

REPORT OF THE COUNCIL ON THE QUEBEC MINING ACT.

HON. GEORGE IRVINE said: Since the last meeting of the Association, the Committee appointed for this purpose took some action with regard to carrying out the intentions of the Association respecting the Mining Act recently passed by the Quebec Legislature. After communicating with Mr. Mercier on the subject, he appointed a meeting with the Committee, and we attended accordingly. Mr. Mercier expressed a desire to look thoroughly into the matter, and asked me to make a statement of my views with regard to the difficulties which existed, and this I promised to do. Owing to the general elections, which took place shortly afterwards, he deferred his departure to Europe, and requested me to send a statement, of which the following is a copy, to the Attorney-General:—

Copy Memorandum on the Quebec Mining Law, Submitted to the Hon. the Attorney-General.

In order to understand the objections on constitutional grounds taken to the recent Mining Law passed by the Legislature of the Province of Quebec, it is important to consider how the law stood previous to the passing of that Act, and what the rights of persons holding mining lands were.

It has always been held that minerals, not being gold and silver, belong to the owner of the soil, and that grants from the Crown in which there is no reserve, convey the ownership in the minerals to the grantee. The course of legislation in this Province and the jurisprudence of our courts fully establishes this.

The first regulations adopted by the Crown Lands Department respecting the sale of mining locations were passed in 1874, and may be found in the report of the Commissioner for that year. These regulations were in force when the Act of 1880 was passed, and a large number of grants were made under it. The lands so granted, except in so far as respects the Royalty or tax imposed by the recent Act are not affected by it.

The Act of 1880 carefully guarded all vested rights—it provided (1422) S. 3: "It shall not be necessary, in any Letters Patent for lands granted for agricultural purposes to mention the reserve of mining, which reserve is always supposed to exist under the provisions of this section." The grantees of lots for agricultural purposes whose titles date subsequent to the passing of this Act are guaranteed the right in the event of their discovering minerals on their lots