

In the year following Confederation the system of mining divisions and licenses was extended by the Province to silver mining by the Gold and Silver Mining Act of 1868, 31 Vict. (Ont.) c. 19.

These Acts were repealed in the following year by the General Mining Act of 1869, 32 Vict. c. 34, which introduced the system of mining locations in addition to that of mining divisions and mining claims. By this Act all royalties, taxes and duties theretofore imposed or made payable upon or in respect of any ores or minerals extracted from patented lands were repealed and such lands declared free from every such royalty, tax or duty.

The next important legislation was contained in the Act respecting Mining Regulations, 53 Vict. (Ont.) c. 10, cited as the Mining Operations Act, 1890. A system of royalties was imposed in the following year by 54 Vict. (Ont.) c. 8, but these royalties were subsequently declared to be abandoned by the Act to amend the Mines Act, 63 Vict. (Ont.) c. 13.

60 Vict. (Ont.) c. 8, entitled an Act to further improve the mining laws, enacted (s. 7) that every application for a mining location shall in addition to certain other requirements "be accompanied with an affidavit shewing the discovery of valuable ore or mineral thereon by or on behalf of the applicant, and that he has no knowledge and has never heard of any adverse claim by reason of prior discovery or otherwise." This statutory requirement is continued in the Mines Act, R.S.O. 1897, c. 36, s. 28, and is likely to give rise to much discussion in the Courts in regard to the proper interpretation of the word "discovery" and of the phrase "valuable ore or mineral."

Before this statutory requirement priority of discovery of mineral was a potent argument in favour of any applicant for mining lands able to allege and prove such discovery in a contest before the Commissioner of Crown Lands, who decided such disputes according to what Chancellor Vankoughnet aptly designated "Crown Lands Law."

By an Order-in-Council of August 18, 1905, amending the regulations for mining divisions it is provided:—