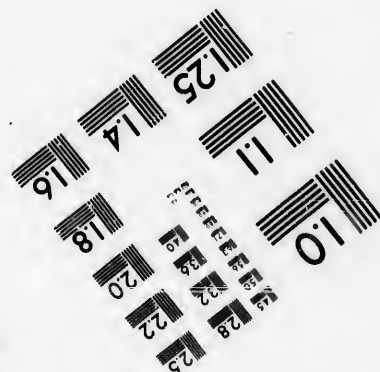
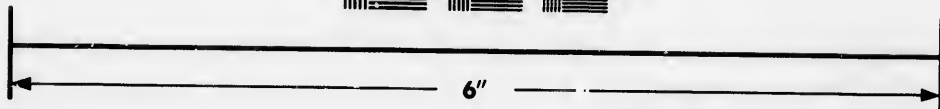
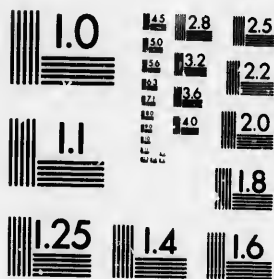


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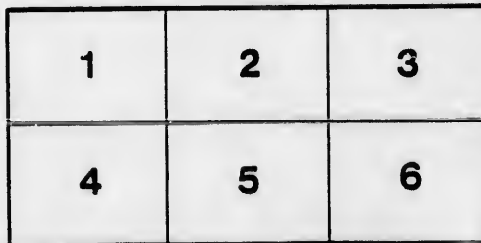
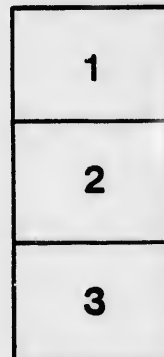
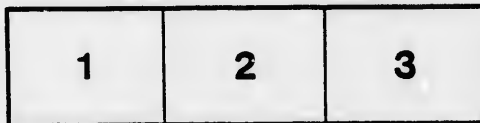
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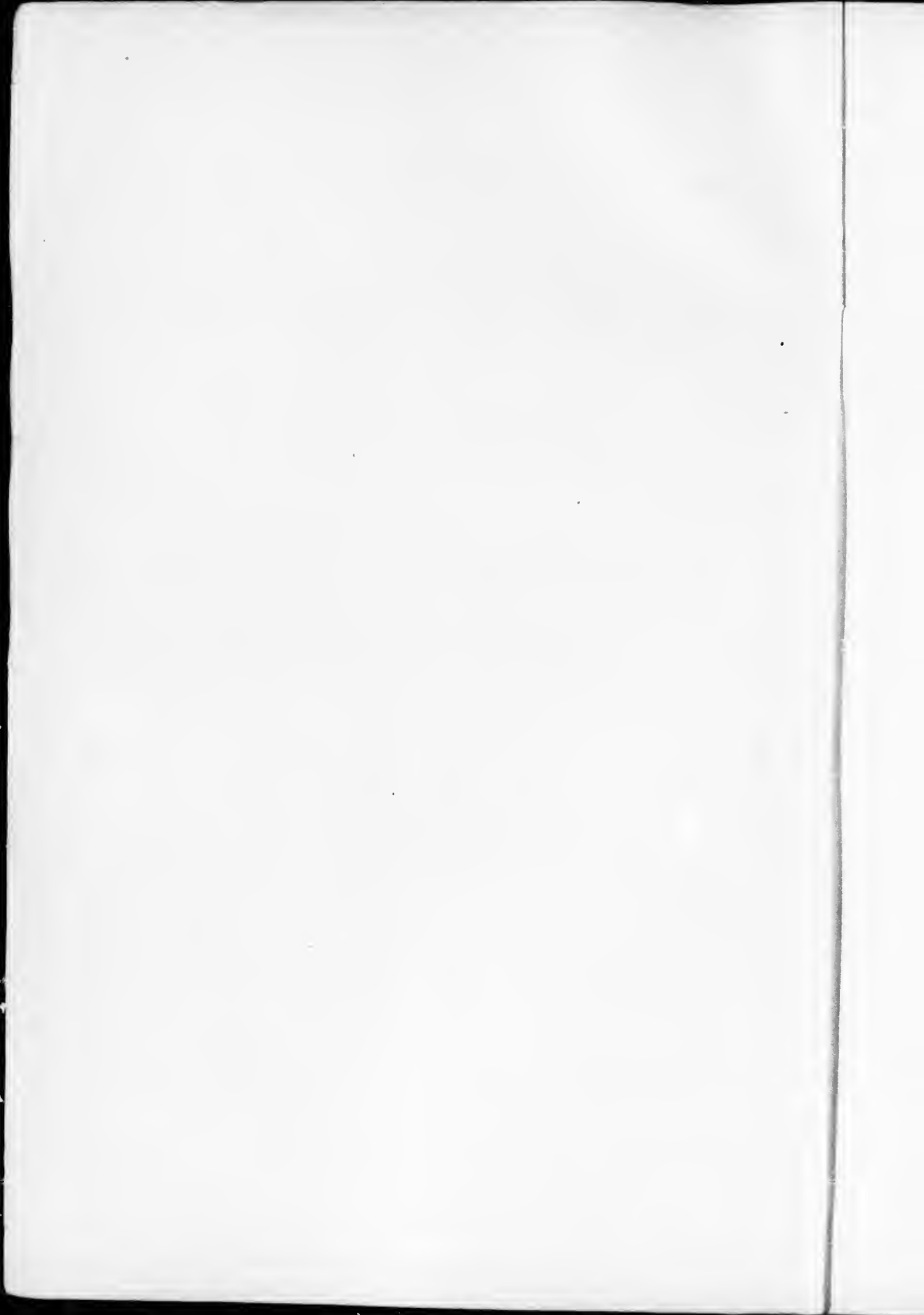


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CHAPTER 18.

OF MINES AND MINERALS.

SHORT TITLE.

1. This Chapter may be cited as "The Mines Act," short title. 1892, c. 1, s. 154.

INTERPRETATION.

2. In this Chapter, unless the context otherwise requires, the following expressions shall be construed in the manner in this section mentioned:—

- "Address" means the address registered in the office "Address."
"Alluvial license" means a license to search for alluvial mines only; "Alluvial license."
"Alluvial mine" means gold-bearing earth or rock elsewhere than in situ; "Alluvial mines."
"Commissioner" means the Commissioner of Public Works and Mines; "Commissioner."
"Declaration of shares" means a statement in writing executed under seal by every licensee or lessee under any license or lease issued to more persons than one, declaring the share of every such person in such license or lease; "Declaration of shares."
"Deputy" means the Deputy Commissioner of Public Works and Mines; "Deputy."
"Deputy Commissioner" means Deputy Commissioner of Mines; "Deputy Commissioner."
"Gold-bearing quartz" means all gold-bearing rock in situ; "Gold-bearing quartz."
"Inspector" means Inspector of Mines; "Inspector."
"Instrument" means every document by which the title to any license or lease, or to any share in any license or lease, is changed or in any wise affected, and includes every power of attorney under authority of which any person executes any such document for and on behalf of any licensee or lessee, and every declaration of shares, but does not include license, lease, application for license or lease, certificate of judgment or writ of attachment; "Instrument."
"Lessee" includes any person deriving title through a lessee of the Crown; "Lessee."
"Licensee" includes any person deriving title through a lessee of the Crown; "Licensee."
"Licensed mill" means mills and machinery licensed under this Chapter; "Licensed mills."
"Licensed mill owner" means the person or persons to whom such license is granted; "Licensed mill owner."

" License to search."	" License to search " means a license to search for mines other than gold or gold and silver ;
" Lien."	" Lien " means and includes any right to or interest in any license or lease obtained by registration of any instrument, not a transfer or declaration, or by registration of a certificate of judgment or writ of attachment ;
" Lien-holder."	" Lien-holder " means any person having a lien ;
" Mine."	" Mine " means any place in which any vein, stratum, or natural bed of coal, or of metalliferous ore or rock exists, or shall or may be worked ;
" Minerals."	" Minerals," when the same belong to the Crown, whether or not subject to license or lease, include gold, silver, tin, lead, copper, iron, precious stones and all other minerals, except limestone, plaster and building materials.
" Office."	" Office " means the office of the Commissioner at Halifax ;
" Person."	" Person " includes body corporate ;
" Prospecting License."	" Prospecting license " means license to search for mines of gold, or gold and silver ;
" To mine."	" To mine " includes every mode and method of working whatsoever, whereby the ore, earth or soil or any rock may be removed, washed, shifted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining gold, silver, coal, iron, copper, or any rock, ore or metallic substance, whether or not the same has been previously disturbed or dealt with ;
" Transfer."	" Transfer " means an instrument executed by a licensee or lessee by himself or his attorney by which the title to any license or lease, or to any share in any license or lease, is absolutely transferred ;
" Vacant area."	" Vacant area " means an area for which a license or lease has not been applied for or granted ;
" License."	In Part I of this Chapter the expression " license " includes both prospecting license and license to search ;
" License."	In Part II, the expression " license " means prospecting license ;
" Owner."	In Part III, the expression " license " means license to search ;
" Owner."	" Owner " (where under the provisions of this Chapter any notice is required to be given to or by the owner of any land, or where in order to do any act the consent of such owner is required), means any person who is legally entitled to sell and convey such land, or the rights sought therein, or whose consent would justify the doing of such act.

DIVISION OF CHAPTER.

Division of Chapter.

3. This Chapter is divided into three Parts :
 Part I contains general provisions and provisions relating to mines of all kinds :

Part II contains provisions relating exclusively to gold mines and gold and silver mines;
 Part III contains provisions relating exclusively to mines other than gold and silver.

PART I.

OFFICERS.

4. The Governor-in-Council may from time to time Officers. appoint—

Suitable persons as Deputy Commissioners of Mines in the several gold districts in this Chapter provided for;

A suitable person to act as Inspector of Mines, who shall be a competent, scientific, practical mining engineer; Inspector of Mines.

One or more competent, practical men as Deputy Inspectors under the direction of the Inspector of Mines; Deputy Inspectors.

One or more competent, practical men as Mine Surveyors under the direction of the Inspector of Mines. 1892, c. 1, ss. 3, 4, 5. Mine Surveyors.

5. The Governor-in-Council may define the limits of the districts within which the Deputy Commissioners may exercise their power. 1892, c. 1, s. 3. Districts of Deputy Commissioners.

POWERS OF CERTAIN OFFICERS.

6. By virtue of and during the continuance of such appointment, the Commissioner and Deputy within the province, and the Deputy Commissioners within the districts for which they are respectively appointed, shall exercise the powers and perform the duties of justices of the peace, except those exercised and performed under the Chapter "Of Civil Procedure in Justices' Courts." 1892, c. 1, s. 3. Commissioner and Deputy to have powers of J. P.

DUTIES, &C., OF INSPECTOR AND DEPUTIES.

7. It shall be the duty of the Inspector and of the Deputy Inspectors under his direction,— Duty of Inspector and Deputies

(a) to visit and inspect, from time to time, the various mines belonging to, or under license or lease from, the Crown,

(b) to ascertain that the laws, stipulations and agreements relative to the working and management of such mines, and to the payment of rent and royalties accruing therefrom, are complied with, and that the mines are being worked in a scientific, workmanlike and effective manner, and with due regard to the maintenance of the value of such mines, and to the safety and protection of the persons employed therein.

(c) to report from time to time to the Commissioner in regard to such matters. 1892, c. 1, s. 5, part.

TENURE OF OFFICE AND SECURITY.

Their tenure of office security, etc.

8. The Deputy Commissioners, the Inspector and Deputy Inspectors of Mines shall hold office during pleasure, and shall each give to Her Majesty the Queen such security as the Governor-in-Council directs for the faithful discharge of his duties. 1892, c. 1, s. 6.

DISQUALIFICATION.

Certain officials disqualified from applying for licenses, etc., and—

9. No person holding the office of Provincial Secretary, Attorney-General, Commissioner, Deputy Commissioner, Inspector or Deputy Inspector, and no person in the employ of the Commissioner, and no person holding any office or employment in any of the government offices, the duties of which are usually performed at Halifax, shall, while holding such office or employment, directly or indirectly apply for any license or lease, either for himself or any other person, or act as the agent or solicitor of any person so applying, under a penalty of one thousand dollars for every violation of this section and forfeiture of his office and employment. 1892, c. 1, s. 6, part; 1893, c. 2, s. 14.

Applications by them void,

10. Every application made by any person in violation of the next preceding section shall be void. 1893, c. 2, s. 14

OFFICE HOURS.

Office hours.

11. The office of the Commissioner, and of every Deputy Commissioner, shall be opened every day, not a holiday, at ten of the clock in the forenoon, and closed at four of the clock in the afternoon, except on Saturdays, when it shall be closed at one of the clock in the afternoon. 1892, c. 1, s. 2.

LICENSES AND LEASES.

Licenses and leases may be issued.

12.—(1.) The Commissioner, and in the case provided for in Part II of this Chapter the Deputy Commissioners, may, on application therefor, issue licenses and leases, which shall be subject to the provisions of this Chapter,

(2.) Every application for license or lease, except in the case mentioned in this section when it may be made to a Deputy Commissioner, shall be made to the Commissioner, 1892, c. 1, ss. 17, 91, part; 1893, c. 3, s. 3.

Application for license or for lease.

13. Every application for license or lease shall be in writing, and shall be made during office hours, and every such application made at any other time shall be void, provided that every application received by post at the office out of office hours shall be deemed to be received immediately after the commencement of the next office hours. 1892, c. 1, s. 2.

14.—(1.) Every application for license shall be in the form A in the schedule to this Chapter, or to the like effect. Applications, form of.

(2.) Every application for lease shall be in the form B in the schedule to this Chapter, or to the like effect.

15. No application shall be accepted for areas or tracts of ground already applied for, or under license or lease, except as in this Chapter provided. 1892, c. 1, ss. 17, 95. No application permitted for areas already applied for.

16. The Commissioner shall cause to be indorsed on every application the precise time at which the application was made. 1892, c. 1, s. 18. Time of application to be indorsed.

17. No application shall be accepted for a license or lease of any areas or tract of ground, the right to a license or lease of which is at the time of such application in dispute before the Commissioner or Deputy, or a Deputy Commissioner, or before any court of appeal, or until the time allowed for appeal from any decision in respect to such right has expired. 1892, c. 1, ss. 76, 145. No application permitted for disputed areas.

18.—(1) When two or more applications for license or lease in whole or in part cover the same areas or tract of ground, and the Commissioner or Deputy Commissioner is unable to decide who was the first of such applicants, the Commissioner or Deputy Commissioner may, after notice to be given in such manner and for such length of time as to him seems proper, cause the right to a license or lease of the areas or tract of ground in respect to which there are conflicting applications to be offered for sale at auction to the conflicting applicants, and the applicant who offers and pays the highest premium above the price fixed by law shall be entitled to the same. Simultaneous application, sale by auction.

(2) If such conflicting applicants do not offer any premium above such price, the Commissioner or Deputy Commissioner may offer such right at public auction, in such manner as he thinks fit. 1892, c. 1, s. 77.

19. Licenses may be in such one of the forms C and D in the schedule to this Chapter as is applicable. Form of license.

20 (a) Every person who has made application for a license or lease, which the Commissioner has refused to accept, and Applicants, etc., entitled to investigation.

(b) Every licensee or lessee who claims that any application for license or lease made by any person, or any license or lease held by any person, covers in whole or in part areas or a tract of ground covered by the license or lease held by such licensee or lessee, shall, upon request made in writing to the Commissioner, be entitled to have an investigation held before the Commissioner to determine

(a) the right to have such application accepted, or,

(b) the matter of the claim of such licensee or lessee.

MINES AND MINERALS.

- Time for investigation.** 21. The Commissioner shall fix a time and place for holding such investigation, and shall give at least ten days' notice thereof to every person whose rights as licensee or lessee may be affected thereby.
- License and lease to be dated.** 22. Every license and every lease shall bear date of the day on which application therefor was made. 1897, c. 4, s. 2.
- Mode of executing licenses and leases.** 23. Every lease shall be executed in duplicate, on the part of the Crown by the Commissioner under his hand and seal of office, and by the lessee under his hand and seal. If a lease is executed by an attorney of the lessee, the instrument conferring power to execute shall be lodged in the office before such lease is executed. 1892, c. 1, ss. 19, 136.
- Application for lease to lapse if lease not executed.** 24. If the applicant for a lease does not execute such lease and lodge one of the duplicates in the office for registry within one year from the time of application therefor, such application shall be deemed to be abandoned. 1892, c. 1, s. 144.
- Registration and delivery of lease.** 25. The duplicate so lodged shall forthwith be registered, and shall be kept on file in the office; the other duplicate shall be delivered to the lessee, with a certificate of the Commissioner or Deputy indorsed thereon of the day and year of such registration. 1892, c. 1, s. 137.
- Declaration of shares.** 26. A declaration of shares may be in the form E in the schedule, or to the like effect, and may be lodged in the office for registration. 1892, c. 1, ss. 134, 141.
- Application for license not necessary for lease.** 27. Any person may obtain a lease without having previously applied for a license. 1892, c. 1, s. 103.
- Termination of license and lease.** 28. Subject to the provisions of this Chapter, every license and every lease shall terminate on the day of the month in the year of its termination corresponding with the day of the month on which it is dated, and after ten of the clock of the forenoon of the following day the areas or tract of ground covered thereby may be licensed or leased anew. 1892, c. 1, s. 147.
- Cost of prospecting etc., not to be borne by Government.** 29—(1.) The cost of prospecting, searching, digging, or exploring for any mineral under a license shall not in any case be chargeable to the Government or Commissioner.
- (2.)—Every licensee shall, during the time the license held by him is in force, report to the Commissioner the result of what he has done by virtue of such license. 1892, c. 1, ss. 91, part, 97.
- Report to be made.** 30.—(1.) No license or lease shall authorize the licensee or lessee to enter any house, store, barn or building or the curtilage appertaining thereto, or any garden, orchard or grounds reserved for ornament, or under cultivation or enclosed, except with the consent of the occupant, or under license from the Governor-in-Council.
- Licensees and lessees not to enter upon buildings, gardens, etc., except by special license—**

(2.) No such license shall be granted by the Governor-in-Council unless applied for by a licensee or lessee who has given notice of such application to the occupant, and unless it is proved that the special circumstances of the case make it just to grant such license, and such license may be granted upon such terms as the Governor-in-Council thinks proper. 1892, c. 1, s. 44

To be obtained only on notice.

31. Every lease shall, after one year from the date thereof be indefensible and non-forfeitable, except for fraud, or misrepresentation, or non-payment of rent or royalty, or failure to comply with any of the conditions, provisions or stipulations in the lease contained, or in the case of any lease issued before the 17th day of April, A. D. 1889, for non-working 1897, c. 4, ss 1, 4.

Leases to be indefensible.

32. Every person who mines without a license or lease shall be liable to a penalty of not less than ten dollars or more than fifty dollars for every day he so mines. 1892, c. 1, ss 79, 81.

Penalty for mining without lease or license.

33.—(1) The Inspector or Deputy Inspector, or any person or persons appointed by the Inspector, may enter upon any property and premises upon which he believes or is informed that any person is mining without license or lease, and may make search over such property and premises, and if it is found that mining has been carried on, it shall be *prima facie* evidence that the occupant of such property or premises has been mining thereon.

Inspector may enter premises in search of illegal mining.

(2) Any person found guilty on summary conviction of mining without license or lease may, in addition to the penalty provided in the next preceding section, be ordered to fill up at his own expense any pit or slope made for the purpose of such mining, and to make good any further damages caused by such mining, within a time to be named.

(3.) If such person fails within the time so named to fill up such pit or slope, and make good such further damages, he shall be deemed guilty of a distinct offence under this section for every day thereafter until such pit or slope is filled up or such damages made good. 1892, c. 1, ss. 80, 81.

34 Subject to any regulations made by the Governor-in-Council under this Chapter, the Commissioner may issue several licenses and leases to prospect, search or mine for different minerals in and upon the same areas or tract of ground. 1892, c. 1, s. 107.

Several licenses, etc., for different minerals on same area.

35. When a lease is forfeited under the provisions of this Chapter, the Governor-in-Council may direct such terms additional to those prescribed by this Chapter as is deemed proper to be inserted in any new lease of the areas, or any of them, or of the tract of ground, or any portion thereof, covered by such lease. 1892, c. 1, s. 126.

Additional terms in new lease of forfeited areas.

Leases, etc., may, be sold.

36.—(1.) Subject to the provisions of this Chapter, any licensee or lessee may sell and assign the whole or any portion of his share in any license or lease.

Form of transfer.

(2) Every transfer may be in the form F in the schedule, or to the like effect, and may be executed in duplicate. 1892, c. 1, s. 141.

SURRENDER OF LEASE.

Holder of lease, etc., may surrender.

37.—(1.) The holder of a lease may surrender the same by notice in writing, under his hand and seal, and lodged together with the duplicate of lease delivered to him in the office. If such duplicate is lost the Commissioner may accept an affidavit verifying the fact of such loss in place of such duplicate.

(2) Such surrender may be in the form G in the schedule to this Chapter, or to the like effect. 1892, c. 1, ss. 29, 121, part.

Acceptance of surrender.

38. Subject to the provisions of this Chapter, the Commissioner may accept surrender of two or more leases, and may issue one lease for all the areas or tracts of ground covered by such surrendered leases. 1897, c. 4, s. 3.

Lessee to remain liable notwithstanding surrender.

39. Notwithstanding the surrender of any lease, the lessee shall remain liable in respect to any act, matter or thing, for which at the date of such surrender he was liable under this Chapter or under the terms of such lease. 1892, c. 1, s. 29, 121, part.

Areas liable to forfeiture not to be surrendered.

40. If the Commissioner has served notice of forfeiture proceedings on the lessee under the provisions of this Chapter, the lease shall not be surrendered without the consent of the Governor-in-Council, unless and until the Commissioner has decided against forfeiture. 1892, c. 1, s. 121.

Lien-holder, consent of to surrender required.

41. If any lien has been registered against any license or lease, the licensee or lessee shall not be permitted to surrender the license or lease without the consent in writing of the lien-holder, to be filed with the Commissioner, and a surrender by the licensee or lessee without such consent in writing first had and filed shall be null and void. 1893, c. 2, s. 1.

NOTICE OF DEFAULT AND OTHER PROVISIONS RESPECTING RENT.

Notice of default on payment of rent.

42.—(1.) If the rent payable by any lessee is not paid in advance, notice of such default shall forthwith be mailed by the Commissioner, postage prepaid and registered, to the lessee at his address, and may, also, at the same time, if the Commissioner deems proper, be mailed by him, postage prepaid and registered, to any lien-holder at his address.

(2.) If such rent is not paid within thirty days after such notice is mailed to the lessee, the lease shall be forfeited at the expiration of such thirty days, and applications for license or lease of the areas or tract of ground covered by such lease may be received by the Commissioner immediately thereafter. 1893, c. 2, ss. 2, 3, 5, 7, part.

Forfeiture for continued default.

43. A lien-holder, whether notice of default has been mailed to him or not, may, at any time before the lease is forfeited, pay the rent in arrear, and such payment shall prevent forfeiture. 1893, c. 2, ss. 5, part, 7 part.

Lien-holder may pay rent.

44—(1.) Any lessee under a lease issued before the seventeenth day of April, A. D. 1889, may, by duplicate agreement in writing entered into with the Commissioner, bring such lease wholly under the provisions of this Chapter.

Lease issued before April, 1889, may be brought under this chapter;

(2.) Such agreement may be in such one of the forms H or HH in the schedule to this Chapter as is applicable to such lease.

Mode of doing.

(3.) At the time of the execution of such agreement, the lessee shall pay to the Commissioner an amount equal to one year's rent in respect to such lease if it had been issued under this Chapter. Such payment shall be deemed the rent for the then current year of such lease, and during the remainder of such year, and thereafter so long as the annual rent of the same amount for subsequent years is paid in advance, such lease shall not be liable to forfeiture for non-working.

Payment at time of change.

(4.) If such rent is not paid in advance, the lessee and lien-holder shall be entitled to the same notice of default, and the lease shall be liable to forfeiture for non-payment of rent in the same manner and at the same time as if such lease had been applied for and issued under this Chapter. 1892, c. 1, s. 18 (c) and 108 (i).

Notice on default.

ROYALTIES.

45. All ores and minerals mined, wrought or gotten under authority of license or lease, shall be subject to the following royalties to the Crown for the use of the province, that is to say:—

Royalties.

(a) *Gold and Silver*.—Two per centum of the gross value thereof.

Gold and silver.

(b) *Coal*.—Ten cents on every ton of two thousand two hundred and forty pounds of coal, sold or removed from the mine, or used in the manufacture of coke, or other form of manufactured fuel. Coal used for domestic purposes by the workmen employed in and about such mine, and coal used in mining operations in and about the mine from which

Coal.

MINES AND MINERALS.

such coal has been gotten, shall not be liable to pay royalty.

Copper.

(e) *Copper*.—Four cents upon every unit, that is, upon every one per centum of copper contained in each and every ton of two thousand three hundred and fifty-two pounds of copper ore sold or smelted.

Lead.

(d) *Lead*.—Two cents upon every unit, that is, upon every one per centum of lead contained in each and every ton of two thousand two hundred and forty pounds of lead ore sold or smelted.

Iron.

(e) *Iron*.—Five cents on every ton of two thousand two hundred and forty pounds of ore sold or smelted.

Tin, precious stones, etc.

(f) *Tin and Precious Stones and other Minerals that are reserved*.—Five per centum on their values. 1892, c. 1, ss. 45, 117.

Royalties may be increased.

46. Every lease shall contain a provision that the royalties may be increased, diminished or otherwise changed by the legislature. 1892, c. 1, s. 118.

Interest on royalties.

47. All royalties due to the Crown shall bear interest at the rate of five per centum per annum from the date on which they become due. 1892, c. 1, s. 119.

Refund of certain excesses.

48. If a lessee in any one year pays as royalty on minerals mined out of the land covered by the lease an amount greater than the annual rent in respect to such lease he shall, on application, receive a refund of the amount paid as rent for such year, if he has not received a refund of such amount for any other reason. 1892, c. 1, s. 108 (h)

Royalties on forfeited leases.

49. When royalties are due in respect to a forfeited lease the Governor-in-Council may require the payment of royalties then due by any applicant for a new license or lease of the land covered by such lease or of part of such land. 1892, c. 1, s. 127.

Collection of royalties.

50.—(1.) When royalties are due to the Crown, the Governor-in-Council may order the Commissioner to issue a warrant under his hand and seal of office directed to the sheriff of the county in which the areas or tract of ground covered by the license or lease in respect to which such royalties are due are situated, requiring such sheriff immediately on receipt thereof to levy on the goods and chattels used in working and operating on such land; and if within the space of twenty days next after such levy, such royalties are not paid to the sheriff, to proceed to sell the same, or so much of such goods and chattels as are sufficient to pay such royalties and his fees, first having publicly advertised the same for the space of not less than ten days before such sale, and to make return of such warrant, and

pay over the sum due for such royalties to the Commissioner within thirty days from the issuing thereof.

(2.) Upon the receipt of such order the Commissioner shall issue such warrant and deliver the same to such sheriff, who shall immediately execute the same according to the exigencies thereof.

(3.) The sheriff's fees on such warrant shall be the same as on a writ of execution issued out of the Supreme Court. 1892, c. 1, s. 146.

FORFEITURE.

51. Any lease may be forfeited for failure,—

(a) to pay the stipulated royalties, other than those arising from gold-bearing material or gold and silver-bearing material, crushed or otherwise treated at a licensed mill, or,

Forfeiture for non-payment of royalties.

(b) to comply with any of the terms, stipulations, covenants or conditions in the lease contained. 1892, c. 1, s. 30.

52.—(1.) When it is represented to or comes to the knowledge of the Commissioner that any lessee,—

Forfeiture for failure to work.

(a) has not effectively and continuously performed, in respect to the lease held by him, the work required by such lease or by the provisions of this Chapter, or,

(b) has performed such work colourably, or,

(c) has abandoned work so required for the space of one year, or,

(d) has failed to comply with any of the other terms, stipulations, covenants or conditions of such lease,

except those in respect to rent or the payment thereof, the Commissioner shall cause a notice in the form I in the schedule, or to the like effect, to be served upon the lessee, informing him of the complaint which has been so represented to or come to the knowledge of the Commissioner, and appointing a time and place for holding an investigation in respect to the matter of such complaint.

Notice.

(2.) The time so appointed shall be,—

(a) if such complaint is under (a), (b) or (c) of the preceding sub-section, at least six months, and,

(b) if under (d) of such sub-section, thirty days,

Length of notice.

after the service of such notice.

(3.) On such investigation the Commissioner shall decide whether such complaint is sustained or not, and if such charge is sustained shall declare such lease forfeited. Notice of such decision and declaration shall be served on the lessee, and a minute thereof, with the date on which such decision was given, shall be kept posted in a conspicuous place in the Commissioner's office for thirty days after such date. 1892, c. 1, ss. 66, 122, 123, 124.

Decision of Commissioner.

Work to cease upon forfeiture and—

53.—(1) Immediately upon such notice of decision and declaration being served upon him the lessee shall cease all mining operations on the areas or tract of ground covered by such lease.

All rights in lease to terminate.

(2) Upon the expiration of the time allowed for asserting an appeal if no appeal from such decision is asserted, and upon such decision being affirmed upon appeal if an appeal is asserted, the lessee and all lien-holders shall cease to have any interest in the lease forfeited and in such areas or tract of ground, and the same shall immediately become re-vested in the Crown.

Buildings, etc., may be removed.

(3) The lessee may at any time before the end of thirty days after the expiration of such time or after the affirmation of such decision on appeal remove any buildings, machinery and plant belonging to him upon such areas or tract of ground, notwithstanding that the same are considered in law as real property. 1892, c. 1, ss. 34 (part), 73.

Forfeiture may be escaped by working, etc.

54. In case of a complaint that work has not been performed by a lessee as hereinbefore provided, if within six months after service of the notice informing the lessee of such complaint, the lessee,—

(a) commences and prosecutes effective work in respect to such lease to the satisfaction of the Commissioner, or

(b) enters into a rent agreement in respect to such lease,

the lease shall not be forfeited. 1892, c. 1, s. 122.

Warrant to obtain possession.

55. The Commissioner may, by warrant under his hand and seal, addressed to the sheriff of the county in which the areas or tract of ground covered by any lease forfeited for non-payment of rent, or which has been declared forfeited for any other cause, is situated, cause any person unlawfully in possession of the same to be removed from the possession thereof; and upon receipt of such warrant the sheriff to whom it is directed shall immediately execute the same. 1892, c. 1, s. 78.

Saving of other remedies.

56. Nothing in this Chapter contained shall prevent Her Majesty from having or using any other remedy now available to recover possession of any areas or tract of ground covered by any such lease. 1892, c. 1, s. 85.

LICENSEE—ENTRY ON PRIVATE LAND—DAMAGES.

Private land may be entered on.

57. Every licensee may, subject to the provisions in this Chapter contained, enter upon private land covered by the license held by him, and may search thereon for any mineral specified in such license.

58.—(1.) If the owner of such land seeks compensation for damage occasioned by such entry and search, he shall before the end of three months after the expiration of such license serve the licensee with notice in writing, which may be in the form K in the schedule, stating the particulars of such damage, and the amount of compensation he claims.

Compensation for damage, notice to be given.

(2.) If the owner fails to serve such notice within such time he shall not be entitled to any compensation for such damage. 1892, c. 1, ss. 41, 100.

59. If the licensee does not within one month after service upon him of such notice pay the amount of compensation claimed or otherwise satisfy the claim of the owner to compensation, the owner may within one month after the expiration of such month give notice to the lessee that he requires the amount of such compensation to be settled by arbitration, and stating the name of his arbitrator.

Arbitration in absence of agreement.

60. If within ten days after the service of such notice the licensee does not pay such amount or give the name of the arbitrator appointed by him, the warden of the municipality in which the land is situated, upon application of the owner, shall appoint a competent person to be arbitrator on behalf of the licensee.

Arbitrator, how appointed.

61. If the licensee within such ten days gives the name of his arbitrator, the two arbitrators shall within ten days after the name of the licensee's arbitrator has been given to the owner name a third arbitrator.

Third arbitrator.

LESSEE—ENTRY ON PRIVATE LAND—DAMAGES.

62. No lessee shall enter or mine upon private land until he has obtained the right to enter and mine thereon, either by agreement with the owner or under the provisions of this Chapter. 1892, c. 1, ss 19, part, 20.

Private land not to be entered upon until right to do so is obtained.

63. Every lessee who desires to enter and mine upon private land and who has not made an agreement with the owner authorizing such entry and mining, shall first serve on the owner a notice in writing, which may be in form L in the schedule, stating :—

Notice to be given to owner.

(a) that he intends to enter on such land and mine for a certain mineral, mentioning the mineral specified in the lease held by him,

Contents of notice.

(b) that he is ready by agreement to define the land required by him for mining purposes, including the opening of shafts and other excavations, the construction of necessary roads and drains, and the erection of buildings, machinery and plant, and for developing ground, and for all other things incidental to mining, and to fix the amount of compensation for damages arising therefrom and to pay the same, and,

MINES AND MINERALS.

(c) that unless such land is so defined and such compensation so fixed within ten days from the service of the notice, the lessee will take proceedings under "The Mines Act" to acquire the land so required and to fix such compensation.

If agreement not arrived at plan to be made,

64.—(1) If the owner and lessee, within ten days after service of such notice on the owner, fail to agree upon the land so required and upon the compensation, the lessee may cause a plan of the land so required to be made by a sworn land surveyor named by the Commissioner, and such surveyor for the purpose of making such plan is authorized to enter upon the land, the whole or part of which is so required, with his employees and with the lessee.

Notice to be given.

(2) The lessee shall serve on the owner another notice in writing, which may be in the form M in the schedule, and which shall contain,—

Contents of notice.

- (a) a description of the land required,
- (b) a copy of such surveyor's plan,
- (c) a declaration that the lessee is ready to pay a certain sum as full compensation for such damage,
- (d) the name of a person whom he appoints as his arbitrator, if his offer is not accepted, and,
- (e) a demand upon the owner to appoint and declare the name of his arbitrator.

Arbitration if compensation offered not accepted.

(3) If within ten days after the service of such notice, the owner does not inform the lessee that he accepts such sum, or does not give the lessee the name of the arbitrator appointed by him, the warden of the municipality in which the land lies, upon application of the lessee, shall appoint a competent person to be arbitrator on behalf of the owner.

Third arbitrator.

65. If the owner within such ten days gives the name of his arbitrator, the two arbitrators shall within ten days after the name of the owner's arbitrator has been given to the lessee name a third arbitrator.

Additional land, compensation for.

66. If at any time after a lessee has paid the compensation awarded, he requires more land for mining purposes than was defined by the survey or allowed by the inspector, he may take the same proceedings with respect to such additional land to acquire the same.

ARBITRATION.

Third arbitrator to be appointed by warden in default of agreement.

67. If the two arbitrators appointed by the parties to a dispute do not, within ten days after notice of the appointment of the one last appointed has been given by the party appointing him to the other party, agree upon the choice of a third arbitrator, the warden of the municipality in which the land lies shall, upon the application of any of the parties, two clear days' notice of such application

having been previously given to the other party, appoint a third arbitrator.

68. The arbitrators after having taken an oath before the Commissioner, Inspector, warden or a justice of the peace to faithfully and impartially fulfil the duties of their office, shall immediately proceed to determine the compensation to be paid as the majority may decide, and the award of the arbitrators shall be final and without appeal.

Arbitrators to determine compensation.

69.—(1.) No award shall be given, and no official act done by the majority of the arbitrators, unless at a meeting of which the other arbitrators has received notice, at least two clear days before, stating the time and place of such meeting. It shall not be necessary to serve notice of such meeting on the parties.

Provisions respecting arbitration.

(2.) In deciding upon the compensation to be paid, the arbitrators are authorized and required to take into consideration the inconveniences, loss or damage arising from the land being taken, but shall not take into consideration the existence of minerals or metals in, upon or under the land. 1892, c. 1, s. 22.

70.—(1.) If the owner, in the case of a dispute between an owner and lessee, is not satisfied with the plan drawn by the land surveyor, he may apply to the Inspector to define the land so required, and the decision of the Inspector shall be final.

Application to Inspector to define land if plan not satisfactory.

(2.) The Inspector in such case shall allow only the land strictly requisite for mining purposes.

71. The arbitrators may swear the parties and their witnesses, and in their discretion interrogate them under oath, and may view the premises.

Arbitrators may administer oaths.

72. If there are several owners, and all of them are known, the arbitrators shall determine the share of the compensation awarded to which each owner is entitled.

Several owners.

73. If an award finds the amount of compensation with sufficient certainty the same shall not be set aside because the persons entitled to the compensation awarded are not designated by name, or sufficiently designated, or by reason of any irregularity as to the persons entitled, or for any matter of form; but the Supreme Court, or a judge thereof, shall rectify any error or informality, and adopt such proceedings as are necessary for determining to whom the compensation shall be paid, or for otherwise carrying into effect the provisions and intent of this Chapter. 1892, c. 1, s. 27.

Award not vitiated by irregularities.

74.—(1.) Every lessee may, under the provisions of this Chapter, obtain from owners of land in the vicinity of the land he requires for mining purposes, the right of way over the land of such owners for himself and servants and agents

Rights of way, &c., how obtained, compensation for, etc.

with horses and vehicles, and the right to make the works necessary thereon for conveying the water required by him for the working of his mine or mines, and the right to make tunnels under such land to the land he so requires, and the compensation to be paid by such lessee may be determined by arbitration under the provisions of this Chapter.

Governor-in-Council to determine as to tunnels.

(2) If the lessee and owners cannot agree in respect to such tunnels, the Governor-in-Council shall determine where such tunnels shall be made, the number of them, the size, width and depth thereof, the quantity of land to be taken for access to such tunnels, and the course and direction of such tunnels.

Streams not to be diverted.

(3) Nothing in this section shall enable the lessee to turn the course of any river, stream or spring so as to deprive the inferior riparian owners of the use of such river, stream or spring.

Additional land.

75. Whenever and as often as a lessee requires for mining purposes land in addition to that for which he has paid the compensation awarded under the provisions of this Chapter, he may have the same defined, and the compensation to be paid by him therefor determined, under the provisions of this Chapter in the same way as in the first instance.

Award to be registered.

76. Every award made in the case of a dispute between an owner and lessee, accompanied by a copy of the notice served by the lessee on the owner, and the affidavit of service of such notice, together with the plan of the land required by the lessee made by the surveyor or a copy of such plan, together with a minute of any alteration made in respect to such land by the Inspector, shall be lodged in the registry of deeds for the registration district in which such land lies, and shall be registered by the registrar of deeds upon payment to him of a fee of ten cents per folio for the papers so registered, and twenty-five cents for such plan.

PAYMENT OF COMPENSATION AWARDED.

Compensation to be paid to lessee.

77. Subject to the provisions of the next following section, when the award of the arbitrators is given, the amount of compensation awarded shall be paid by the licensee or lessee to the owner.

Compensation may be paid into court in certain cases.

78. (a) If the owner refuses to accept payment of such amount, or
 (b) if the owner is unknown, or cannot be found, if there are a number of owners and some of them are unknown or cannot be found, or
 (c) if two or more persons claim to be interested adversely one to another as owners,

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the licensee or lessee shall pay the amount of compensation awarded into the Supreme Court at the office of the prothonotary for the county in which the land lies.

79. The payment of the amount of compensation awarded by the licensee or lessee to the person designated by the award as entitled thereto, or into the Supreme Court under the next preceding section, shall discharge the licensee or lessee, as the case may be, from further liability by reason of entry upon such land, the opening and working of a mine, or mines, on the land, and doing the acts and things for which such compensation has been awarded. 1892, c. 10, s. 24.

Payment of compensation a discharge from liability.

80. The prothonotary shall, upon receipt of such amount, deposit the same at interest in a Dominion Government savings bank, or in a chartered bank.

Prothonotary to deposit compensation.

81. The prothonotary shall be entitled to a commission of one per cent. upon such amount, but shall not be entitled to any other fee. 1892, c. 1, s. 24.

Prothonotary's commission.

82. Upon payment of such amount the lessee may during the term of his lease enter upon and occupy the land agreed upon between him and the owner, or defined by the surveyor or allowed by the inspector, and may open necessary shafts and other excavations, construct roads and drains, erect buildings, machinery and plant thereon, use any part of the same for dumping ground, and do and perform all things incidental to the opening and working of a mine or mines. At the termination of the lease all rights of the lessee in such land by virtue of such award shall cease. 1892, c. 1, s. 26.

Rights given by payment of compensation.

83. If the compensation awarded has been paid into the Supreme Court, the court or any judge thereof may, upon petition of any person claiming to be entitled to such compensation or any part thereof, investigate his right to the same, and upon being satisfied by affidavit or oral testimony that notice of the hearing of such petition has been served upon all persons interested therein, and that the person claiming is entitled to such compensation or any part thereof, may direct the prothonotary to pay to such person the amount of such compensation to which he is entitled. 1892, c. 1, s. 25.

Compensation paid into court how obtained.

84. Any person claiming to be entitled to the compensation paid by a licensee or lessee to any person or by the prothonotary under order of the Supreme Court to any person who has not received actual notice of the hearing of such petition, may prosecute his claim by action for money had and received against such person. 1892, c. 1, s. 24.

Money paid as compensation may be recovered by persons entitled.

USE OF LAND.

Unnecessary damage not to be done.

85. Every lessee shall use the land acquired by him under this Chapter for mining purposes in such manner as is least injurious to the owner of such land, and to the owner of any other land lying contiguous thereto. 1892, c. 1, s. 31.

Land acquired to be used only for mining purposes.

86. No lessee shall use any part of the land so acquired for any other purpose whatsoever except mining and purposes connected therewith. 1892, c. 1, s. 31.

INVESTIGATIONS.

Investigations to be held at appointed times.

87. Every investigation held before the Commissioner shall be held at the time and place appointed, and of which notice has been given to the persons interested, or at such other time and place to which the Commissioner may from time to time adjourn.

Adjournment. Security may be required.

88. The Commissioner may before giving notice of an investigation, require the person at whose request such investigation is appointed to be held to deposit with the Commissioner a sum of money to an amount to be fixed by the Commissioner as security for the expenses which may be occasioned to the persons entitled to receive notice of such investigation.

Disposition of security.

89.—(1.) If the person making such request succeeds upon such investigation, such sum of money shall be repaid to him.

(2.) If he fails the Commissioner may pay to each of the persons so entitled such reasonable sum for expenses as he deems proper, and shall pay the balance, if any, of the money so deposited to the person who deposited the same.

Evidence may be taken.

90. At any investigation the Commissioner may hear evidence under oath in behalf of the several persons interested.

Witnesses may be compelled to attend.

91. The Commissioner in any such investigation, and any Deputy Commissioner in any such investigation, may compel the attendance before him of witnesses by subpoena under his hand and seal, and may by subpoena *duces tecum* compel the production by any witness of any papers, books or documents; and any witness who is served with a subpoena and paid the amount of money allowed to a witness for travel and attendance in the Supreme Court, shall be subject to the same penalties for disobeying such subpoena as he would be liable to had the subpoena been issued out of the Supreme Court. 1892, c. 1, s. 145.

Contempt.

92. An application for proceedings in contempt may be made to the Supreme Court, or any judge thereof, who shall treat failure to obey a subpoena duly issued by the Commissioner, and any other contempt of the Commissioner

while investigating any such matter, in the same manner as disobedience to a subpoena issued out of the Supreme Court, or similar contempt of the Supreme Court. 1892, c. 1, s. 145.

93. The Commissioner upon any investigation shall have power,— Power of Commissioner on investigation.

- (a) to accept either in whole or in part, any application previously refused,
- (b) to amend any license or lease which covers areas or a tract of ground covered by a previous license or lease, and,
- (c) to adjust the rights of the various persons in dispute before him.

APPEALS.

94. Any person aggrieved by any decision of the Commissioner may appeal therefrom to the Supreme Court, subject to the following conditions, that is to say: Appeal.

(a) Such person shall within twenty days after he has received notice of the decision give notice of appeal to the Commissioner, and to every person interested in the decision; Notice.

(b) He shall within thirty days after he has received such notice of the decision file with the Commissioner a bond in the penal sum of two hundred dollars, conditioned to enter and prosecute the appeal without delay and to pay all costs which may be adjudged against him on such appeal. 1892, c. 1, ss. 68, 88, 124. Security.

95.—(1.) Upon such bond being filed and approved, the Commissioner shall transmit to the prothonotary at Halifax the notes of evidence taken before him and the exhibits put in evidence and the decision appealed from. Evidence to be transmitted.

(2.) Original papers on file in the Mines office shall not be transmitted on such appeal, or in any case, unless the Commissioner so orders, but copies thereof, to be prepared at the expense of the party appealing, and certified by the Commissioner or Deputy, shall be transmitted instead of the originals. Original papers not to be transmitted.

(3.) The Supreme Court, or a judge thereof, may grant an order requiring an officer of the department to attend with the original papers required for the purpose of inspection. 1892, c. 1, ss. 69, 70.

96. The rules of the Supreme Court in respect to the entry, printing and disposition of appeal so far as applicable, shall apply to every such appeal. 1892, c. 1, s. 89. Certain rules of Supreme Court to apply.

97. If the court considers that the appeal involves questions of controverted fact on which the verdict of a Trial by jury may be directed.

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jury should pass, the court may order a trial of such questions of fact in such county as the court deems proper, and all the papers shall be transmitted to the prothonotary of that county, and the cause shall come on for trial in its place in the same way as an ordinary jury action. 1892, c. 1, s. 72.

Judgment on verdict.

Verdict may be moved against.

98. Upon the verdict or the findings of the jury the presiding judge shall pronounce judgment. 1892, c. 1, s. 73.

99. Such verdict, findings or judgment may be moved against in the same way as if they had been given in an ordinary jury action.

AFFIDAVITS—OATHS—BEFORE WHOM SWORN OR TAKEN.

Affidavit, etc., before whom sworn.

100. Any affidavit required under any provision of this Chapter may be sworn before the Commissioner, Deputy, or Deputy Commissioner, or before a commissioner of the Supreme Court, or a justice of the peace, and any oath required to be taken upon any investigation may be administered by the person before whom such investigation is held. 1892, c. 1, s. 151.

ADDRESS—REGISTRATION OF.

Address of applicant to be registered.

101.—(1.) Every applicant for license or lease, and every lien-holder, shall furnish in writing his address to the Commissioner, who shall register such address in a proper book.

Existing registrations continued.

(2.) Every address registered at the time of the coming into force of this Chapter or under this Chapter, shall continue to be the address of the licensee or lessee who furnished the same until he furnishes the Commissioner with notice in writing of change of address, when the new address so furnished shall be registered. 1892, c. 1, s. 152; 1897, c. 4, s. 5.

SERVICE OF NOTICES.

Notices how served.

102.—(1.) When in this Chapter the Commissioner, licensee, lessee, owner, or any other person is required to serve notice on any person, it shall be sufficient service,—

- (a) to deliver the notice to such person personally; or,
- (b) to mail the notice, postage prepaid, and registered, to the address of such person; or,
- (c) if the person cannot be found, and there is no registered address, to leave the notice at his last place of abode within the province and to post up the notice in the office of the Commissioner; and further, if the notice relates to real property or areas, or any tract of ground, to post up the notice

on the premises affected, or if such premises are covered with water, on the land as near as conveniently may be to such premises.

(2) Where by reason of the number of persons to be served, or the disability of any of the persons to be served, on account of infancy, coverture or unsoundness of mind, or where for any reason prompt service cannot be effected under the preceding provisions of this section, any judge of the Supreme Court may on application by petition of the person desiring to effect service, appoint a guardian, direct substituted or other service, or substitution for service of notice by advertisement or otherwise, as seems just. 1892, c. 1, ss. 122 (part), 125; 1897, c. 4, s. 5 part.

Substituted service in certain cases.

MAPS AND PLANS.

103.—(1) The Commissioner shall cause to be prepared, and shall keep in his office, plans of all gold districts, with the areas numbered thereon, and on which all areas applied for shall be distinctly designated by numbers. Every Deputy Commissioner shall obtain and keep a copy of the plan or plans of the district to which his appointment relates, on which all areas applied for in his district shall be distinctly designated, and shall in his weekly returns report the distinguishing numbers of the areas applied for, as indicated on such plan. 1892, c. 1, s. 16.

Plans to be kept.

(2) There shall be kept in the office of the Commissioner, maps of the different mining districts in the province, on which shall be delineated, as accurately as may be, all the areas and tracts of ground under license or lease.

And maps.

(3) Such maps and plans shall be open to the inspection of the public. 1892, c. 1, s. 128.

REGISTRATION.

104. The Commissioner shall keep in use in the office at the same time as many books of registry as are necessary to enable him to register without delay licenses, leases, instruments and other documents required to be registered under the provisions of this Chapter.

Several books of registry may be kept.

105. In the manner in the next following section provided,—

Mode of registration of licenses and leases.

- (a) every prospecting license shall be registered in a book devoted exclusively to registry of such licenses,
- (b) every license to search shall be registered in a book devoted exclusively to registry of such licenses,
- (c) every lease issued under the provisions of Part II of this Chapter shall be registered in a book devoted exclusively to registry of such leases, and,

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(d) every lease issued under the provisions of Part III of this Chapter, shall be registered in a book devoted exclusively to registry of such leases.

Further require-
ments as to
registration.

106. In respect to every such license or lease the following particulars shall be entered in the proper book, that is to say:—

- (a) The date, hour and minute at which the application for such license or lease was made;
- (b) A description of the areas or tract of ground applied for;
- (c) The amount of money accompanying the application for license or lease;
- (d) The name of the person making such application and his address;
- (e) The date at which the license or lease was executed by the Commissioner;
- (f) The date of any payment made by the lessee in respect to any lease. 1892, c. 1, s. 15.

Instruments to
be registered in
same book with
lease, &c.

107. Every instrument, judgment and writ of attachment lodged with the Commissioner for registration shall be registered in the book or books in which any license or lease is registered, the title to which is changed or affected by such instrument, judgment or writ of attachment.

Instruments
how registered.

108.—(1.) An instrument shall be deemed to be lodged for registration when such instrument, accompanied by an affidavit of the due execution thereof, is lodged in the office.

Judgments.

(2.) A judgment of the Supreme Court or of the county court shall be deemed to be lodged for registration when a certificate thereof, sealed with the seal of the proper court and signed by the prothonotary of the Supreme Court or by the clerk of the county court, as the case may be, for the county in which such judgment is entered, is lodged in the office.

Attachments.

(3.) A writ of attachment shall be deemed to be lodged for registration when a copy of such writ certified to be a true copy by the prothonotary or clerk of the court out of which such writ issued is lodged in the office.

Instruments,
what particulars
of to be regis-
tered.

109.—(1.) Every instrument shall be sufficiently registered by entering in the proper book or books the following particulars, that is to say:—

- (a) The names of the persons between whom such instrument is made,
- (b) the date of the instrument,
- (c) the date of lodging for registration,
- (d) the consideration expressed therein, and

(e) the mode by which and the extent to which the license or lease changed or affected is changed or affected

(2.) Every judgment shall be sufficiently registered Judgments. by entering in the proper book or books, or in such as are indicated by the judgment creditor, the following particulars, that is to say:—

- (a) the names of the plaintiff and defendant,
- (b) the date of entry of the judgment,
- (c) the date of lodging for registration,
- (d) the amount for which the judgment was entered, including costs.

(3) Every writ of attachment shall be sufficiently registered Attachments. by entering in the proper book or books, or in such as are indicated by the plaintiff, the following particulars, that is to say:—

- (a) the names of the plaintiff and defendant,
- (b) the date of issue of the writ,
- (c) the date of lodging for registration,
- (d) the amount indorsed on the writ.

110. Every application for a license and every application for a license which the Commissioner refuses to accept shall, if the applicant so requests, be registered in a book devoted exclusively to applications so refused. Rejected applications may be registered.

111. The book of registry shall be so kept that every instrument, judgment and writ of attachment registered in respect to any license or lease may be easily traced from examination of the entry of the license or lease. Books of registry, how to be kept.

112.—(1) The Commissioner shall keep indexes to the books of registry, showing in alphabetical order according to the first letter of the surname,— Indexes to be kept.

- (a) the name of every licensee and lessee,
- (b) the name of every party to any instrument registered,
- (c) the name of every judgment creditor and of every judgment debtor named in the certificates of judgments registered, and
- (d) the name of every plaintiff and defendant named in every writ of attachment registered.

(2) Such indexes shall refer to the book of registry and to the page in such book in which every license, lease, instrument, judgment or writ of attachment is registered. Their contents.

113.—(1) Every instrument, certificate of judgment and copy of writ of attachment, lodged for registration shall immediately on being so lodged be indorsed with the day, hour and minute at which the same was lodged, and every such instrument, certificate and copy shall be kept on file in the office. Date, etc., of registration to be indorsed.

Duplicate to be furnished.

(2.) The Commissioner or Deputy shall, on being so requested, indorse on a duplicate or copy of any instrument, certificate of judgment, or copy of writ of attachment, the day, hour and minute at which the same was so lodged.

Only charges against lessee, &c., to be registered.

114. No instrument, certificate of judgment, or writ of attachment shall be registered unless the same is executed by or is a charge against a licensee or lessee.

Date of lodging to be date of registration.

115. When any instrument, certificate of judgment, or writ of attachment has been duly lodged in the office of the Commissioner for registration under the provisions of this Chapter, the time when the same was so lodged shall be deemed the date of the registry thereof, and all such instruments, certificates of judgment and writs of attachment shall be registered in the order in which they were so lodged, and the Commissioner shall certify under his hand on every such instrument or document the time when the same was so registered, together with the letter, number or other distinguishing mark or title of the book and the page thereof in which such instrument, certificate of judgment, or writ of attachment is registered.

Certificate.

EFFECT OF REGISTRATION.

Unregistered instrument, etc., ineffective.

116. Every instrument shall, as against any person claiming for valuable consideration and without notice under any subsequent instrument, judgment or writ of attachment affecting the title to the same license or lease, be of no effect unless such instrument is registered in the manner provided in this Chapter before the registering of such subsequent instrument, judgment or writ of attachment.

Registered judgment to bind.

117. Every judgment, of which a certificate is registered under the provisions of this Chapter, shall from the date of such registry, bind and be a charge upon any license or lease, or any interest or property therein, held by any person against whom such judgment was recovered as effectually and to the same extent as a registered mortgage upon such license or lease, or such interest or property therein, of the same amount as the amount of such judgment, and every instrument, judgment or writ of attachment shall as against any person claiming under such judgment be of no effect unless such instrument, judgment or writ of attachment is registered under the provisions of this Chapter before the registering of such certificate.

Registered attachment to bind.

118. Every writ of attachment registered under the provisions of this Chapter shall from the date of such registry bind and be a charge upon licenses and leases in the same manner and to the same extent as a registered judgment, until final judgment has been recovered in the

action and for a period of thirty days thereafter, and such judgment, if a certificate thereof is registered before the expiration of such thirty days, shall be as effectual in every respect as if such certificate had been registered on the date of the registry of such writ of attachment.

119. The registry of any instrument executed under a power of attorney shall not be valid or effectual unless such power of attorney, or a deed subsequently confirming the authority given thereby, is registered under the provisions of this Chapter.

Power of attorney to be registered.

120.—(1.) Every Deputy Commissioner shall keep a book of registry in which the particulars in respect to licenses and leases required to be registered by the Commissioner shall be registered in respect to every license or lease under Part II of this Chapter the application for which is made to such Deputy Commissioner, and also the name of the person paying the fee accompanying the application for license or lease.

Registration by Deputy Commissioners.

(2.) In the same book the Deputy Commissioner shall enter,—

- (a) the name of every mill licensee in his district.
- (b) the amount of royalty received from each mill licensee,
- (c) the amount of royalty received from persons not mill licensees, specifying the amount received from each, and the names of persons paying,
- (d) the distinguishing numbers of the areas or the numbers of the leases covering the areas from which the gold, or gold and silver, was obtained in respect to which such royalty was paid. 1892, c. 1, s. 15, part.

121. Every Deputy Commissioner shall forward each week to the office a true transcript of the entries made in such book since the last transcript was forwarded, and shall remit to the Commissioner all sums paid to him. 1892, c. 1, s. 15, part.

Transcript to be forwarded to Commissioner.

122. Any book of registry so kept by a Deputy Commissioner shall be open at all reasonable times to the inspection of any person desiring to inspect the same on payment of a fee of twenty-five cents. 1892, c. 1, s. 15, part.

Deputy's books to be open to inspection.

RULES AND REGULATIONS.

123.—(1.) The Governor-in-Council may make rules and regulations in respect to the issue of licenses and leases under which the licensees or lessees may prospect, search or mine in or upon any areas or tract of ground for minerals other than the mineral which a licensee or lessee may prospect, search or mine for under a license or lease covering such areas or tract of ground in whole or in part.

Rules respecting issue of licenses, &c. may be made by Governor-in-Council.

MINES AND MINERALS.

- What rules may contain.
- (2) Such rules and regulations may prescribe,—
- (a) the number of such licenses or leases which the Commissioner may issue,
 - (b) the number of areas or the extent of the tract of ground to be covered by any such license or lease,
 - (c) the manner in which such areas or tract of ground is to be surveyed and laid out,
 - (d) the conditions and terms upon which the Commissioner may issue any such license or lease,
 - (e) the different minerals which may be included in any one such license or lease,
 - (f) the returns to be made to the Commissioner by any such licensee or lessee.
- Not to be inconsistent with this Chapter.
- (3.) Nothing in any such rules and regulations shall be inconsistent with any provision of this Chapter, or shall in any way affect the license or lease covering any area or tract of ground first issued under this Chapter, or the rights of any licensee or lessee under such license or lease. 1898, c. 28, ss. 1, 2, 3.

GENERAL PROVISIONS.

Forms.

124. The forms in the schedule to this Chapter or forms to the like effect shall be sufficient in the cases thereby respectively provided for, and when no forms are prescribed the forms used shall be substantially the same as those heretofore in use, subject, however, to such amendments and alterations as the Commissioner may from time to time direct. 1892, c. 1, s. 133.

Bond, form of.

125. When in this Chapter a bond is required it shall be given to Her Majesty the Queen with two sureties, and shall not be sufficient unless approved by the Commissioner.

Incorporated company to file charter, etc.

126.—(1.) Every incorporated company shall, before commencing work under any license or lease, file in the office of the Commissioner a copy, certified by the secretary of such company, of its charter or Act of incorporation and its by-laws or regulations, together with a list of its officers, and a notice signed by such secretary, shall be given to the Commissioner of all changes in such charter, Act, by-laws, and regulations, and of all changes of officers. Until such notice is given no new by-laws or regulations shall have effect, and no new official shall be recognized by the Commissioner as an official of any such company.

(2.) Every company failing to comply with this section shall be liable to a penalty not exceeding one hundred dollars for every week it is in default. 1892, c. 1, s. 142.

LICENSED MILLS.

127.—(1.) The Commissioner may issue mill licenses in the form N in the schedule, which shall be subject to the provisions of this Chapter. Mill licenses.

(2.) Every such license shall authorize the person to whom it is issued to use and employ conformably with the provisions of this Chapter, the mill and machinery specified in such license on the premises named in such license, for the purposes of crushing, stamping, reducing, amalgamating and concentrating quartz and other gold-bearing material, and obtaining gold therefrom. What they authorize.

(3.) Every person who uses or employs any mill or machinery other than a mill or machinery worked by hand for any such purpose without first having obtained a mill license, shall be liable to a penalty of four hundred dollars, and in default of payment to imprisonment for a period not exceeding one year. Penalty for milling without license.

(4.) Every person who is employed or engaged by any mill owner or other person to work upon or in connection with any such mill or machinery in respect to which no license is held by such owner or other person, and every person who in any way aids, assists or abets in crushing, stamping, reducing, amalgamating or concentrating any quartz or other such material, otherwise than at a licensed mill, shall be liable to a penalty of four hundred dollars, and in default of payment to imprisonment for a period not exceeding one year. 1892, c. 1, ss. 46, 53. Penalty upon assistants, etc., of unlicensed mill owner.

128. Before any such license is granted, the person applying therefor shall enter into a bond in the penalty of two thousand dollars, conditioned to comply with the requirements of this Chapter in respect to licensed mill owners. Such bond may be the form O in the schedule, or to like effect. 1892, c. 1, s. 47. Bond from licensees.

129.—(1.) Every mill licensee shall keep on the premises named in the license to him a book or books of account, supplied by the Commissioner, which shall at all times be open to the inspection and examination of the Commissioner or the Deputy, or the Inspector, or any other person thereto authorized by the Commissioner, in which book or books shall be entered a clear and distinct statement of all quartz or other material crushed, stamped, reduced, amalgamated or concentrated at such licensed mill, and the following particulars in respect to the same:—

- Books to be kept by licensee.
- (a) the name of the owner or owners of each distinct parcel or lot of quartz or other material crushed, stamped, reduced, amalgamated or concentrated,
 - (b) the weight of each parcel or lot,

MINES AND MINERALS.

- (c) the date of the crushing, stamping, reducing, amalgamating or concentrating of the same,
- (d) the actual yield in weight of gold, or gold and silver, from each parcel or lot,
- (e) the royalty thereon, calculated at two per cent,
- (f) the property from which each such parcel or lot was taken, and the number of the lease or description of the license covering such property.

(2.) Every licensed mill owner who fails to keep such book or books of account shall forfeit his license. 1892, c. 1, s. 48.

Returns by mill owners.

130.—(1.) Every mill licensee shall file in the office of the Deputy Commissioner for the district on the first day of every month, or if there is no deputy commissioner for the district, then in the office of the Commissioner on or before the tenth day of every month, a return in the form P in the schedule to this Chapter, being a copy of the entries in such book or books of account for the last preceding month, as prescribed by the next preceding section of this Chapter, which return shall be verified by the affidavit of the person principally employed in keeping such account.

(2.) Every mill licensee who fails to make such return or to verify the same in the manner aforesaid shall be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a term not exceeding two months, and shall be liable to have the license held by him cancelled. 1892, c. 1, s. 51; 1897, c. 4, s. 6.

Return when no crushing done.

131.—(1.) If during any month no quartz or other material is crushed, stamped, reduced, amalgamated or concentrated on such premises, the licensee shall make a return to that effect, which return shall be verified by the affidavit of the owner or of the person in charge of the premises.

Penalty.

(2.) Every such licensee who fails to make such return, or to verify the same in the manner aforesaid, shall be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a period not exceeding three months, and shall be liable to have the license held by him cancelled. 1892, c. 1, s. 52; 1897, c. 4, s. 6.

132. Every such licensee and every person who,—

- (a) makes any false or fraudulent entry in any book of account which such licensee is required by this Chapter to keep, or
- (b) makes any false or fraudulent statement in any affidavit, account or return so required, or
- (c) files any such return or affidavit containing any false or fraudulent statement,

shall be liable to a penalty not exceeding two thousand

dollars, and in default of payment to imprisonment for a period not exceeding two years, and the license of such licensee shall be cancelled. 1892, c. 1, s. 54.

133. If a mill licensee is not the owner of the mill licensed the owner thereof may apply to the Commissioner to have the license held by such licensee revoked; and upon proof that the licensee has received fourteen days' notice of such application, and that the applicant is the legal owner of the mill licensed, such license may be revoked. 1892, c. 1, s. 55.

Where licensee of mill is not also owner.

134. The Commissioner may enquire into any alleged violation of any provision of this Chapter with respect to mill licenses, and if in his judgment such violation has been committed may revoke the license. 1892, c. 1, s. 56.

Investigation as to mill license.

135. Every mill licensee who has complied with the provisions of this Chapter shall receive from the Commissioner at the expiration of every three months a sum equal to five per cent. upon the amount paid by him as royalty during such period. 1892, c. 1, s. 57.

Return of Royalty.

136.—(1) A mill licensee may at any time surrender the license held by him by delivering the same to the Commissioner with a written surrender indorsed thereon.

Surrender by mill licensee.

(2) No such surrender shall take effect till after the lapse of ten days from the delivery to the Commissioner of a notice in writing of the intention of such licensee to surrender the same.

When same to take effect.

(3) Upon such surrender being made such mill shall cease to be a licensed mill until again licensed under the provisions of this Chapter.

Effect of surrender.

(4) The death of a licensee shall terminate the license, except that his executors or administrators shall be bound to close up the outstanding business of the licensee with the Commissioner.

Death of licensee.

(5) The Commissioner may grant a license to any other applicant after such death. 1892, c. 1, ss. 58, 59.

137. Every mill licensee so surrendering his license, and his sureties, shall remain liable under their bond for all obligations accruing thereunder up to the time at which the surrender takes effect, but shall not be liable for obligations accruing thereafter. 1892, c. 1, s. 60.

Liability of licensee to continue after surrender.

PAYMENT OF ROYALTY.

138. Subject to the provisions of the next following section, every licensee and every lessee shall be liable to pay and shall pay to the Commissioner the royalty provided by this Chapter on the gold and silver obtained from the areas held by him under license or lease. 1892, c. 1, s. 62, part.

Royalty, liability of lessee, etc. to pay.

- Liability of mill licensee.** 139. If a licensee or lessee delivers quartz or other material to a mill licensee to be crushed, stamped, reduced, amalgamated or concentrated, the mill licensee shall become liable to pay and shall pay to the Commissioner the royalty on gold or silver obtained from such quartz or material, and the licensee or lessee so delivering such quartz or material shall be exempt from liability in respect to such royalty. 1892, c. 1, s. 62, part.
- Royalty, when payable.** 140. Every licensee and every lessee shall on the tth days of January, April, July and October in every year, pay to the Commissioner all royalty due by such licensee or lessee on such dates. 1892, c. 1, s. 64, part.
- Amount of royalty.** 141.—(1.) Every mill licensee shall pay in weekly or other payments as the Commissioner orders to the Commissioner a royalty of two per cent. on the gross amount of gold obtained by such licensee from quartz or material crushed, stamped, reduced, amalgamated or concentrated on the premises named in the license, at the rate of nineteen dollars an ounce troy for smelted gold, and eighteen dollars an ounce troy for unsmelted gold, and of two per cent. on the silver, at the rate of one dollar per ounce troy.
- Penalty for failure to pay.** (2.) Every licensee who fails to make such payment shall be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a period not exceeding three months.
- Revocation of mill license.** (3.) If any such licensee fails to pay such royalty in the mode and at the time prescribed by and in accordance with this Chapter, his license shall be revoked by the Commissioner. 1892, c. 1, s. 49.
- Royalty may be sued for.** 142. The Commissioner may by action in the Supreme Court recover from any person any sum due by him for royalty.
- Refund to owner of free mine.** 143. When any parcel of quartz or other gold or gold and silver-bearing material from a free mine has been crushed, stamped, reduced, amalgamated or concentrated at a licensed mill, the owner of the quartz or other gold or gold and silver-bearing material, on proof of the facts to the satisfaction of the Commissioner, shall be entitled to receive from the Commissioner the amount paid by the mill licensee as royalty under the provisions of this Chapter. 1892, c. 1, s. 63.
- REFUND OF ROYALTY ON COPPER.
- Refund of royalty on copper.** 144. The Governor-in-Council is hereby authorized and empowered to remit or refund part or all of the royalty now chargeable on copper or copper ore. The remission or refund of such royalty shall be by order-in-council, and upon such terms and conditions as the Governor-in-Council

sees fit to impose. No such remission or refund shall be for a longer period than ten years. 1900, c. 8, s. 3.

BORING MACHINES.

145.—(1.) The Commissioner shall have power, when authorized by the Governor-in-Council, to purchase one or more machines known as "boring machines," to be used for the purposes of exploring for or for testing mineral deposits in this province.

"Boring
Machines,"
Commissioner
may purchase.

(2.) The Governor-in-Council shall have power to make such regulations and conditions as are deemed advisable for carrying out to the best advantage the objects of this section, and to alter or revoke the same. 1900, c. 8, ss. 1, 2.

PART II.

OF GOLD AND GOLD AND SILVER MINES.

INTERPRETATION.

146. In this Part of this Chapter, unless the context otherwise requires, the expression "license" means prospecting license.

"License,"
interpreted.

PROCLAMATION OF GOLD DISTRICT.

147. The Governor-in-Council, on being satisfied of the discovery of gold, or gold and silver, in any locality, may by proclamation in the *Royal Gazette*, declare such locality to be a gold district, and assign limits and boundaries to such district, and from time to time alter the same, and may at any time, by proclamation, declare that any locality previously proclaimed a gold district has ceased to be a gold district. 1892, c. 1, s. 9.

Gold district,
proclamation of.

MINES—HOW LAID OFF.

148. All mines of gold or of gold and silver, shall be laid off in areas of two hundred and fifty feet in length, magnetic meridian, north and south, and one hundred and fifty feet east and west. 1892, c. 1, s. 10; 1893, c. 3, s. 1.

Laying off of
gold mines.

149. Areas which, before the 28th day of April, A. D., 1893, were laid out in the manner in force at the time of laying out, shall not be affected by the provisions of the next preceding section. If any such area reverts to the Crown, and is applied for, or if any area applied for is bounded by any such area, or is so situated that the courses or boundaries thereof run upon any such area, the Commissioner may direct the areas applied for to be laid out in such manner as he deems advisable. 1892, c. 1, s. 11; 1893, c. 3, s. 2.

Area laid off
before 28th
April, 1893, not
affected.

Areas, how laid off.

150. Areas shall be laid out as far as possible uniformly and in rectangular shapes. Surface measurements of areas shall be horizontal, and each area shall be bounded by vertical planes passing through the horizontal surface lines. 1892, c. 1, s. 12.

Whole of licensed territory to be laid off.

151. The whole territory of the areas included in a license shall be laid off in rectangular figures, and shall not in length exceed double its breadth. 1892, c. 1, s. 37, part.

APPLICATIONS FOR LICENSE OR LEASE.

Deputy Commissioner's district.

152. If the areas applied for are situate within a district for which a Deputy Commissioner has been appointed the application for license or lease of such areas shall be made to such Deputy Commissioner. 1892, c. 1, s. 17; 1893, c. 3, s. 3.

Application, requirements of.

153—(1) Every application for license or lease shall specify the areas applied for, and shall be for not less than six adjoining areas, except as in the next following section provided.

(2) Every application for a license shall be accompanied by the payment at the rate of fifty cents per area.

(3) Every application for a lease shall be accompanied by a payment at the rate of two dollars per area. 1892, c. 1, ss. 18, 39; 1898, c. 27, s. 1.

Vacant territory.

154. If there is vacant territory of less extent than six areas, bounded on all sides by areas under license or lease, or applied for, the Commissioner may receive an application for such territory. 1898, c. 27, s. 1, part.

License limited to one hundred areas.

155. No license not an alluvial license shall include more than one hundred areas. 1892, c. 1, s. 37, part.

Staking off territory.

156. Every person who stakes off land not less in extent than six areas and not greater than one hundred areas, upon which he has discovered gold or silver, shall be entitled to a license or lease of the areas included within such land in preference to any person who after such staking off makes application for license or lease of such areas, or any of them. Provided that the person who has discovered gold or silver makes application for license or lease of the same within one week after staking off, and twenty-four hours additional time for every fifteen miles such land is distant from the office by the usual route of travel. 1892, c. 1, s. 35.

Bond to be given by licensee.

157.—(1) Before a prospecting or alluvial license is issued the applicant shall enter into a bond conditioned to compensate the owner of the land, in the event of entry or search being made on private land, for damage done to his land, to make the returns at the expiration of the license, and to pay the royalties required by this Chapter. 1892, c. 1, s. 40.

(2.) Such bond may be in the form Q in the schedule, Form. or to the like effect.

158. A prospecting license shall be in force for the period of twelve months from the date of the application therefor. 1892, c. 1, s. 38.

Term of License.

159. Within the period for which the license is in force the licensee may, subject to the provisions of this Chapter, select any areas comprised therein, and shall be entitled to a lease of the areas selected. 1892, c. 1, s. 43.

Licensee entitled to select for lease.

160. The Commissioner may upon application, grant an alluvial license over a territory comprising five hundred areas, which territory may be greater in length than twice the width thereof, but shall not be less than seven hundred and fifty feet in width. 1898, c. 26, ss. 1, 8, part.

Alluvial license.

161. The application for alluvial license shall describe the territory applied for with reasonable certainty, and not cover any territory at the time of the application under license or lease. 1898, c. 26 s. 2.

Application for same.

162. Such application shall be accompanied by a fee at the rate of ten cents per area. 1898, c. 26, s. 3.

Fee on application.

163. No such application shall be received between December 1st of any year and March 31st of the following year. 1898, c. 26, s. 4.

Application not receivable after certain date.

164. An alluvial license shall be in force for a period of three months only, between March 31st and December 1st, of any one year, and while it is in force and for fourteen days thereafter no application shall be received for license or lease of the territory covered by such alluvial license or any part thereof, except as in the next following section provided. 1898, c. 26, ss. 4, 9.

License to be for three months only.

165.—(1.) If the holder of an alluvial license expends in digging, removing, and otherwise testing and working the areas covered by the alluvial license a sum not less than forty cents for every area contained in such license, and makes return of the gold extracted or obtained by him, and pays all royalty due, he shall, on application made during the time such alluvial license is in force, be entitled to a prospecting license covering the territory held by him under alluvial license. 1898, c. 26, s. 3, 8, 11.

Alluvial licensee entitled to prospecting license on certain terms.

(2.) Such application for prospecting license shall be accompanied by a fee of two hundred and fifty dollars. 1898, c. 26, s. 8.

Fee on application.

166. The books of accounts, pay rolls and other documents of such alluvial licensee in respect to the expenditure mentioned in the next preceding section, shall be open to the inspection and examination of the Inspector, or such person as he appoints. The Inspector and such person shall have access at all times to the operations conducted by such licensee. 1898, c. 26, s. 6.

Books, etc., of alluvial licensee subject to inspection.

Terms and conditions of prospecting license granted to alluvial licensee.

167. The prospecting license granted to the holder of an alluvial license under this Chapter shall be in force for twelve months, and, except as in this Chapter is otherwise provided, shall be subject to the provisions of this Chapter applicable to a prospecting license which is not preceded by an alluvial license. 1898, c. 26, s. 8.

If no application by alluvial licensee, ground to be vacant.

168. If no application is made by the holder of an alluvial license for a prospecting license during the time such alluvial license is in force, or if the commissioner does not grant such prospecting license within fourteen days after such alluvial license ceases to be in force, then the territory covered thereby shall become vacant and open to application. 1898, c. 26, s. 8, part, 10, part.

Statement, etc., to be open to inspection.

169. All statements of work done, of gold extracted or obtained, and other papers and writings relating to such prospecting license filed in the office, shall be open to the inspection of the public. 1898, c. 26, s. 10, part.

Lease, form of.

170. Every lease under Part II of this Chapter shall be in the form B in the schedule to this Chapter, and shall contain all the grants, demises, reservations, covenants, provisions and conditions mentioned or intended in or by such form; and shall be subject to the rights of the owners of the land, his heirs and assigns. 1892, c. 1, s. 19.

Term of lease.

171. Every such lease shall be for the term of forty years. 1892, c. 1, s. 29.

SURVEYS.

Surveys may be ordered by Commissioner.

172. Surveys of the land comprising the areas held under lease may be ordered by the Commissioner, and shall be made by persons duly authorized by the Commissioner. The lessee of the land to be surveyed shall be notified by the surveyor to be present on the ground on a day and hour to be named for the survey, and the surveyor shall as far as practicable notify the lessees of adjoining areas. 1892, c. 1, s. 13.

Duties of surveyor.

173. At the time appointed the surveyor shall proceed to make the survey as accurately as possible, and define and mark each corner of the land surveyed. If no objection is taken at the time by any of the parties interested, the location of the corners so marked by the surveyor shall be final and conclusive, save as in the next following section provided. 1892, c. 1, s. 13 (a).

Lessee not present at survey may state objections.

174. If any lessee interested in the survey on account of unavoidable circumstances fails to appear by himself or his agent at the time appointed for the survey, or if he is dissatisfied with the corners marked by the surveyor, and has taken objection at the time of the survey to the location of such corners, he may state his objections in writing to

the Commissioner within two months from the date of the survey. 1892, c. 1, s. 13 (b).

175. The Commissioner, on receipt of the objections, accompanied by a sum of money equal to double the cost of the first survey, may order a second survey, which shall in all cases be held to be valid and binding on all parties interested. If the first survey is found to be correct, the expense of the second survey shall be paid out of such sum and the balance shall be paid to the party objecting; if the first survey is found to be incorrect, the expense shall be paid by the Commissioner, and the sum of money deposited by the party objecting refunded to him. 1892, c. 1, s. 13 (c).

Second survey, condition on which granted.

176. Every surveyor shall administer oaths to the chainmen and others employed by him to assist in making the survey, binding them to the due and faithful performance of the duties they may be called upon to perform. The oath in form H in the schedule to this Chapter may be used. 1892, c. 1, s. 13 (d).

Oaths of chainmen, etc.

BASE LINE OF AREAS.

177. Any licensee or lessee in a proclaimed district, and any licensee or lessee in an unproclaimed district in which at least one hundred contiguous areas have been applied for, may in writing request the Commissioner to establish a base line. The Commissioner shall within three months after such request cause to be established a base line not less than four hundred and fifty feet in length, and which shall be run east and west. Such line shall be marked at its terminis by substantial, permanent and accessible monuments, upon which proper inscriptions designating their purpose shall be made. 1892, c. 1, s. 14.

Base line, how established.

178. All areas in such district shall be laid off from this base line by lines parallel to the same or at right angles to it, or its course prolonged. 1892, c. 1, s. 14.

Area to be laid off by base line.

179. Every person who removes, alters, obliterates, or defaces any such monument or any inscription thereon shall be liable to a penalty of not less than one hundred dollars, and not exceeding five hundred dollars, for each offence. 1892, c. 1, s. 14.

Penalty for removing, etc., monument.

BARRIERS.

180.—(1) No lessee shall mine within ten feet of the boundary line of territory held by him under lease, but he shall leave a barrier of unwrought strata of at least ten feet in thickness between his workings and his boundary; and no opening shall be made in this barrier without the consent in writing of the lessee of the adjoining land or areas, and any person injured by any unlawful opening of

Barrier to be left

such barrier shall have an action against the offender for all damages incurred by or consequent upon such unlawful opening.

Penalty for failure.

(2.) Every lessee, who, without such consent, by himself, his servants or agents mines within ten feet of such boundary, or fails to leave such barrier, or makes an opening therein, shall be liable to a penalty of fifty dollars, and in default of payment to imprisonment for a period not exceeding three months.

Right to remove barrier in certain cases.

(3.) The Commissioner may, after examination of any barrier by the Inspector and report thereon by him, if it appears to the Commissioner from such report to be proper, grant to any lessee the right to mine the barrier upon such terms as seem to the Commissioner proper. 1892, e. 1, s. 86.

PAYMENT OF RENT.

Rent, payment of.

181. Every lessee shall for every year after the date of the lease, except the first year, pay in advance to the Commissioner an annual rent of fifty cents for every area contained in the lease. 1893, e. 2, s. 2.

Refund of rent.

182. Where during any year the lessee has performed the labour required by this Chapter, and has made return thereof to the Commissioner, he shall be entitled upon application to a refund of the rent paid in advance for that year. 1892, e. 1, s. 18, (b).

ANNUAL LABOUR REQUIRED OF CERTAIN LESSEES.

Annual labour required.

183.—(1.) There shall be performed each year on the areas covered by every lease dated before the 17th day of April, A. D. 1899, and on the areas covered by every lease issued since such date in respect to which the lessee claims a refund of rent by reason of labour performed, a number of days' labour equivalent to the labour of one man for forty days for every such area.

Year, how computed.

(2.) The year for this purpose shall be computed from the first day of January, April, July or October, whichever of such days first ensues after the date of the lease, unless the lease is dated on one of such days, in which case the year shall be computed from such day.

Partial exemption in certain cases.

(3.) Any lessee who holds ten or more, but less than twenty areas in any district, shall not be required during the first year from the date of the lease to perform more than three-fourths of such number of days' labour per area. Any lessee who holds twenty or more, but less than thirty, areas in one district, shall not be required to perform more than one-half, and any lessee who holds thirty or more areas shall not be required to perform more than one-fourth such number of days' labour per area. 1892, e. 1, s. 32.

184.—(1) If any lessee under a lease dated before the 17th day of April, A. D. 1889, who has not entered into a rent agreement with the Commissioner fails in any one year to perform the number of days' labour required by the next preceding section in respect to the areas covered by such lease, the Commissioner may declare such lease forfeited under the provisions of this Chapter.

Lease granted before 17th April, 1889, may be forfeited in certain cases.

(2) If such lessee has performed in such year on areas covered by one lease, or on areas in one district, any number of days' labour, he may, subject to the provisions of this section, select from such areas the number of areas in respect to which such number of days' labour would be sufficient under the requirements of the next preceding section.

Lessee may select areas in respect to labour.

(3) The areas selected shall, as far as possible, be in a compact block, and not detached from each other, and no area shall be divided in making such selection.

Requirements as to selection.

(4) Notice in writing specifying the areas so selected shall be given by the lessee to the Commissioner within ten days after the termination of such year.

Notice to Commissioner.

(5) If such notice has been duly given such lessee shall, upon filing the duplicate lease or the duplicate leases of areas so liable to forfeiture and surrendering all rights thereunder, be entitled to a lease of the areas selected. 1892, c. i, s. 33.

Lessee entitled to lease on giving notice, etc.

RETURNS BY LESSEES.

185.—(1) Every lessee shall make to the office of the Commissioner or to the Deputy Commissioner of the district in which the areas covered by the lease held by him lie, within ten days after the first days of January, April, July and October in every year, true and correct returns, on forms to be supplied by the Commissioner, of the following particulars:

Returns by lessees, what to contain.

- (a) The number of days' labour performed on such areas during the preceding quarter,
- (b) The number of tons of quartz or other gold-bearing material raised from such areas during the preceding year,
- (c) The person or persons to whom the same has been sold or disposed of, and the different lots or parcels in which the same has been sold or disposed of, with dates of sale or disposal,
- (d) The weight of all quartz or other gold-bearing material sent by him during the quarter to any licensed mill, and the name and description of the mill to which the same was sent, and when the same was sent, and, if quartz or material was kept in distinct parcels, the weight of each separate parcel,

- (e) The yield of each such separate parcel returned by the mill licensee,
- (f) The total quantity of gold or silver obtained from the mine in any manner during the quarter, distinguishing that resulting from the quartz or other gold or silver-bearing material crushed, stamped, reduced, amalgamated or concentrated at any licensed mill from the gold or silver otherwise obtained.

To be verified.

- (2) Every return shall be in the form S in the schedule, and shall be verified by affidavit. 1892, c. 1, s. 61.

PART III.

OF MINES OTHER THAN GOLD OR GOLD AND SILVER.

INTERPRETATION.

"Licensee,"
Interpreted.

186. In this Part of this Chapter, unless the context otherwise requires, the expression "license" means license to search.

LICENSE OR LEASE.

Application for
license, etc to
specify mineral.

187. Every application for license or lease shall state the mineral for which the right to search or mine is sought, and shall describe the tract of ground sought to be covered by such license or lease.

Fee on applica-
tion for license.

188. Every application for a license, and every application for one of the licenses in this Chapter called second rights, shall be accompanied by a payment of thirty dollars. 1892, c. 1, s. 92.

Fee on applica-
tion for lease.

189. Every application for a lease shall be accompanied by a payment of fifty dollars. 1892, c. 1, s. 104, part.

What license
may cover.

190. A license may cover any single tract of ground not exceeding five square miles, and not exceeding two and one half miles in length. 1892, c. 1, s. 94.

What lease may
cover.

- 191.—(1) A lease may cover:—
- (a) for the purpose of mining coal or iron a tract of ground not exceeding one square mile and not exceeding two miles in length;
 - (b) for the purpose of mining copper or lead a tract of ground not exceeding one half square mile and not exceeding one mile in length;
 - (c) for the purpose of mining tin or precious stones a tract of ground not exceeding one quarter square mile and not exceeding one mile in length; and,
 - (d) for the purpose of mining any other mineral, a tract of ground of an extent and length to be deter-

mined by the Commissioner, but not exceeding one half a square mile and not exceeding one mile in length.

(2) If on investigation of the special circumstances of the case, it is shown that by reason of the deficiency of mineral or from any natural cause, the tract of ground which under the provisions of this section a lease may cover in respect to such mineral is insufficient to make a profitable mine, the Governor-in-Council may authorize a lease to be issued by the Commissioner covering a larger tract, but not exceeding, except as in this section provided, double the extent or double the length that such lease may cover under such provisions, and may direct to be inserted in such lease, such terms and conditions, not inconsistent with the provisions of this Chapter, as seem just.

(3) Whenever it appears to the satisfaction of the Governor-in-Council that any company or person working, or proposing to work, any coal mine, is willing to pay a greater royalty per ton than that fixed by this Chapter, or is prepared to prosecute coal mining operations on such an extensive scale as would, without a higher rate of royalty, largely increase the revenue derivable from royalties, the Governor-in-Council may authorize the Commissioner to accept the surrender of any lease or leases for the purpose of mining coal held by such company or person, and to issue in lieu thereof a new lease or leases for such term of years and covering such tract of ground, and containing such terms and conditions, and providing for payment of such rate of royalty, not less than twelve and one half cents on every ton of two thousand two hundred and forty pounds of coal sold or removed from the mine or used in the manufacture of coke or other form of manufactured fuel during the whole or any part of such period, as the Governor-in-Council directs, and may regulate the taxation to which the property of such company or person shall be liable. 1892, c. 1, ss. 106, 110, 156.

192. Before the Commissioner grants a license, he shall require and receive from the applicant for such license a bond in the penal sum of eight hundred dollars, conditioned that in the event of entry being made upon private land compensation shall be made for damages in the manner in this Chapter provided. Such bond may be in the form T in the schedule, or to the like effect. 1892, c. 1, s. 93.

193. A license to search shall be in force for the period of one year and six months from the date of the application therefor. 1892, c. 1, s. 91, part.

194. The licensee may at any time before the expiration of his license select from the tract covered by such license a tract of ground of which he may, upon application to the

Larger tract in certain cases.

Special form in consideration of increased royalty.

Bond to be given by licensee.

Terms of license.

Licensee may select tract for lease.

- Commissioner, obtain a lease for the purpose of mining the metal specified in such license. 1892, c. 1, s. 101.
- Survey to be made,—** 195.—(1) Upon such application being made the Commissioner shall cause the tract of ground so selected to be surveyed and laid off, and the person making such survey shall make a full and accurate plan thereof, and transmit the same to the Commissioner.
- At expense of applicant.** (2) The applicant shall defray the expense of such survey. 1892, c. 1, s. 102.
- Second rights.** 196. It shall be lawful for the Commissioner to receive applications for other licenses to search (called second rights) over the same tract over which a license to search has been granted. 1892, c. 1, s. 98.
- Rights of holder of second rights.** 197. On the expiration of the first license, or on the selection of an area for lease by the first licensee, a license to search over such tract or the remainder thereof, as the case may be, may be issued to the first applicant for license to search, called second rights. Upon expiration of such license or selection of an area by a licensee, a license over such tract or the remainder thereof, as the case may be, may be issued to the second of such applicants, and so on until the whole tract of ground has been leased. 1892, c. 1, s. 99.
- Form and contents of lease.** 198. Every lease shall be in the form U in the schedule, or in such other form as is approved by the Governor-in-Council, and shall contain all the grants, demises, reservations, provisions, covenants and conditions mentioned in such form U, and such others, to secure the safe and proper working of any mine, as the Governor-in-Council orders, and such others as are required by any statute hereafter passed by the Legislature of Nova Scotia. 1892, c. 1, s. 108, part.
- Term of lease.** 199. Every lease shall be for the term of twenty years. 1892, c. 1, s. 108, part.
- Lease of copper, etc., what deemed to include.** 200. Every lease which gives authority to mine copper or lead shall be deemed to include the authority to mine all minerals held in composition, associated with or contained in such copper or lead, or in the ores in which copper or lead is contained. 1892, c. 1, s. 111.

RENEWALS.

- Renewal, right of lease to.** 201—(1) Every lessee, upon giving to the Commissioner at least six months before the expiration of the lease held by him notice in writing of his intention to renew such lease for a further period of twenty years from such expiration, shall be entitled to a renewal thereof for such further period.

(2) Such lessee, upon giving to the Commissioner at least six months before the expiration of such further period of twenty years, notice in writing of his intention to renew such lease for a further period of twenty years from such expiration, shall be entitled to a renewal thereof for such further period.

Second renewal.

(3) In like manner such lessee, upon giving to the Commissioner at least six months before the expiration of such further period of twenty years, notice in writing of his intention to renew such lease for a still further period of twenty years from such expiration, shall be entitled to a renewal thereof for such further period, but in no case shall such renewals of any such lease extend the term of the same beyond eighty years from the original date of the lease.

Further renewal.

(4) Every such renewal shall be upon the same terms, covenants and conditions as are contained in such lease, subject, however, to the addition or substitution of any other terms, covenants and conditions which may be inserted in a lease issued under this Chapter by virtue of the provisions of this Chapter or of any other statute hereafter passed.

Renewals to be on terms, etc., of original lease.

(5) In any such renewal the rent payable by such lessee may be increased under the authority of this Chapter or of any such statute, subject to the provisions of the next following section.

Rent may be increased.

(6) No such renewal shall be granted to such lessee if at the time of giving such notice, or of the expiration of the term or extended term of such lease, the same is liable to forfeiture, or if any rent is in arrear in respect thereto.

Renewal not to be granted to lessee liable to forfeiture or in arrears for rent.

202.—(1) Where the workings of a coal mine extend under ground covered by two or more leases, and it is satisfactorily proven to the Commissioner that the land covered by such leases or any of them is necessary to the satisfactory and profitable working of such mine, the Commissioner may renew such leases, or any of them.

Renews in certain special cases.

(2) Where the workings of land extend into adjoining land covered by another lease, notwithstanding there is no coal being mined in the first mentioned land, both leases may be renewed in whole or in part, as is decided by the Commissioner on the special circumstances of the case.

(3) Where works are carried on outside of land covered by a lease for the purpose of winning the coal in such land, the lease of such land may be renewed if it is satisfactorily shown to the Commissioner that such works are being continuously and satisfactorily carried on.

(4) Where unworked land adjoins a coal mine which is being worked the lease of such land may be renewed if

MINES AND MINERALS.

it is shown to the Commissioner that such unworked land is necessary to the profitable working of the mine.

(5) Subject to the approval of the Governor-in-Council, the Commissioner may renew any lease notwithstanding the full sum due for royalties has not been paid, if the holder of such lease produces evidence satisfactory to the Commissioner that such non-payment is due to depression in the trade, or other exceptional circumstances, and that there is a reasonable prospect of payment being made if an extension of time is allowed.

(6) No renewal of any lease under this section shall be for a longer term than twenty years, and shall be subject to any terms and conditions not inconsistent with the provisions of this Chapter which are imposed by the Governor-in-Council. 1892, c. 1, s. 120.

ASSIGNMENTS, &c.

Lease not to be assigned without consent of Commissioner.

203. A lessee shall not at any time during the term of the lease held by him, or any renewal thereof, assign, transfer, set over, mortgage or otherwise part with such lease or any rights thereunder, to any person whomsoever, without the consent of the Governor-in-Council first had and obtained for the purpose, and signified under the hand and seal of the Commissioner. 1892, c. 1, s. 108, (c).

204. Subsequent ratification by the Governor-in-Council, signified by the hand and seal of the Commissioner, shall have the same effect as a previous consent. 1892, c. 1, s. 108 (d)

SURVEYS.

Survey on application for license.

205.—(1) When an application for a license is accepted by the Commissioner, he shall cause the land applied for to be surveyed and laid off, and a full description of such land shall be inserted in the license.

(2) The cost of such survey shall be defrayed by the licensee. 1892, c. 1, ss. 96, 97.

Monuments to be erected.

206. Every lessee shall, within six months after the date of lease, place or cause to be placed at each and every corner of the tract of ground contained in the lease a post or monument of stone or other durable material, of such size, nature and character as the Commissioner by general regulation directs.

Inscription thereon.

207.—(1) Every post or monument shall have distinguishing letters or a suitable inscription cut or marked thereon, designating the corner where the same is placed; Provided always that in case of a tract of ground, any corners of which are covered with water, or where the placing of such posts or monuments at such corners would cause

Tract covered with water.

private or public inconvenience, the lessee shall, with the consent of the Commissioner, place such posts or monuments on the land adjoining such corners, in such positions as are approved by the Commissioner.

(2.) The tract of ground covered by any lease shall be defined as in this section required according to the priority of the date of such lease, and the lessee of the tract of ground first leased shall give to the lessees of adjoining tracts notice in writing that on a day named—to be not less than ten days after the service of such notice—a survey will be made for the purpose of establishing the boundaries of the tract of ground and placing the posts or monuments required by this Chapter. Such survey shall be made by a sworn surveyor, whose appointment shall be sanctioned by the Commissioner; and the surveyor shall make a return of the survey with an accurate plan thereof to the Commissioner.

Survey to determine boundaries of lease.

(3) If within forty days after such return has been made by the surveyor to the Commissioner no complaint is made to the Commissioner that the boundary lines of the tract of ground as so defined are not in accordance with the lines as originally defined, the boundary lines of the tract of ground as so defined by the surveyor shall, as between the lessees, be held to be the true and correct boundary lines thereof.

Survey, when to be conclusive.

(4) If within such six months from disagreement or other cause such boundary lines are not established and defined as required by this Chapter, the Commissioner may cause a survey to be made and the tract of ground to be defined as hereinbefore required, and the boundaries so established shall be held to be finally determined.

Commissioner may order survey.

(5) The expenses of all such surveys and of the placing or erection of all such posts or monuments as required by this Chapter, shall be paid by the lessees of the tracts defined, and where such surveys are made and such posts or monuments are established by virtue of the next preceding sub-section, such expenses may be sued for and recovered from the lessees in the name of the Commissioner.

Expenses of survey.

(6) Every monument or post as often as it is destroyed or removed shall be replaced by the lessee at his own expense within one month; and the proceedings therefor shall be the same as in this section required in the first instance.

Monuments to be replaced.

(7) Where the lessee is not the owner of the land included in the tract leased, and on which the boundary posts or monuments are required to be placed, he shall be at liberty to set them up on such land, but shall pay the owner for the damage caused thereby.

Right to erect monuments.

Damages, how ascertained.

(8) If the owner and the lessee cannot agree on the amount of such damage, the lessee may call upon any three disinterested justices of the peace for the county in which the land is situated to appraise the same; the justices so called upon shall forthwith appraise such damage, and their award, or that of any two of them, shall be final.

Fees of arbitrators.

(9) Each of such justices of the peace shall be entitled to one dollar a day for the time actually and necessarily employed in making such appraisement, besides travelling fees at the rate of ten cents per mile, to be computed from the residence of the justice to the place where the appraisement is made; and such pay and travelling fees shall be paid by the lessees.

Penalty for failure to erect monuments.

(10) Every lessee who neglects or refuses to set up such posts or monuments, or to renew or replace the same when removed or destroyed, as required by this Chapter, shall be liable to a penalty not exceeding one hundred dollars for every such post or monument he neglects or refuses to set up or replace.

Penalty for destroying monuments.

(11) Every person who wilfully destroys, defaces, injures, or removes any such post or monument, or attempts to do so, shall be liable to a penalty not exceeding one hundred dollars for each offence. 1892, c. 1, ss. 114, 115.

BARRIERS.

Barrier to be reserved.

208. There shall be reserved as a barrier a space of ten yards in width immediately within and along each of the boundary lines of the land covered by any lease, and if such land is covered with water there shall be so reserved as a barrier a space of twenty-five yards in width. 1892, c. 1, s. 108, part.

Barrier not to be removed except by permission of Governor-in-Council.

209.—(1) Such barrier shall not be opened or worked unless by order of the Governor-in-Council made,—

- (a) with the written consent of the licensee or lessee of the adjoining tract of ground, or
 - (b) after proof that the opening and working of such barrier will tend to the safety of the mine or of the workmen employed therein, or prevent waste of mineral.
- (2) The order-in-council shall specify,—
- (a) the manner in which such barrier shall be opened or worked; and
 - (b) the amount of security to be given by the lessee who is by such order permitted to open or work such barrier.

(3) Such security shall be by bond in double the amount specified in the order-in-council, conditioned to properly execute and complete such opening or working in the manner specified in such order-in-council.

(4) No opening or working shall be made or commenced until such bond is filed with the Commissioner. 1892, c. 1, s. 108, part.

210. Any lessee who believes that the barrier of land adjoining the land covered by the lease held by him has been encroached upon shall upon application to the Commissioner receive permission to enter such adjoining land personally or by his agent with the Inspector or his deputy, and to make such survey as is required to define the relations of such workings to the barrier. 1892, c. 1, s. 108, part.

Where lessee suspects encroachment on barrier.

PAYMENT OF RENT.

211.—(1) Every lessee shall for every year after the date of the lease, except the first year, pay in advance to the Commissioner a rent of at least thirty dollars. 1893, c. 2, s. 3, part.

Rent payable.

(2) If the land covered by any lease exceeds the tract of ground which under the provisions of this Chapter such lease may, without the authority of the Governor-in-Council, cover, the lessee shall for every year after the date of the lease, except the first year, pay in advance to the Commissioner a rent of thirty dollars for every such tract of ground such land contains, and if such land contains a portion of such tract of ground over and above one or more such tracts of ground, thirty dollars for such portion. 1893, c. 3, s. 3.

Rent for additional land.

QUARTERLY RETURNS.

212. On or before the tenth day of each of the months of January, April, July and October in each and every year every lessee, his agent or manager shall send to the Commissioner a correct return specifying the quantity of coal, iron ore, or other mineral wrought or gotten under authority of such lease, the probable use and destination of the same, and the amount of royalty which has accrued upon the mineral wrought or gotten during the last previous quarter, and on or before the last days of January, April, July and October in each year a correct return specifying the number of days' labour, and the number of persons ordinarily employed in or about every mine held under such lease, below ground and above ground, and the different classes of persons so employed, and the cost and description of all the shafts, quarries, slopes, levels, planes, works, machinery, tramways and railways sunk, driven, opened or constructed during the preceding quarter. Such returns may be in the form V in the schedule, and shall be sworn to by such lessee, agent or manager, and by one or more credible persons principally employed in or about the working and management of such mine.

Quarterly returns.

MINES AND MINERALS.

SCHEDULE.

[Form A.]

(Section 14.)

APPLICATION FOR LICENSE.

PROVINCE OF NOVA SCOTIA,

COUNTY OF — (or — GOLD DISTRICT.)

Application is hereby made for a license to search (or prospecting license) for mines and minerals other than gold and silver* (or for gold and silver) over that tract of land situated at — in the county of — contained within the following limits:—

which tract of ground does not exceed in extent — square miles, (or does not exceed in length twice the breadth thereof) at the price of — dollars (or over — mining areas numbered — on a plan of such district filed in the office of the Commissioner of Public Works and Mines, at the price of fifty cents per area.)

Dated at — this — day of —, A. D., 19—.

Name —
Address —
Occupation —

*Minerals other than gold and silver include coal, iron, lead, copper, tin and precious stones upon any lands in which such minerals are the property of the Crown, and all minerals except limestone, plaster and building stone in lands granted since April 30th A. D. 1892.

[Form B.]

(Section 14.)

APPLICATION FOR LEASE.

PROVINCE OF NOVA SCOTIA,

COUNTY OF — (or GOLD DISTRICT.)

Application is hereby made for a lease of mines and minerals other than gold or silver* (or of mines of gold and silver) upon the tract of ground situated at — in the county of — contained within the following limits:—

which tract of ground does not exceed in extent — square miles (or does not exceed in length twice the breadth thereof) at the price of — dollars, (or of — mining areas numbered — on a plan of said district filed in the office of the Commissioner of Public Works and Mines, at the price of two dollars per area.)

Dated at — this — day of — A. D., 19—.

Name —
Address —
Occupation —

* Minerals other than gold or silver include coal, iron, lead, copper, tin and precious stones, upon any lands in which such minerals are the property of the Crown, and all minerals except limestone, plaster and building stone in lands granted since April 30th, A. D. 1892.

MINES AND MINERALS.

[Form C.]
(Section 19.)

PROSPECTING LICENSE.

PROVINCE OF NOVA SCOTIA,

COUNTY OF _____, (or _____ GOLD DISTRICT.)

License is hereby granted to _____, of _____, in the county of _____, to exercise the exclusive right of prospecting for gold, silver and silver-bearing minerals, for a period not exceeding twelve months from the date hereof, within those portions of land situate at _____, in the county of _____, which are contained within the following limits, that is to say:

_____ (or over _____ mining areas numbered _____ on a plan of said district of _____, filed in the office of the Commissioner of Public Works and Mines.)

This license is granted subject to the terms, provisions and requirements of "The Mines Act," and of any Acts in amendment thereof; and also subject to the orders of the Governor-in-Council, from time to time made upon the report and recommendation of the Commissioner of Public Works and Mines in relation to such works.

In witness whereof, I have hereunto subscribed and set my hand and seal of office, this _____ day of _____, A. D. 19____, at Halifax, in the county of Halifax.

Commissioner of Public Works and Mines.

[Form D.]
(Section 19.)

LICENSE TO SEARCH.

PROVINCE OF NOVA SCOTIA,
COUNTY OF _____.

License is hereby granted to _____, of _____, in the county of _____, to exercise the exclusive right of searching for mines and minerals other than gold and silver,* for a period not exceeding one year and six months from the date hereof, within those portions of land situate at _____, in the county of _____, which are contained within the following limits, that is to say:

_____ The search to be faithfully made, free of all expense to Government, and a report of the result transmitted with all convenient speed to the Commissioner of Public Works and Mines. And in case the said

_____ determines, after such search and report has been made, to prosecute the undertaking, _____ may, on application to the Commissioner of Public Works and Mines, within one year and six months from the date hereof, be granted a lease to work any one of the mines or minerals contained within a portion of the above described limits, to be selected by _____ not exceeding in extent one square mile, to be in one block, of which the length shall not exceed two and a half miles.

MINES AND MINERALS.

This license is granted, subject to the terms, provisions and requirements of "The Mines Act," and of the Acts in amendment thereof, and also subject to the orders of the Governor-in-Council from time to time made upon the report and recommendation of the Commissioner of Public Works and Mines.

In witness whereof, I have hereunto my hand and seal of office subscribed and set this — day of —, A. D. 19—, at Halifax, in the county of Halifax.

_____,
Commissioner of Public Works and Mines.

Signed sealed and delivered in presence of _____.

*Mines and minerals other than gold and silver include coal, iron, lead, tin, copper and precious stones upon any land in which such minerals are the property of the Crown, and all minerals except limestone, plaster and building stone in lands granted since April 30th, 1892.

[Form E.]

(Section 26.)

DECLARATION OF SHARES.

We, _____ of _____ in the county of _____ do hereby declare that we are the legal owners under lease No. _____ district, dated the _____ day of _____ A. D. 19— of shares in said lease mentioned, viz:—

_____, — shares.
_____, — "
_____, — "

Given under our hands this _____ day _____ A. D. 19—.

Witness.

Personally appeared before me _____ of _____ who being sworn says that _____ duly signed the foregoing declaration in his presence. Sworn to this _____ day of _____ A. D. 19—, at _____ in the county of _____.

Before me _____ J. P.

Signature of witness.

[Form F.]

(Section 36.)

TRANSFER.

Know all men by these presents, that _____ of _____, in the county of _____, in consideration of _____ dollars to _____ in hand well and truly paid by _____, of _____, have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer, and set over to _____, of _____, executors, administrators, and assigns, _____, owned by _____, under _____.

To have and to hold the same to the said _____, executors, administrators, and assigns, forever.

In witness whereof _____ have hereunto set _____ hand and seal —, this _____ day of _____, A. D. 19—.

Signed sealed and delivered in presence of _____

Witness.

MINES AND MINERALS.

Personally appeared before me _____, of _____, in the county of _____, _____ subscribing witness to the foregoing transfer, _____ who being duly sworn says that _____ duly executed the above transfer in his presence.

Sworn to this _____ day of _____ A. D. 19____, at _____ in the county of _____.

Before me _____ J. P. _____

[Form G.]

(Section 37.)

SURRENDER.

Know all men by these presents, that _____, lessee _____ of Her Majesty the Queen under a lease numbered _____ district, for certain considerations _____ thereto moving _____ have surrendered, and by these presents do surrender, the said lease, and all _____ interest therein, and the unexpired term thereof _____ under the provisions of "The Mines Act."

Witness _____ hand and seal this _____ day of _____, A. D. 19____.

[L.S.]

Signed, sealed and delivered in presence of _____

[Form H.]

(Section 176.)

I, _____, of _____ in the county of _____ (occupation), do swear that I will well and faithfully perform the duties I may be called upon to perform as (chairman or whatever the employment is) in making the survey of property held under (lease or license) by _____ (describe the property proposed to be surveyed.) "So help me God."

Sworn to before me at _____ in the county of _____, this _____ day of _____ 19____.

_____ Surveyor.

[Form H.]

(Section 44.)

RENTAL AGREEMENT.

Memorandum of agreement made this _____ day of _____, in the year of Our Lord one thousand nine hundred _____, between the Queen's Most Excellent Majesty, represented in this behalf by the Honourable Commissioners of Public Works and Mines of the Province of Nova Scotia, of the one part, and _____ hereinafter described as lessee _____, of the other part.

Whereas, the above named lessee _____ now hold _____ a lease of gold mining areas numbered _____, in _____ gold district _____, which said lease bears date the _____ day of _____, A. D. 18____.

And whereas, the said lessee _____ lesirons of availing _____ of the provisions of "The Mines Act," with respect to such leases;

Now, therefore, it is hereby agreed by and between the parties hereto, their heirs, successors, and assigns, that the said lease above mentioned and referred to, and bearing date the _____ day of _____, A. D. 18____, is made and declared, subject to the provisions of "The Mines Act;"

And the said lessee _____ on _____ part do _____ hereby covenant and agree to pay to Her Majesty the Queen, represented as aforesaid, an annual rental of fifty cents per area for each and every area embraced in said lease; such payment to be in advance, and in accordance with the terms and provisions of said "The Mines Act," and the said lease to be forfeited if any such payment is not duly made.

MINES AND MINERALS.

And it is further covenanted and agreed, by and on behalf of Her Majesty the Queen, represented by the said Honorable Commissioner of Public Works and Mines, that so long as said annual rental is paid in accordance with the terms and conditions of the said "The Mines Act," the said lease shall not be subject to forfeiture for non working.

And it is agreed generally between the parties that said lease hereinbefore mentioned shall in all respects be subject to, and have the advantages of, the provisions of "The Mines Act," so far as they relate to mines of gold and silver; but in other respects the terms and conditions of said lease remain in full force and unchanged.

In witness whereof, Our Sovereign Lady the Queen has caused _____, Commissioner of Public Works and Mines for the Province of Nova Scotia, to subscribe his hand and set his seal of office to this agreement, and the said lessee— ha— subscribed, and set — hand— and — seal — thereto.

Signed, sealed, and delivered by the said Commissioner of Public Works and Mines, in the presence of

_____ [L. S.]
 By the said lessee—, in presence of _____ [L. S.]
 _____ [L. S.]

[Form HH.]

(Section 44.)

RENTAL AGREEMENT.

Memorandum of agreement made this — day of —, in the year of our Lord One Thousand Nine Hundred —, between the Queen's Most Excellent Majesty, represented in this behalf by the Honorable the Commissioner of Public Works and Mines of the Province of Nova Scotia, of the one part, and _____, hereinafter described as lessee—, of the other part.

Whereas, the above-named lessee now hold a lease of — mining area —, numbered —, — county, which said lease bears date the — day of — A. D. 1—.

And whereas, the said lessee — desirous of availing — of the provisions of "The Mines Act," with respect to such lease.

Now, therefore, it is hereby agreed by and between the parties hereto, their heirs, successors, and assigns, that the said lease above mentioned and referred to, and bearing date the — day of — A. D. 1—, is made subject to the provisions of "The Mines Act," and all Acts in amendment thereof.

And the said lessee on — part do — hereby covenant and agree to pay to Her Majesty the Queen, represented as aforesaid, an annual rental of thirty dollars per area, for each and every area of one square mile, or part of a square mile, embraced in said lease, such payment to be in advance, and in accordance with the terms and provisions of "The Mines Act," and all Acts in amendment thereof, and the said lease to be forfeited if any such payment is not duly made.

And it is further covenanted and agreed, by and on behalf of Her Majesty the Queen, represented by the said Honorable Commissioner of Public Works and Mines, that so long as the said annual rental is paid in accordance with the terms and conditions of "The Mines Act," and all Acts in amendment thereof, the said lease shall not be subject to forfeiture for non-working.

And it is agreed generally between the parties that the said lease hereinbefore mentioned shall in all respects be subject to, and have the advantages of, the provisions of "The Mines Act," so far as they relate to mines of —; but in other respects the terms and conditions of such lease remain in full force and unchanged.

MINES AND MINERALS.

In witness whereof, our Sovereign Lady the Queen has caused, Commissioner of Public Works and Mines for the Province of Nova Scotia, to subscribe and set his hand and seal of office to this agreement, and the said lessee has subscribed and set his hand and seal thereto. Signed, sealed and delivered by the said Commissioner of Public Works and Mines in the presence of

By the said lessee— in presence of [L. s.] [L. s.] [L. s.]

[Form I.] Section 52.

NOTICE OF INVESTIGATION.

To _____ of _____ in the county of _____ (occupation), lessee of certain mining areas under lease number _____ from Her Majesty the Queen to _____ bearing date the _____ day of _____, A. D. 19____. Whereas it has been represented to (or come to the knowledge of) the Commissioner of Public Works and Mines, that you, the said lessee, have not effectively and continuously performed in respect to such lease the work required by such lease (or by the provisions of "The Mines Act"); (or have performed in respect to such lease the work required by such lease (or by the provisions of the "The Mines Act,") colourably); (or have abandoned in respect to such lease the work required by such lease for the space of one year); (or have failed to comply with the terms, stipulations, covenants or conditions of such lease in the following respect (here enumerate particulars of non-compliance.) You are hereby notified that the matter of such complaint will be investigated before me at my office, Province Building, Halifax, on the _____ day of _____ A. D. 19____, at the hour of _____ of the clock in the _____ noon. Dated at Halifax the _____ day of _____ A. D. 19____.

Commissioner of Public Works and Mines.

[Form K.] (Section 58.)

NOTICE OF CLAIM FOR DAMAGES.

COUNTY OF _____, or (_____ Gold district.) _____, 19____.

To _____ of _____, in the county of _____ (occupation). You are hereby notified that I (or we) the undersigned, have sustained damage, particulars of which are hereafter stated, amounting to the sum of _____ dollars from the entry and search for minerals by you upon my (or our) lands situated at _____, in the county aforesaid, under a license to search (or prospecting license) held by you. And I do hereby claim payment of the said amount of _____ dollars as compensation for such damage. Particulars of damage.

Dated this _____ day of _____, A. D. 19____.

MINES AND MINERALS.

[Form L.]

(Section 63.)

NOTICE OF INTENDED ENTRY UNDER LEASE.

To ———, of ———, in the county of ——— (occupation).

I, ———, of ———, in the county of ———, in pursuance of the provisions of "The Mines Act," hereby give you notice that I intend to enter upon your lands situate at ——— aforesaid, and to mine thereon for ———, and that I am ready to define by agreement the land required by me for mining purposes, including opening shafts and other excavations, construction of necessary roads and drains, erection and placing of buildings, machinery and plant, dumping grounds, and for all other things incidental to mining, and I am ready to fix by agreement the amount of compensation to be paid for damages arising therefrom, and to pay the same.

And I further give you notice that unless such land is so defined and such compensation so fixed within ten days from the service of this notice upon you proceedings will be taken under "The Mines Act" to acquire such rights in said land and to fix the compensation therefor.

Dated this ——— day of ———, A. D. 19—.

[Form M.]

(Section 64.)

NOTICE REQUIRING ARBITRATION.

To ———, of ———, in the county of ———, (occupation.)

Whereas, on the ——— day of ———, A. D. 19—, notice was served upon you that I required certain lands at ———, aforesaid for the purposes in said notice mentioned.

And whereas, the said lands so required have not been defined nor the compensation therefor fixed by agreement,

Now therefore take notice that under the provisions of "The Mines Act" I require for the said purposes the lot (or several lots) of land described as follows

and delineated on the plan herunto annexed.

And further take notice that I am ready and willing to pay the sum of ——— dollars as compensation for the damage to be sustained by you, and that if the same is not accepted I do hereby appoint ———, of ———, in the county of ———, as arbitrator on my behalf, and demand that you do, within ten days after the service of this notice upon you, name an arbitrator to act on your behalf in determining the amount of such compensation, under the provisions of "The Mines Act."

Dated this ——— day of ———, A. D. 19—.

MINES AND MINERALS.

[Form N.]

(Section 127.)

MILL LICENSE.

PROVINCE OF NOVA SCOTIA.

License is hereby granted to _____, of _____, in the county of _____, to use and employ, conformably with the provisions of "The Mines Act," the mill and machinery now in the occupation of the said _____, and standing and erected on the premises situated at _____, in the county of _____, and described as follows :

in crushing, stamping, reducing, amalgamating and concentrating quartz and other gold-bearing material, and in obtaining gold therefrom.

Dated at Halifax, this _____ day of _____, A. D 19—.

Commissioner of Public Works and Mines.

[Form O.]

(Section 128).

PROVINCE OF NOVA SCOTIA.

HALIFAX, SS.

(Names of principal and two bondsmen to be inserted in full, with place of residence and occupation.)

Know all men by these presents, that we _____ are held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the sums, and in the manner following, namely :— _____, the said _____, as principal, in the sum of one thousand dollars, lawful money of Canada, and the said _____, and _____, as sureties, each in the sum of five hundred dollars, lawful money of the Dominion of Canada to be paid to our Sovereign Lady the Queen, her heirs and successors, for which payment to be well and truly made, we bind ourselves severally, our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals. Dated the _____ day of _____, in the year of our Lord one thousand nine hundred and _____.

Whereas, a license has this day been granted to the above bounden _____, to prospect for gold, silver, and silver-bearing minerals, for a period of twelve months from the date hereof, in a tract of land situated at _____, in the county of _____, and particularly described as follows :—

The condition of this bond is as follows, that if the above bounden _____,

shall under the license granted as aforesaid to _____ make entry upon private lands, and shall make recompense for all damages, costs, and charges to which he shall be liable under the provisions of "The Mines Act," and the Acts in amendment thereof, in the manner, and to the full extent prescribed by the said Act, and shall make the returns, and pay the royalties, and comply with all the other provisions of "The Mines Act," and the Acts in amendment thereof, then this bond shall be void ; otherwise it shall remain in force.

Signed, sealed, and delivered in the presence of

_____ [L.s.]
_____ [L.s.]
_____ [L.s.]

[Form P.]
(Section 150.)
DEPARTMENT OF MINES.

GOLD FIELDS.
Mill,

ACCOUNT OF QUARTZ CRUSHED AT

District.

Date of Crushing	OWNER OF QUARTZ.	Number of Lease of Area.	WEIGHT.		YIELD OF GOLD.				ROYALTY @ 2 P. C.								
			Tons.	Cwts	Smelted.	Unsmelted.	Oz.	Dwt.	Gr.	Oz.	Dwt.	Gr.	Amount.				

I, _____, of _____, in the County of _____, being the person principally employed in keeping (on the premises at _____ used as a licensed mill, and whereof _____ the licensed mill owner), the books of accounts prescribed by "The Mines Act," do hereby swear that the within is a true and correct copy and extract from the said book of all the original entries therein, tending or referring to the parcel or parcels of quartz crushed or reduced at said mill in respect to which payment of royalty has this day been made, said entry or entries in such book being a true statement of the amount of quartz so crushed and of the gold extracted therefrom.

Sworn to before me at _____ }
this _____ day of _____ }
19 _____

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MINES AND MINERALS.

[Form Q.]
(Section 157.)

PROVINCE OF NOVA SCOTIA,
COUNTY OF-----

(Name to be inserted in full, with place of residence and occupation.)

Know all men by these presents that we ----- are jointly and severally held and firmly bound unto the Commissioner of Public Works and Mines for the Province of Nova Scotia, and his successors in office, in the penal sum of eight hundred dollars, to be well and truly paid to the said Commissioner as aforesaid, or his successor in office, for which payment well and truly to be made, we each of us bind ourselves, and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated this-----day of-----, in the year of our Lord 19--.

Whereas, the above bounden ----- under the provisions of "The Mines Act," has applied for and ----- about to receive a license to enter upon lands situate in the county of -----, contained within the following limits:

and to dig and explore for minerals other than gold, in and upon the said lands, and this obligation is made in pursuance of "The Mines Act."

Now the conditions of this obligation is such, that if the above bounden ----- shall, under any such license granted, or which may be granted, as aforesaid, to -----, make entry upon private lands, and shall make recompense for all damages, costs and charges to which ----- shall be liable under the said Act, in the manner and to the full extent prescribed by the said Act, then this obligation to be void, otherwise to be and remain in full force, virtue, and effect.

Signed, sealed and delivered, in the presence of

----- [L. s.]
----- [L. s.]
----- [L. s.]

[Form R.]
(Section 170.)

This indenture made this ----- day of -----, in the year of our Lord one thousand -----, between the Queen's Most Excellent Majesty of the one part, and -----, hereinafter described as lessees, of the other part:

Witnesseth, that in consideration of the royalties hereby reserved, and of the covenants and agreements herein contained, and on the part and behalf of the said lessees, their executors, administrators and assigns, to be observed and performed, our Sovereign Lady the Queen, of her special grace, certain knowledge, and mere motion, doth grant and demise unto the said lessees, their executors, administrators and assigns, all that certain tract of land, situate at ----- gold district, in the county of -----, known and described as follows, that is to say:

An area, composed of -----areas----- of class number one, and numbered ----- on the plan of the said gold district, signed by the Commissioner of Public Works and Mines, and filed in his office, as by reference to the same will appear.

Sworn to before me at this ----- day of ----- 19--

MINES AND MINERALS.

And also, all and singular the beds, veins, seams of gold and silver, gold-bearing, silver-bearing quartz and other the gold bearing rocks and silver-bearing rocks and minerals, and gold-bearing and silver-bearing earth, and all the gold and silver, whether in quartz, grain or otherwise, in, situated and being within the limits of the said tract, and within, under and upon the same. Provided always, and it is the true intent and meaning of these presents and of the parties hereto, that nothing herein contained shall in any manner interfere with any of the rights of the owner or owners of the land in which such area — situated, but the said rights are reserved unto the said owner or owners, their heirs and assigns; and it is further agreed and understood that the said lessees shall not enter into the said area without the special leave and license of the owner or owners thereof, unless the said lessees have taken proceedings in accordance with "The Mines Act."

To have and to hold, the said tract of land, and the said beds, veins and seams of gold and silver, and gold-bearing and silver-bearing quartz, and all other the gold-bearing rocks and silver-bearing rocks and minerals, and gold-bearing and silver-bearing earth, and gold and silver, whether in quartz or otherwise, in, under, and upon the same to the said lessees, their executors, administrators and assigns, for, during and unto the full end and term of forty years, to commence and be computed from the — day of — and fully to be complete and ended:

Yielding and rendering to our Sovereign Lady the Queen, her heirs and successors, quarterly, and every quarter upon the first days of January, April, July and October, in each and every year during the continuance of this demise, at the office of the Commissioner of Public Works and Mines, at Halifax, or of the Deputy Commissioner of Mines for the district, a royalty of two per cent. upon the gross amount of gold and silver obtained, mined, had, wrought, or gotten from or out of the said demised premises or out of any quartz, slate, rock, mineral, or earth mined, obtained, had or gotten out of the same in any other way than from quartz or other material crushed by licensed mills, at the rate of nineteen dollars per ounce, troy, for smelted gold, and eighteen dollars for unsmelted gold, at the rate of one dollar per ounce, troy, for silver 900 fine. And in addition yielding and rendering unto our Sovereign Lady the Queen, her heirs and successors annually in advance on or before the date of the recurrence of the day of the date hereof, the sum of fifty cents for every area or part of an area hereby granted or demised, provided in respect of such payment that if in any year the labour required under the provisions of "The Mines Act" has been performed, and return thereof made to the Commissioners a refund of the said annual payment or rental shall upon application be made to the said lessees, their executors, administrators and assigns.

And the said lessees do hereby covenant, promise and agree to and with our said Sovereign Lady the Queen, her heirs and successors, that the said lessee, their executors, administrators and assigns shall and will well and truly pay and deliver, or cause to be paid and delivered to our Sovereign Lady the Queen, her heirs and successors, at the times and places, and in the manner aforesaid, the said royalty hereby reserved under the terms and provisions of this lease.

And also, that the said lessees, their heirs, executors, administrators and assigns, shall and will during the continuance of this demise, keep or cause to be kept one or more book or books of account, wherein true entries shall be made of all such gold and gold-bearing quartz, silver and silver-bearing quartz and minerals, and other rock containing gold or silver, and all gold or silver in grain or otherwise, as are from time to time mined, wrought, had, gotten or obtained out of the said demised premises, and also the names of the men actually employed in the working of the said demised premises, and the number of days' labor performed by such men, with the respective dates thereof; and also the names of the person or persons to whom any quartz or gold-bearing or silver-bearing earth or other gold-bearing or silver-bearing material raised from the demised premises has been sold or disposed of, with the price or the percentage upon the yield thereof received therefor, and also the weight of any quartz or other gold bearing or silver-bearing material raised from the demised premises, which is sent to any licensed

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mill for crushing quartz, the name and description of the mill to which the same has been sent, and also the yield of gold and silver from such quartz or other material as returned by the mill owner; and also that such book or books of accounts shall at all times be open and subject to the inspection and examination of the Commissioner of Public Works and Mines, or of the Deputy Commissioner of the District, or of the Inspector of Mines, and also of any other person or persons thereto specially appointed by the Commissioner of Public Works and Mines for the time being; and also that the said lessees, their executors, administrators and assigns, shall upon the first days of January, April, July and October in each and every year during the continuance of this demise, deliver or cause to be delivered to the Commissioner of Public Works and Mines at Halifax, or to the Deputy Commissioner of Mines for the district, a true and correct return on forms to be supplied by the Commissioner, which shall show the particulars prescribed and required by the one hundred and eighty-fifth section of "The Mines Act," verified by an affidavit of some one or more suitable person or persons employed in or about the working or management of the mines hereby granted and demised, made before the Commissioner of Mines or a Deputy, or Justice of the Peace, and shall in all respects obey, abide by, perform and fulfil all the requirements of the said Act.

And likewise, that the said lessees shall annually cause to be employed on the demised premises so many men as shall make the whole labor performed thereon during the year in opening and working the said mines amount in all to the number of _____ days' labor; and also shall and will during the continuance of this grant or demise, work the said mines in a good and workmanlike manner, and shall and will, from time to time and at all times during the continuance of this grant or demise, well and effectually maintain and support all and every the working pits, shafts, levels, drifts and water courses of and belonging to the said mines, with all such timber and deals and other materials as are requisite or necessary for that purpose, and so as to prevent the same and the roofs of the said mine from falling in or being otherwise damaged; and shall and will at the end or other sooner determination of the said term, peaceably and quietly yield and deliver unto the Commissioner of Public Works and Mines, or the Deputy Commissioner of the district, or such other person or persons as the Lieutenant-Governor for the time being shall appoint under his sign-manual to receive and take possession thereof, all the said mines, and all and singular other the premises hereinbefore mentioned, except such furnaces, engines, mills, forges, foundries, railroads, implements, houses and buildings, as are not attached to the freehold, in such good order, plight and condition as fair-wrought mines ought to be left, with such timber, deals and other material as aforesaid (such mines as during the term hereby granted are abandoned by reason of their being unproductive only excepted.) Provided always, and it is hereby agreed and declared, and the said lessees, for themselves, their heirs, executors, administrators, and assigns, do accept this grant or demise under the condition, that in case default is made by the said lessees, their executors, administrators or assigns, in keeping such book or books of account, or in making such entries therein, or in delivering such affidavit or affidavits as aforesaid, or in payment of the said royalties hereby reserved, for the space of ten days after the period hereinbefore appointed for paying the same, or in the keeping annually employed on the demised premises the amount of labor herein above specified; or if the affidavits hereinbefore set forth and required to be made are false and fraudulent, or any other covenant herein contained is not kept and observed, then, and in any or either of the said cases these presents, and all and every the powers and privileges hereby granted, shall be utterly null and void, anything to the contrary thereof in these presents notwithstanding.

Provided always nevertheless, that it shall and may be lawful for the said lessees, their executors, administrators and assigns, at any time or times hereafter, when so minded, to give notice in writing and file the same in the office of the Deputy Commissioner of Mines of the district, or of the Commissioner of Public Works and Mines in any district where there is

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no deputy, setting forth that they are desirous of surrendering this lease ; and in such case so soon as any such notice is so filed in the office of the Commissioner of Public Works and Mines, the interest and estate of the said lessees in the demised premises shall forthwith revert in her said Majesty, and the said lessees, their executors, administrators or assigns, shall thenceforth cease to have any interest therein, or be liable under the terms and provisions of this lease for any royalty, except the royalty on gold or silver mined and obtained up to the date of the said surrender, or in any other way than from quartz or other material crushed at any licensed mill.

Provided also further, and it is the true intent and meaning of these presents, that the said lessees, their executors, administrators and assigns shall continue and remain liable under the conditions of this lease for and in respect of any matter or thing herein or hereby covenanted to be done or performed and for which a liability existed at the date of such surrender, and also shall continue and remain liable for all royalty due as last above mentioned at the date of said surrender.

In witness whereof, our Sovereign Lady the Queen has caused ———, Commissioner of Public Works and Mines for the Province of Nova Scotia, to subscribe his hand and seal of office to this indenture, and the said lessees have subscribed their hands and seals thereto.

Signed, sealed and delivered by the said Commissioner of Public Works and Mines in the presence of ———,

By the said lessees in the presence of———

MINES AND MINERALS.

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[Form S.]
(Section 185.)

NOVA SCOTIA GOLD FIELDS.

Return for quarter ended _____ 19__-__, in conformity with the requirements of "The Mines Act," with reference to that mining area, _____ District, leased, in the above-named District, comprehending _____ areas of Class No. 1, and included in Lease No. _____

Labor per- formed in Mining Area	Days	Quartz Rasped.	Quartz sent to Crusher.		Date of eler- ment of gold by Mill Owner.	Mill to which Quartz was sent.	Quartz, Sold or Disposed of		To whom Quartz was sold.		Gold obtained otherwise than from Quartz sent to Mill.
			Tons.	Cwts.			Tons.	Cwts.	Month.	Day.	
Total											

First Month, Second month, Third month.

I, _____ do swear that the above statement is correct, and to the best of my belief contains a complete account of the quantity of all the gold obtained or mined from said area during the time specified.

Sworn to before me at _____ this _____ day of _____ 190__.

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[Form T.]

(Section 192.)

PROVINCE OF NOVA SCOTIA,

HALIFAX, SS.

Names to be inserted in full, with place of residence and occupation.

Know all men by these presents, that we ——— are jointly and severally held and firmly bound unto the Commissioner of Public Works and Mines for the Province of Nova Scotia, and his successors in office, in the penal sum of Eight Hundred Dollars, to be well and truly paid to the said Commissioner as aforesaid, or his successor in office; for which payment well and truly to be made, we and each of us bind ourselves, and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals and dated this — day of ——— in the year of Our Lord 19—.

Whereas, the above-bonnden ——— under the provisions of "The Mines Act," ha applied for and ——— about to receive a license to enter upon lands situate in the county of ——— contained within the following limits:

and to dig and explore for minerals other than gold, in and upon the said land, and this obligation is made in pursuance of "The Mines Act."

Now the condition of this obligation is such, that if the above-bonnden under any such license granted, or which may be granted, as aforesaid, to ——— makes entry upon private lands, and makes recompense for all damages, costs and charges to which ——— shall be liable under the said Act in the manner and to the full extent prescribed by the said Act, then this obligation to be void, otherwise to be and remain in full force, virtue and effect.

Signed, sealed, and delivered in the presence of

———— [L.S.]

———— [L.S.]

———— [L.S.]

[Form U.]

(Section 193.)

This indenture, made at Halifax, in the Province of Nova Scotia, this— day of ———, in the year of our Lord one thousand nine hundred and ———, between the Commissioner of Public Works and Mines, on behalf of the Queen a Most Excellent Majesty of the one part, and ———, herein described as Lessee or Lessees, of the other part.

Witnesseth, that in consideration of the rents and royalties hereby reserved, and of the covenants and agreements herein contained, and on the part of the said ———, executors, administrators, or assigns, to be observed and performed, our said Sovereign Lady the Queen, of her special grace, certain knowledge, and mere motion, hath granted and demised, and by these presents, doth grant and demise unto the said ———, executors, administrators, or assigns, all and singular ———, whether opened or unopened, within, under, or upon all that tract of land situate at ———, in the county of ———, and province aforesaid, and described as follows, that is to say: _____

containing ——— square mile — more or less, in manner and form as the

said area is specified and delineated. Reserving thereout a strip or margin of ten yards in width, running all around the lot described. Which said lot is set forth and delineated upon the plan hereto annexed. And, also, so far as Her Majesty can, or lawfully may, give or grant the same, full and free liberty, license and authority to and for the said ———, executors, administrators, or assigns, ———, and ——— tenants, servants, agents or workmen, to search for, dig, work, and take such ——— and to make and use any pit and pits, trench and trenches, quarry and quarries, groove and grooves, to drive and use any drift and drifts, water-gate and water-gates, way-gate and way-gates, air-gate and air-gates, water-course and water-courses, as well for working, winning, obtaining and getting the said ———, as also for voiding and carrying away the water, foul air and rubbish from the mines thereof, and also to make, use, or enjoy sufficient and convenient pit-room, ground-room, and heap-room within the limits of the said tract or district heretofore described, for the laying and placing, as well the ——— which has been heretofore had, wrought, won, or gotten, or which is from time to time hereafter had, wrought, won or gotten from or out of the said mines, or any of them, as also all such stones, gravel, sand, deads, and other rubbish which has heretofore proceeded, or been had or gotten, or which shall from time to time hereafter proceed, or be had or gotten, from or out of the said mines, or in the working or digging thereof, or in getting or raising the said ———, and also to make, place, erect, and set up, or use, within the limits of the said tract, all such gins, engines, furnaces, refineries, enpols, foundries, cranes, forges, mills, houses, stables, hovels, lodges, sheds, offices, and other machinery, buildings, and erections, as shall from time to time be needful or convenient for opening, working or drawing the said mines, or any of them, and for lodging, stacking and depositing or placing the same, and for burning or making bricks, tiles and pipes, and for withdrawing and carrying away of water from the said mines or any or every of them, or for the standing, lodging, laying or placing of the workmen, workhouses and work-gear to be used or employed in or about, the making or carrying on, the works of the said mines, and also, within the limits of the said tract to use and enjoy all such gins, engines, furnaces, refineries, enpols, foundries, cranes, forges, mills, houses, stables, hovels, lodges, sheds, offices, and other machinery, buildings and erections as have been heretofore made, placed or erected, or set up, within the limits of the said tract for the purposes aforesaid, and are now standing, or being thereupon; and also within the limits of the said tract to use and enjoy sufficient and convenient way, leave and liberty of passage; and liberty to make, lay or place one or more way or ways, railway or railways, tramroad or tramroads, and to remove, take away, and amend, and repair, alter and change the same respectively, and to take, lead, drive and carry away, in, through, along and over the said way or ways, railway or railways, tramroad or tramroads, and in, through, along and over any way or ways, railway or railways, tramroad or tramroads heretofore made and now subsisting within the limits of the said tracts, and with horses, carts, wains, waggon, and with any other carriage or carriages, and with engines, all the ——— to be had, wrought and gotten forth and out of the said mines, and all other articles, materials and substances necessary or convenient to be removed therefrom or conveyed thereto, and generally to have, hold, use, and enjoy, during the continuance of this grant or demise, all other powers and privileges whatsoever, within, over, and upon the said tract which shall or may be useful, necessary or convenient, for, in, or about the searching for, winning, working, having, exercising, digging, getting or drawing of, from or out of the said mines, or any of them, and taking and carrying away the same, and for stacking or lodging the same or any part thereof, and which Her Majesty can or lawfully may give or grant to the said ———, executors, administrators, and assigns, and ——— tenants, servants, agents and workmen, doing as little spoil and damage of ground as possible within the limits of the said tract in searching for, winning, working, having, exercising and enjoying of the premises, and of the several powers, liberties and privileges, hereby granted and denied.

To have and to hold the said ——— mines, powers, authorities, and all

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and singular other the premises hereby granted or demised or expressed, or intended so to be, unto the said _____ executors, administrators, and assigns, for and during, and until the full end and term of twenty years, to commence and be computed from the _____ in the year of Our Lord one thousand nine hundred and _____, and fully to be completed and ended.

And if the said _____ executors, administrators, or assigns, six months previous to the expiration of the term hereby demised, give notice in writing to the Commissioner of Public Works and Mines of _____ intention to renew the said lease for a period of twenty years from the expiration thereof, then the said _____ executors, administrators, and assigns shall be entitled to a renewal thereof for such extended term, upon the same terms, conditions and covenants as are contained in these presents, or as are prescribed by "The Mines Act," or by any Act that may be passed by the legislature of the province, and in like manner upon giving a like notice before the expiration of such renewed term, to a second renewal and extension of term of twenty years from and after the expiration of such renewed term; and in like manner, upon giving like notice before the expiration of such second renewed term to a third renewal and extension of twenty years from and after the expiration of said renewed term: Provided, that at the time of giving such notice, and at the expiration of such terms, respectively, the said _____ executors, administrators and assigns, or some or one of them, — (and shall continue to be), *bona fide* working the area hereinbefore described, and — complied with the terms, covenants and stipulations herein contained, within the true intent and meaning of section two hundred and one of "The Mines Act." And, provided, that in no case shall such renewal or renewals extend or be construed to extend to a period beyond eighty years from the date of the original lease.

Yielding and rendering therefor unto our Sovereign Lady the Queen, her heirs and successors, quarterly and every quarter, on the first days of January, April, July and October, respectively, during the continuance of this grant or demise, to such persons and at such place or places as the Governor-in-Council directs for the use of the province, _____ which in any or each year commencing with the day of the date hereof, and thenceforth during the continuance of this grant or demise, are wrought or gotten forth or out of the said _____ hereby granted or demised. And in addition yielding and rendering unto our Sovereign Lady the Queen, her heirs and successors, annually in advance on or before the date of the recurring anniversary of the day of the date hereof, the sum of thirty dollars for every area of one square mile or part of a square mile hereby granted or demised, provided in respect of such payment that if in any year the quarterly payments of royalty herein provided for amount to a sum greater than that due as an annual payment or rental, then upon application the said annual payment or rental shall be refunded to the said _____, — executors, administrators and assigns. Provided that the legislature shall be at liberty to increase, diminish or otherwise change the royalty imposed by these presents or renewals thereof, as it thinks fit.

And the said _____ for _____ executors, administrators and assigns, _____ covenant with our Sovereign Lady the Queen, her heirs and successors, that the said _____ executors, administrators and assigns, shall, by _____ tenants, servants, agents or workmen, open, dig, and *bona fide* and effectually work some mine or mines, seam or seams _____ within the said land hereinbefore described, and _____ extract and raise therefrom and transport and send from thence for sale or use, and shall from henceforth continually afterwards, during the continuance of this lease, *bona fide* and effectually work the said or other and available mine or mines, seam or seams of _____, within the said land hereinbefore described, and sell or transport for sale, the _____ extracted or raised therefrom, according to the true intent and meaning of these presents.

And also shall well and truly pay or cause to be paid, unto our Sovereign Lady the Queen, her heirs and successors, through the hands or by the receipt of the Commissioner of Public Works and Mines, of the said

province, at the time and in the manner herein provided, the said rents or royalties hereby reserved or intended so to be; and that the said ——— executors, administrators, and assigns shall and will, during the continuance of this demise, keep or cause to be kept, one or more book or books of account, wherein true entries shall be made of all such ——— as are from time to time wrought or gotten forth, or out of, the said lands, and the beds and seams hereby granted and demised, and of all ——— sold or otherwise used and consumed by the said ——— executors, administrators or assigns, ——— workmen or servants, on and from the day of the date hereof, during the continuance of this grant or demise; and that it shall be lawful for the Commissioner of Public Works and Mines for the time being, or such person or persons as he appoints under his hand from time to time, to have free access and liberty to inspect and take copies of the said book or books of account. And that the owner, agent or manager shall and will on or before the tenth day of the months of January, April, July and October, in each and every year, send to the Commissioner of Public Works and Mines a correct return, specifying the quantity of ——— gotten in such mine, the probable use and destination of the same, and the amount of royalty which has accrued upon such ——— extracted during the previous quarter. And likewise that the said owner, agent or manager shall and will on or before the last days of January, April, July and October in each year, send a correct return to the Commissioner, specifying the number of days' labor and the number of persons ordinarily employed in and about such mine, below ground and above ground, and the different classes of persons so employed, and the cost and description of all the shafts, quarries, slopes, levels, planes, works, machinery, tramways and railways, sunk, driven, opened or constructed during the preceding quarter, such returns to be sworn to by two or more credible persons principally employed in or about the working and management of such mine, before a commissioner or a Justice of the Peace.

And also that the said ——— executors, administrators, and assigns, shall and will during the continuance of this grant or demise, keep and have forthcoming at all reasonable times to the Commissioner of Public Works and Mines of the said province, or such person or persons as he in that behalf by writing under his hand appoints with liberty to him and them to make copies of or extracts from the same, and at some convenient place upon the said tract, or within two miles thereof, an accurate plan or plans of the mines comprised in such tract of ground or area, and of the workings, thereof, and of all the shafts, adits, drains, levels, and other works whatsoever belonging thereto.

And also that the said ——— executors, administrators, or assigns, shall not, nor will at any time or times hereafter, during the term hereby granted, assign, transfer, or set over, or otherwise part with, the premises hereby granted or demised, or any part thereof, or the said term or any portion thereof, to any person or persons whomsoever without the license, consent or approbation of our said Sovereign Lady the Queen, her heirs or successors, first had and obtained for the doing thereof, or a ratification thereof, to be signified under the hand and seal of the Commissioner of Public Works and Mines of the said province. And also that it shall be lawful for any Inspector or Inspectors of Mines or for any viewer or viewers, agent or agents, to be by the Commissioner of Public Works and Mines appointed under his hand, at any time during the continuance of this present grant or demise, when and so often as any of the shafts of the said mines are at work, to descend by the ropes, gins, rollers, or engines, or other utensils used at any of the shafts of, or belonging, or which shall belong to the said mines respectively, or any of them, into the said mines, shafts, or pits, or any of them, to plumb line, view and survey the works thereof, and to view and see that the same are regularly and fairly wrought and carried on, and by the same ways and means to ascend and come up the said mines, shafts and pits, or any of them, and shall, and may, in the doing thereof, have the help and assistance of the workmen and servants employed in or about the said mines, or of such other person or persons as he or they think fit. And also that the said ——— executors, administrators and assigns shall and will, from time to time

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and at all times during the continuance of this grant or demise, well and effectually maintain and support all and every the working pits, shafts, levels, drifts, and water courses, and all and every the works, requiring the same, of and belonging to the said mines, with all such timber and deals and other materials as are requisite or necessary for that purpose, and so as to prevent the same and the roofs of the said mines from falling in or being otherwise damaged. And also that the said ——— executors, administrators, and assigns shall during the continuance of this demise, well and truly open, lay out and work all mines opened or worked, or which shall be opened or worked, within the said land hereinbefore described, during the said term, in a skillful, workmanlike and scientific manner, and shall from time to time, and at all times, adequately provide for the strength and security of the mines, vaults, pits, and the walls and roofs thereof, and the ventilation within, and the drainage, of the said mines, and each of them, according to the most perfect ways and means which are, or which may hereafter be, known and approved, and to be used in fair wrought mines, and shall obey, abide by, and keep all such regulations as have heretofore, or shall hereafter, be made by the Governor-in-Council, for or in respect to the proper working of the said mines, and shall and will at the end, or other sooner determination of the said term, and of this lease, peaceably and quietly yield and deliver unto ——— person or persons as our Sovereign Lady the Queen, her heirs and successors, appoints under the sign manual of the Lieutenant-Governor of the said province for the time being, or under the Great Seal of the said province, or under the hand and seal of the Commissioner of Public Works and Mines of the said province, to receive, and take possession thereof, all the said mines, and all and singular other the premises hereinbefore mentioned, except such furnaces, engines, mills, forges, foundries, railroads, implements, houses or buildings, as are not attached to the freehold, in such good order, plight and condition as fair wrought mines ought to be left, with such timber, deals and other materials as aforesaid (such mines as during the term hereby granted are abandoned by reason of their being unproductive only excepted).

Provided always, and it is hereby agreed and declared, and the said ——— executors, administrators, or assigns, ——— accept this grant or demise under condition, that in case any default is made by the said ——— executors, administrators, or assigns in keeping such book or books of account, or in delivery of such affidavit or affidavits as aforesaid, or in the payment of the said rents or royalties hereby reserved for the space of forty-two days after the period hereinbefore appointed for paying the same, or in laying before the Commissioner of Public Works and Mines of the said province such account or accounts in writing, as aforesaid, or in keeping and having forthcoming, as aforesaid, such plan or plans, as aforesaid, or if the said ——— executors, administrators or assigns, at any time or times hereafter assign, transfer, or set over or otherwise part with the premises hereby granted, or any part or parcel thereof, or with the said term or any part thereof, or this lease, to any person or persons whomsoever, for the term above granted or any portion thereof, without the license, consent and approbation or ratification of our said Sovereign Lady the Queen, her heirs and successors, to be signified as aforesaid, or if the said ——— executors, administrators or assigns, ——— not continue during this demise, from the day of the date of these presents, the *bona fide* and effectual working of the said mines according to the true intent and meaning of these presents, as hereby mentioned, or if the said ——— executors, administrators or assigns at any time or times ——— not open, or work, or ——— not strengthen and secure, or ——— not ventilate or drain the mines opened, or to be opened, within the said land hereinbefore described under this lease, in a skillful, workmanlike and scientific manner, as aforesaid, or ——— not in every particular fulfil and keep the covenants aforesaid, on ——— part to be observed, or any of them; Then, and in any and every of the said cases, when the same, or the failure of the said ———, executors administrators, or assigns, in any of the said covenants, matters or things, has been adjudged or declared by the Commissioner of Public Works

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and Mines of the said province, or three or more of the Executive Council of the said province, to have arisen or happened, the present letters patent, and all and every the powers and privileges hereby granted, shall be utterly null and void, anything to the contrary thereof in these presents notwithstanding, without inquisition, *scire facias*, or other proceedings, to determine the same, which proceedings, nevertheless, or any of them, it shall and may be lawful to institute and carry on, on behalf of our said Sovereign Lady the Queen, her heirs and successors, if she or they so thinks fit, then, and in every or any of the said cases, these presents, and all and every the powers and privileges hereby granted, shall be utterly null and void, anything to the contrary thereof in these presents notwithstanding.

In witness whereof, our Sovereign Lady the Queen has caused -----, Commissioner of Public Works and Mines for the Province of Nova Scotia, to subscribe and set his hand and seal of office to this indenture, and the said lessee ----- also subscribed and set ----- hand and seal thereto. the day and year first above written.

Signed, sealed and delivered, by the said Commissioner of Public Works and Mines, in the presence of -----.

By the said lessee in presence of -----.

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FORM V.
 MINING RECORDS.
 (Section 212.)
 COLLIERY COMPANY COUNTY.
 Return for the Quarter ended the ... day of 19....., in conformity with the requirements of "The Mines Act."
 To be returned within 30 days after expiration of Quarter.

Cost of Constructing New Works.	Average number of Persons Daily Employed, and Total number of Day's Labor Performed by each Class										No. of Horses		Pits Worked.	
	UNDERGROUND.		ON SURFACE.		ON CONSTRUCTION.		Above.	Below.	SEAM.	No. of Days.				
	Men	Boys	Days' Labor.	Men	Boys	Days' Labor.	Men	Boys	Days' Labor.			a	b	c
1 Shaft														
2 Slope														
3 Levels														
4 Machinery														
5														
6 Colliery Buildings														
7 Dwellings														
8 Surface Works														
9 Railway														
10 Wharves														
11 Prospecting														
12														
13														
14														
15														
16														

Here describe the character and use of the several works of which the cost is given (No.)

We..... of Agent Manager.

and..... of..... employed at the same mine, have exercised our authority and every means in our power to obtain and keep a correct account of the labor performed, and of cost and description of the Shafts, Slopes, Levels, Drains, Machinery, Haulage, and other works made or constructed during the time specified, and do swear that the above statement is correct to the best of our knowledge and belief.

Sworn to before me, at day of 19..... J. P.
 this day of 19..... Agent Mone. vr.

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