

posits, by which the price of such lands was increased as compared with lands sold for agricultural purposes.

5. Article 1423 provides: "It shall not be necessary in any Letters Patent for lands granted for agricultural purposes, to mention the reserve of mining rights, which reserve is always supposed to exist under the provisions of this section—43-44 V., c. 12, s. 3."

6. Articles 1425, 1428 and 1429 enact: Any person who, previous to the 24th July, 1880, obtained Letters Patent for agricultural purposes, but with reservation by the Government of the mining rights, any lot whatever forming part of the public lands of this Province, may, if he or his legal representative discover and wish to work a mine, purchase the mining rights so reserved by the Government, by paying in cash, to the Commissioner, over and above the price already paid for said lot, a sufficient additional amount to make up the sum of two dollars per acre, if for gold or silver, and one dollar per acre if for copper, iron, lead or other baser metals.—43-44 V., c. 12, s. 4."

Article 1428: "If, on any lot of land granted by Letters Patent since the 9th March, 1878, or which shall hereafter be granted, on the usual terms and conditions, for agricultural purposes, a mine of phosphate of lime has been found to exist, any purchaser of such lot, or his legal representative, shall, if he wish to work such mine, pay in cash to the Commissioner, a sufficient additional amount to make up the sum of two dollars per acre.—43-44 Vic., c. 12, s. 7."

Article 1429: "Every person who may acquire by Letters Patent, on the usual terms and conditions, for agricultural purposes, any lot whatsoever upon which he may discover a mine of baser metals, excepting phosphate of lime, shall, if he or his legal representative wish to work the same, pay to the Commissioner a sufficient additional amount to make up the sum of one dollar per acre.—43-44 V., c. 12, s. 8."

7. The law of 1880 thus carefully leaves the titles of those who held lands under agricultural grants without reservation of minerals untouched, and grants to those in whose grants the minerals had been reserved, as well as to those who had obtained grants since 1880, the right to purchase them on paying the difference between the agricultural and mineral prices.

8. The statute now complained of takes from those whose grants were made previous to 1880 the right of ownership in the mines which had not been reserved by the Crown, and which were their undoubted property, and deprives those who had purchased agricultural lots since 1880, and lands on which phosphates are found, granted since 1878, of the right guaranteed to them by these laws of becoming owner of the minerals by paying the difference in price.

9. The clause 1426 of the Act complained of, imposes on all mineral properties a tax, (therein styled a Royalty), "of three per cent. of the merchantable value of the product of all mines and minerals."