government, this difficulty was recognized and met by the Government buying up the grounds in the proclaimed gold districts, or "re-vesting," as it was termed, and the Government recouped itself by charging applicants for mining leases the relative amounts paid per acre for these grounds, in addition to the \$2 per acre mineral charge, thus granting a mining lease with soil right for twenty-one years.

This, though it involved an initial outlay of from \$8 to \$10 per area, was eminently satisfactory to the miner, as the validity of his title was assured.

This method was pursued at Targier, Sherbrooke, Waverley, Ovens, and other places; but later on the re-vesting method was deemed injudicious, and the law of "arbitration" between the several lessees of mining lots and the owner of the land, was substituted.

This system still prevails, and while its advocates claim it works comparatively well, it is undeniable that in many instances it is alike unsatisfactory to the miner and land-owner, and has resulted in much friction and litigation, and as the principle of that law and its results develop and become known, that friction and litigation will increase.

So long as the mining locations are confined to uncultivated or "wild land" the solution is comparatively mutual and easy, but when they encroach upon cultivated land grounds, or, as in some cases into the gardens and even dwellings of the bona fides land-owner, very naturally the spirit of resistance is aroused, and whether legally, judiciously or otherwise, instances are not wanting of great acrimony and almost armed persistence in opposing the presence of the miner, and the constitutionality of our Statutes may yet have to be referred to the Privy Council of England for adjudication as to whether a person can be ousted from his legally acquired estate, and be obliged to take such remuneration as a committee of arbitration may award him, particularly as the individual may be an unwilling partner—or even refuse to be a partner at all in such arbitration.

The State reserves to itself the right to acquire any lands required for national or public welfare—as for instance for defence or public buildings, for highways and railways, but in this case our Statute provides for an arbitrary use and occupancy of one man's property for another man's convenience or profit.

Recently our Local Government have seemed to take the ground that in granting a mining license, they are simply giving a quit claim deed to a prospective but undefined property, something on the principle they sometimes dispose of cattle on the western prairies—"sell them running and let the purchaser catch them if he can." But the result of such an irresponsible course cannot but result disastrously alike to the individual and the Province. Let it once be known abroad that a Government title to a gold mine is only a purchased law suit, and how much foreign capital will find its way to the Nova Scotia mines? In short, it is an untenable position which the Government cannot afford to hide behind, and it is only a question of time, perhaps, when our legislature may have to face the question of how far they are responsible for having granted a mining lease to a person who has not brought evidence of having made his peace with the owner of the land, and having taken his money and granted such lease, how far they are committed to put him in possession of his property instead of leaving him to fight out a tedious and expensive law suit—of which there are instances at present existing.

In the matter of the grounds before referred to, which were bought up by, or re-vested in the Government (and on which the applicants paid for the ground as well as for the mining privilege), it is pertinent to remark that when these leases lapsed by expiration of term they were renewed at \$200 per area for mining lease, nothing being said about the ground, the inference being that the title being in the Government, the soil conditions would remain as formerly, that is reserved exclusively to the use of the holder of the mining lease; in fact to my personal knowledge the mines officials gave this verbal assurance in certain cases.

In the year 1885, however, an act of the Local Legislature (somewhat ambiguously expressed) enacts that "All such re-vested lands shall be considered and dealt with as Crown Lands," which practically puts these grounds in the market at forty cents an acre to the first applicant, and being so granted it follows that the miner is at the mercy of the land owner and has no right there which such owner need respect, and individuals would not long be wanting who would take up such re-vested lands on speculation, and already applications with that view have been filed.

(To be Continued.)

DR.

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