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THE MINES ACT OF ONTARIO.

The announcement has been made that at the present session of the Ontario Legislature the Mines Act and its amendments will be revised and consolidated. In view of this a few observations upon the evolution of our mining law and upon the principles which should govern such legislation may be opportune.

While the rule stated in the celebrated maxim "cujus est solum ejus est usque ad coelum *et deinde usque ad inferos*" is generally applicable to this Province, there are certain well known exceptions. The only one necessary to be discussed here is that relating to the precious metals which is fully stated by BOYD, C., in *Ontario Mining Co.* v. *Seybold* (1899) 31 O.R. p. 399 as follows:—

"According to the law of England, and of Canada, gold and silver mines, until they have been aptly severed from the title of the Crown are not regarded as partes soli or as incidents of the land in which they are found. The right of the Crown to waste lands in the colonies and the baser metals therein contained is declared to be distinct from the title which the Crown has to the precious metals which rests upon the royal prerogative. Lord Watson has said in *Attorney-General of British Columbia* v. *Attorney-General of Canada* (1889) 14 App. Cas. at pp. 302, 303, these prerogative revenues differ in legal quality from the ordinary territorial rights of the Crown. These prerogative rights, however, were vested in Canada prior to the Confederation by the transaction relating to the civil list, which took place between the Province and Her Majesty—the outcome of which is found in 9 Vict. c. 114, a Canadian statute, which, being reserved for the royal assent, received that sanction in June, 1846. The hereditary revenues of the Crown, territorial and others then at the disposal of the Crown, arising in the United Province of Canada, were thereby surrendered in consideration of provisions being made for defraying the expenses of the civil list.