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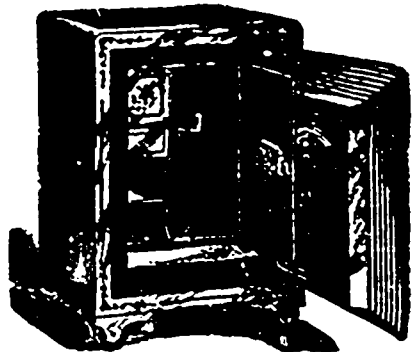
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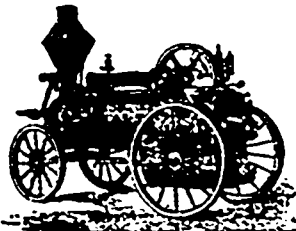
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**German } Baking  
Powder**

## MINING.

**GOLD MINERS' ASSOCIATION OF NOVA SCOTIA.**  
DISCUSSION ON THE REPORT OF THE COMMITTEE ON LAW AND LEGISLATION.  
(Concluded.)

Mr. Hardman continued.

By Section 73 of the Mines Act the course of the Commissioner of Mines is clearly laid down, when, in the case of *forfeitures*, he is unable to decide who is the first applicant for the same. He is, in such case, obliged to sell the areas applied for at *public auction*; certainly a mode of procedure which is for the benefit of the treasury of the commonwealth. But in the case of vacant ground, ground that has become vacant by expiration of lease, or has never been under lease, no special direction for the Commissioner's guidance is made. One would suppose that the method proscribed by statute for the one case would naturally govern the other cases, which are of similar nature. Not at all: this infamous "custom" steps in (probably the offspring of some defunct commissioner, centuries ago, who was too indifferent to do otherwise), and prescribes that it is the regulation of the office that all such applicants for new ground must be united in a partnership in those areas, or at least in a co-owner ship,—and thus washes its hands of all trouble. But, as Mr. Wilson says: "the Government has yoked those people together, but provided no means of divorce," unless some one of the co-owners kicks vigorously and goes into court to have such co-ownership dissolved by public sale. So that the Government, by sanctioning such a practice, really gives its approval to "customs" and "regulations" and practices which are illegal, inequitable and unjust, which have no warrant in law or equity, and which encourage expense, litigation and trouble, instead of striving to foster and aid one of the industries upon which their financial credit is based.

Such a case as he described was personally known to him, and not one, but several. That the Commissioner (and by the Commissioner he meant the Department of Public Works and Mines,) should attempt without any warrant of law to force unwilling parties into an obligation, which was one of the most delicate of business relations, and one usually safeguarded by extreme preliminary care and caution, was of itself sufficient reason for demanding an immediate and explicit direction by statute of mode of procedure in such cases. But, there were too many of these customs and too little of the spirit of the law; the miner was beset on all sides, and bound with circumscribing cords, until his life was hardly worth the living. One solution, and one only, would cut all these Gordian knots and free the gold mining industry, so that it should have new and trebled life and strength, and that solution was too simple. Once get this, and all other difficulties would vanish as smoke before the wind.

Mr. MacDuff, of the English syndicate, expressed himself as much interested in the subject. The owners of the property he represented lived in Europe, and he had found considerable difficulty in making clear to them some of the intricacies of our mining laws, and they naturally felt considerable interest in the validity and permanence of their titles; and he further made some comparisons between our mining laws and the more elaborate and definite statutes and regulations in Australia, where he had spent several years, and where the best mining talent and experience of the country had been employed to draft the statutes and administer the law, and considered that much of their legislation and practice might be introduced in Nova Scotia with advantage, and promised to favor the association, at a future meeting, with some transcripts and data from the antipodean colony. He endorsed the remarks of Mr. Wilson referring to surface rights, speaking of the ownership of tailings which were deposited on the surface of areas other than those owned by mill owners, maintaining that the present lease gave right to all gold upon as well as under the surface. He advised the adoption, modified perhaps, of the Australian plan, of each owner voluntarily registering his tailings at the Mines Office, paying therefor a certain fee.

Mr. Partington referred to the necessity of a revision and simplifying of the mining laws and mines office practice, and instanced the objection frequently raised by capitalists and prospective investors in the United States, to what they considered the insufficiency of transfer titles and the manifest injustice of some of the regulations or requirements of the Mines Department. Referring to Mr. MacDuff's remarks regarding the ownership of tailings, he objected to this plan of registration, maintaining that the Government took enough money out of the gold miner already. He also maintained that under the statute, surface gold or alluvial mines should be taken up under a separate lease. See sections 1, 10, and 12, chap., R. S.

Mr. Hardman concurred in this construction of the sections referred to, and said it was a matter of doubt whether the wording of the lease and the words of the statute were not in conflict. The matter, if ever worth the while, would probably some day be referred to a court for construction.

Mr. Fisher said the Department had informed him that there was no conflict between the lease and the statute.

Mr. Stenshorn said the discussion showed that the mining law was faulty, as new points came up under it every time it was discussed. He, for one, had never known before of the distinction in classes of areas, as shown by sections 10 and 12.

Remarks were also made by Messrs. Reid, Harding, Archibald, McDonald, and others.

President Stuart considered the matter one of vital importance, and not only to the mining fraternity, but to the provincial welfare in general, and suggested that the papers and the expressions of the members of the Association present be compiled and printed for distribution, in order to induce a more general interest in the gold mining industry and its requirements, and if possible, elicit from practical mining men suggestions of needed amendments to the mining laws, and induce combined action by those interested,—which was unanimously approved.