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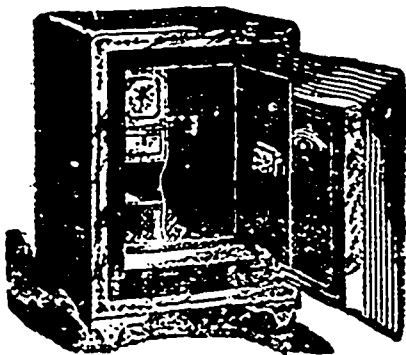
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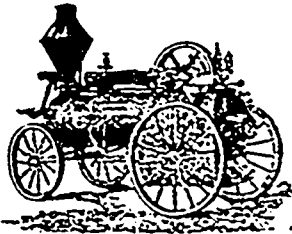
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MINING.

GOLD MINERS' ASSOCIATION OF NOVA SCOTIA.

REPORT OF THE COMMITTEE ON LAW AND LEGISLATION.

(Continued.)

In the Canadian North-West, lands containing gold are located at \$5 per block of 40 acres. This fee is paid annually in advance each year for five years, if so long desired, but any time before the expiration of the five years the claim may be bought on proof that \$500 has been expended on it.

If not bought earlier, the occupant may each year for five years renew his location receipt, paying \$5 therefor, at the same time proving that \$100 had been expended on his claim during the year. When he elects to buy he pays \$5 per acre, and then gets a title in fee to both land and gold.

Upon this framework, with such modifications as our different circumstances might dictate and demand, we may be able to mould acceptable changes in our laws.

Under our present system mines will no doubt continue to be opened, but very few, if any, will be worked to great depths; they will not gain value by development, and abandoned mines will become the rule rather than the exception, until a more liberal policy shall be inaugurated. And we believe that the needs of the miners require only to be presented to the consideration of the Government to secure every concession we can reasonably ask for.

The matters we have referred to may be taken to have escaped the notice of the Government, who would naturally suppose that any inconveniences in the laws bearing hardly on the miners would be brought to their notice by the miners themselves, and, in the absence of any complaints, they naturally would presume that no grounds for such existed. For such evils as we find, therefore, we think that we have our own lethargy and indifference to blame largely; and we cannot doubt of receiving to a great extent, at least, such aid as we may reasonably ask.

H. T. HARDING,

For the Committee

At the regular meeting of the Association, on December 5, 1890, held at the Halifax Hotel, Mr. B. C. Wilson opened the discussion by referring at length to one point not covered in his original paper, viz., the uncertain state in which titles to surface rights yet exist under the Statutes of the Province. On motion of Mr. MacDuff, Mr. Wilson's remarks were incorporated in his original paper.

Mr. J. E. Hardman spoke at some length on the subject. The committee, he said, have recommended that in future all ungranted lands upon which gold has been discovered shall be reserved by the Government for mining purposes, and they shall "pass" with the mining lease. This is altogether desirable, but it seemed to him that the position recently taken by the Government, that no grants for lands upon which gold is known to exist shall issue without the consent of the owners of the mining leases, is broader and is a better solution of the difficulty, and one which more completely protects the legitimate miner—of course it is only the legitimate miner that we are considering or can possibly consider. Let the Government take the same position with regard to all ungranted lands that they have taken with regard to the "revested" lands referred to, and let them take a step further and adopt the suggestion of the committee, that in all future grants there shall be provision for revesting such part or parts of such grants as shall be found to cover mineral grounds.

For the determination of the value of such revested lands, the idea of a Government Arbitrator (who possibly might also be the Inspector of Mines with advantage) was worth consideration.

He heartily concurred in the report of the Committee in preferring that this change be incorporated in the Statutes rather than be a recorded Order in Council, and he also endorsed the idea of having tabulated schedules or plans prepared by the Government, showing the location and boundaries of all grants in which the Crown has reserved no mineral rights. There was one case in Court to-day, and in six months there might possibly be two others, in which it was contended that the original grant conveyed the title to gold and other minerals, as well as to the soil; and in each and all cases the parties now owning had bought such property in good faith that the Government lease title was a good one, and on the strength of it have spent thousands of dollars in opening and working mines thereon. It did not require sagacity to foresee one of two things, either the extreme embarrassment of the Government in having sold what it did not own, or the complete and utter damnation of Nova Scotia gold mines in the eyes of capitalists and honest men.

He desired to state in reference to the hypothetical case alluded to by Mr. Wilson, in his paper, that B. does get some sort of a recognition from the Mines Office, in the shape of a paper called a "Transfer." But A. apparently has no endorsement on his lease to show that he has sold or parted with the whole or any part. He was sure, however, that this could be easily remedied, through having the blank forms of leases slightly changed. To the characterization of the methods by which the office takes \$2.00 per acre on every surrender, he was sure they must one and all cry "Hoar, Hoar!" It was, as the document said, a decidedly dishonest practice.

There is another practice that he desired to refer to. Mr. Wilson spoke of it in language that was clear and admirable. He said:—"Custom which has grown into power through use and precedent, without legislation," and again, of "regulations which have no legal status beyond what they have acquired through continued observance and non-questioning their validity."

(To be continued.)