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RELATING TO

THE GOLD FIELDS

OF

NOVA SCOTIA.

PASSED THE 31ST DAY OF MARCH, 1862.

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E. M. McDONALD QUEEN'S PRINTER.

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Be it enacted by the Governor, Council and Assembly, as follows :

1. From and after the passing of this Act, all rules, regulations and orders of Council relating to the gold fields of Nova Scotia, and the claims of applicants, shall cease and be of no effect, saving always, nevertheless, and reserving the rights of all persons created thereby and thereunder, except so far as the same are or may be affected or qualified by this Act.

2. The word "mine" in this Act, shall mean any locality in which any vein, stratum, or natural bed of auriferous earth or rock, shall be worked. The verb "to mine," in this Act, shall include any mode or method of working whatsoever, whereby the earth, or soil, or any rock may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining gold, and whether the same may have been previously disturbed, or not.

3. Gold bearing quartz shall be held to mean all auriferous rock *in situ*.

4. Gold elsewhere than in rock *in situ*, shall mean alluvial or placer diggings.

5. The term uncultivated land, shall be held to mean, if upland, unploughed lands; if intervale or meadow lands, such as are in a natural state, or such as have not been stumped or grubbed, and thereby made fit for swarth. It shall not be held to mean marsh, dyked or undyked.

6. The Governor in Council is hereby authorized to select and appoint a suitable person to act as chief Gold Commissioner for the Province, and suitable persons to act as Deputy Gold Commissioners, as occasion may require, in the several districts, and to define the limits of their jurisdiction respectively and by virtue of and during the continuance of such appointment, such Gold Commissioner within all the Gold Districts, and such Deputy within the districts to which he is appointed, shall exercise the power of a Justice of the Peace; provided always that no such Commissioner shall act as a Justice of the Peace at any Court of General or Special Sessions, or in any matter out of session, except for the administering of affidavits, the preservation of the peace, the prevention of crimes, the detection and commitment of offenders, and in carrying out the provisions of this Act.

7. The Gold Commissioner and his deputies shall hold office during pleasure, and shall give bonds for the faithful discharge of their duties in such sums as may be fixed by the Governor in Council. The salary of the Gold Commissioner shall be two thousand dollars. The salaries of the Deputy Commissioners shall be fixed by the Governor in Council, not to exceed three dollars per day, while actually employed.

8. The Gold Commissioner and Deputy Gold Commissioners appointed under this Act, shall be incapable of being elected to, or of sitting or voting in the House of Assembly, and any such Gold Commissioner and Deputy Gold Commissioner who shall sit or vote as a member, shall forfeit two hundred dollars for every day in which he shall so sit or vote, to be recovered in the Supreme Court.

9. No Gold Commissioner or Deputy Gold Commissioner appointed under this Act, shall vote or take any part, or use any influence, directly or indirectly, in the election of any representative to sit in the Assembly, under a penalty of two hundred dollars for every such offence, to be recovered in the Supreme Court.

10. No Gold Commissioner or Deputy Gold Commissioner shall be directly or indirectly interested in any gold mine, or

in the proceeds or profits thereof, nor shall he act as the agent or attorney of any person interested therein, under a penalty of one thousand dollars for every offence, to be recovered by proceedings in the Supreme Court.

11. The chief Gold Commissioner and each Deputy shall be provided with a Book of Record, uniformly ruled (See Schedule A.), wherein shall be entered all applications for areas, with the precise time of their being made, showing the description of area applied for, the amount paid, the name or names of the applicants in full, with the name of the party paying, which shall be open, at all reasonable times, to the inspection of all persons desiring to see the same; and as each applicant shall pay for and file his written application for a mine, the name of the applicant shall be written on the area or areas applied for; and each deputy shall make a return weekly, or oftener, if required, to the chief Gold Commissioner, of all applications so made, and of the names written on the plan required by the 13th section, and remit the amounts paid.

12. It shall be the duty of the Deputy Gold Commissioner for each district, as soon as may be after the passing of this Act, to enter in such Book of Record the applications of parties to whom areas have already been granted, with all particulars as nearly as may be in conformity with the provisions of the preceding section, and all entries shall be in the order of the dates of the applications.

13. It shall be the duty of each Deputy Gold Commissioner to prepare and keep a plan of the gold field or fields within his jurisdiction, with the areas that shall have been laid off, all distinctly marked out thereon; and with his weekly or other return to the chief Gold Commissioner, he shall forward a duplicate plan of all surveys made during the week, and the chief Gold Commissioner shall cause such plan to be forthwith copied upon a general plan to be prepared and kept by him, of the gold fields in question.

14. The form of an application for a mining area shall be as in Schedule B., or to that effect, and the Deputy Commissioner shall endorse thereon the precise time when received; but no application shall be valid unless made in writing, defining the area applied for, and accompanied (except in case of free claims by discovery or otherwise, under the provisions of this Act,) by payment of a first instalment as hereinafter provided for such area; or, in case of a lot of one thousand square feet in alluvial or placer diggings, by payment of the

entire yearly rental. A receipt signed by the Receiver-General, acknowledging payment at his office, shall be taken, when presented to the Deputy Gold Commissioner of the district, as equivalent to the production of the money therein specified, and thereupon such Deputy Commissioner shall deliver to the applicant a receipt, as in form Schedule C.

15. Quartz mines shall, so far as local peculiarities or other circumstances may permit, be in general laid off in areas, and be subject to the rents and royalties hereinafter specified.

Area number one shall be one hundred and fifty feet along a lead by two hundred and fifty feet across ;

Area number two shall be one hundred and fifty feet along a lead by five hundred feet across ;

Area number three shall be three hundred feet along a lead by five hundred feet across ;

Area number four shall be four hundred and fifty feet along a lead by five hundred feet across.

16. Areas shall be laid out as far as possible uniformly, and in quadrilateral and rectangular shapes. Measurements of areas shall be horizontal, and each area shall be bounded by lines vertical to the horizon.

17. The rents per annum of these areas shall be, for area number one, forty dollars ; area number two, eighty dollars ; area number three, one hundred and sixty dollars ; and for area number four, two hundred and forty dollars.

18. No more than one area shall be included in one lease ; but such area may be of any of the classes above named.

19. Under special circumstances, leases of larger areas, and on modified terms, may be granted, with the approval of the Governor in Council.

20. In lands not lying within any proclaimed gold district, the rights of parties shall be governed as far as possible by the spirit and provisions of this Act. Parties occupying and staking off areas corresponding in size with those prescribed hereby, shall be entitled to priority in the order of their occupation, so as each occupant shall apply to the chief Gold Commissioner for the area occupied by him, and pay for the same at the rate prescribed by this Act within the time allowed hereby. Every such applicant shall be entitled to one week, and thereafter to twenty-four hours' time for making his application, for every fifteen miles distance of the mine applied for, from the office of the chief Gold Commissioner at Halifax. In case the lands so applied for shall afterwards

be included within any gold district, and laid off as prescribed by this Act, the rights of the occupants shall be respected so far as is consistent with the terms of this Act, on adjusting the boundary lines between the parties in occupation.

21. When any alluvial or placer diggings are discovered, it shall be the duty of the Gold Commissioner, or some other person duly appointed by the Governor for the purpose, to examine and report upon the same, and upon such report the Governor in Council may declare the same to be sufficiently auriferous to be worked in small lots, and order them to be laid off accordingly. In such case the diggings shall be laid off in lots of one thousand square feet, but the shape of the lots in each locality shall be governed by the circumstances and situation of the locality, to be decided by the Gold Commissioner; provided always, that if at any future time such diggings or any part thereof should prove not sufficiently auriferous to be worked, such order may be repealed or modified, as occasion may require.

22. Alluvial or placer diggings, not ordered to be laid off in lots of one thousand square feet, shall be laid out as far as local peculiarities will allow, as directed in case of quartz mines, east and west lines being substituted for length along a lead, and the rents and royalties shall be the same as those of quartz mines.

23. The rents of lots of one thousand square feet in alluvial diggings, shall hereafter be five dollars per year, payable in advance. The rents of lots in quartz already granted, of one thousand square feet, shall hereafter be two dollars per year, payable in advance.

24. All rents except those of lots of one thousand square feet, shall be payable, quarterly, in advance.

25. On all grants or leases of gold mines, there shall be reserved a royalty of three per cent. upon the gross amount of the gold mined. If the royalty exceeds the rent, the royalty only shall be paid. If it does not exceed the rent, the rent only shall be paid.

26. Leases of alluvial lots containing one thousand square feet, shall be for the term of one year only, but shall be renewable, from year to year, at the option of the lessee or his assigns, on payment in advance, at or before the termination of the existing year, of the rent of a succeeding year.

27. All other leases shall be for the term of twenty-one years, renewable, (subject to such reservations and modifications as the Legislature may impose), at the option of the

lessee or his assigns. Such leases shall contain all the ordinary provisions of mining leases, and shall be forfeited on failure to pay the stipulated rents and royalties, or to keep employed annually, on the premises demised, the amount of days' labor specified herein, that is to say: On area number one, one hundred days; on area number two, two hundred days; on area number three, four hundred days; and on area number four, six hundred days; or, on failure to perform any other condition, stipulation, covenant or agreement, or to make any return or returns, or do any other act or thing contained in or required by such lease; and such lease shall also be subject to forfeiture, in case of any return of royalties required thereby, being falsely and fraudulently made.

28. Leases for terms of one year shall be in the form Schedule D., and leases for a longer period in the form of Schedule E., hereto annexed, or to that effect.

29. The discoverer of any new mine shall be entitled, according to the nature of the mine discovered, to a lease for twenty-one years, free from rent or royalty, of a lot of one thousand square feet, or of an area of class number one, as prescribed by section fifteen of this Act.

30. No person shall be considered the discoverer of a new quartz mine, unless the place of the alleged discovery shall be distant, if on a lead, at least three miles from the nearest known mine on the same lead, and if not on a lead at least one mile at right angles from the course of the lead; if in alluvial workings, at least two miles distant from any previously discovered mine.

31. In leases of areas reservations shall be made of necessary ways and watercourses over the area, and whether such reservations be expressly made or not, all parties taking leases shall be considered as accepting the same, subject to such reservations, and also to such regulations for the transmission of water, or the making and using of ways over and across the same, or the diversion of water therefrom, as the Governor in Council may, from time to time, consider expedient.

32. The rents and royalties prescribed by this Act, are irrespective of the rights of, and compensation to, private proprietors. The damages of such proprietors, when ascertained, whether by agreement between them and the Gold Commissioner, or by any process now existing or hereinafter provided for ascertaining the same, shall be a charge on the public treasury, and payable within thirty days after the same shall be ascertained.

33. The Governor in Council, on being satisfied of the discovery of gold in any locality, whether made previously or subsequently to the passing of this Act, 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 enlarge, contract, or otherwise alter such limits.

34. Wherever the title to the soil of any uncultivated lands in such district shall not be in the Crown, but the gold therein shall belong to the Crown or its lessees, it shall be the duty of the Gold Commissioner by himself, or by some deputy by him specially authorized thereto, to visit and examine the district, and to make a report on the same to the Governor in Council. In such report he shall set forth as nearly as they can be ascertained, the exact limits and boundaries of such of the uncultivated lands as will probably be required to be laid off in areas for mining purposes, the rivers, brooks, streams, ravines, hills, and other physical peculiarities in such lands, the names and residences so far as they can be ascertained of the persons owning the same, and the quantities respectively owned by them, and the value of such lands (distinguishing those of each proprietor), such value to be estimated irrespectively of any enhancement thereof from the supposed existence of gold therein, or in lands in the neighbourhood thereof, and he shall specify the nature and character of the mines, and state whether in his opinion it would be for the interest as well of the proprietor as of the Crown that such uncultivated lands, or any portion thereof, (specifying the same), should be revested in the Crown, and such report shall be accompanied by a plan of such lands, and of so much of the adjoining lands as may be necessary to render the same intelligible, and so many of the particulars required to be set forth in the report as can be conveniently exhibited on a plan, shall be delineated thereon; and the cultivated lands, if any, owned by the proprietors, together with the houses or other buildings thereon, shall be laid down on such plan. The Governor in Council may set aside, modify, alter, or confirm such report, and may order that the uncultivated lands specified therein, or any defined portion thereof, shall be revested in the Crown.

35. When lands are ordered to be revested, and in any other case when thereto required, the Gold Commissioner, or the Deputy Gold Commissioner, shall negotiate with the owners, if they are known and can be found, for the purchase of their lands, or of so much thereof as may from time to time

be required, on the terms of payment for the same, being made out of the Treasury, as each area shall be leased at a certain fixed rate per area, of class number one; and as regards any cultivated or other lands for ascertaining the amount to be paid in full, in respect of any damage thereafter to accrue from the working of the mines, payment to be made in like manner. In case the Commissioner cannot agree with a proprietor, he shall make an appraisalment in writing of the actual value per area of class number one, of the uncultivated land ordered to be re-vested, and of the damages per area of the rest of the land required for mining purposes. Such appraisalment, if approved by the Governor in Council, shall be published for at least thirty days in the "Royal Gazette" newspaper, and by handbills posted up in at least three public places in the gold district. If the proprietor shall within thirty days after such publication in the "Royal Gazette" signify in writing to the Commissioner his assent to the terms of such appraisalment, he shall be entitled to receive out of the treasury, as each area shall be leased, the appraised value thereof, together with an addition of twenty-five per cent. thereto, and shall also be entitled to free claims, as hereinafter provided.

36. In case of such assent from any cause not being signified, the Governor in Council shall appoint one arbitrator, and the proprietor another, who shall be sworn in the form Schedule F., hereto annexed, to the impartial discharge of the duties assigned them, and who shall award the compensation per area, to be paid as aforesaid, estimating the value of the same irrespectively of any enhancement thereof from the supposed existence of gold therein, or in the neighborhood. In case the arbitrators cannot agree, they may select a third arbitrator. If they cannot agree in such selection, the Custos of the County in which the property lies, shall name the third arbitrator, who shall be sworn as aforesaid, and the award of any two of the three arbitrators, made in writing, shall be valid.

37. When the proprietor is unknown or cannot be found, or upon notice refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor, the Custos of the County may appoint one for him.

38. Persons jointly interested in the land may unite in the appointment of an arbitrator; on failure to do so, the Custos of the County may nominate an arbitrator for them.

39. On the award being returned to the Gold Commissioner, he shall transmit the same to the Governor, who, in Council, may confirm or reject the same.

40. In case of the same being rejected, the proceedings may commence *de novo*. In case of confirmation, the award shall be entered by the Gold Commissioner on record, in the books of registry of the gold district.

41. The proprietor of the soil shall be entitled, as each area is leased, to the amount fixed by the agreement with the Commissioner; or, in case of an award, to the amount fixed thereby, together, in the last case, with twenty-five per cent. additional.

42. When any agreement or award shall have been confirmed, the title to the soil of each area shall, as the same is leased, be divested out of the owner, and pass to the Crown in fee, and thereupon the lessee shall be tenant for the period of the lease, as well of the soil as of the mines of the area.

43. Lessees of mines leased before the passing of this Act, or before the confirmation of any agreement or award for re-vesting the title of lands in which they are situate, shall, from and after the date of such confirmation, be construed to possess the same rights over the soil as if the lease had passed after such confirmation.

44. In case the proprietor of any lands shall have entered into an agreement with the Gold Commissioner, which shall have been confirmed by the Governor in Council, or, in case of an award, if the amount per area awarded by the arbitrators appointed under this Act, together with twenty-five per cent. additional, shall exceed, by one-sixth, the amount fixed by the Gold Commissioner in his appraisalment, the proprietor of the soil shall, on application, be entitled to receive a free mine of class number one for every twenty-five acres of land which shall be re-vested. The first area shall be allotted to him as soon after the confirmation of the agreement or award as the same may be applied for; the second so soon after areas to the extent of twenty-five acres shall have been laid out and leased, as he shall apply for the same, and so on for every additional lot to which he may be entitled hereunder.

45. Nothing herein contained shall prevent the Gold Commissioner, or Deputy Gold Commissioner, from making any agreement subject to the approval of the Governor in Council, for the purchase and re-vesting in the Crown any tract of land, to be paid for in such other and different terms as may be agreed upon.

46. The holder of any lease of a mining area, may, at any time, surrender the same by notice in writing signed by him and filed in the office of the Deputy Gold Commissioner,

thereupon the interest of such holder shall forthwith revert in the Crown, and he shall cease to be liable for any rent beyond the quarter then unexpired; but nothing herein contained shall be construed to discharge him from liability in respect of any covenants in the lease, for or in respect of any act, matter, or thing for which at the date of such surrender he was under the terms of the lease liable, or from any liability for the quarter's rent then unexpired.

47. When a gold district shall have been proclaimed, any person found mining in any lands therein belonging to the Crown, or on any land thereon of a private proprietor, the gold in which belongs to the Crown, or entering thereon for the purpose of mining after being forbidden by the Gold Commissioner, by notice personally served upon him, forbidding mining or entry upon the lands specified therein, shall be liable to a penalty for each offence of not less than ten dollars nor more than fifty dollars.

48. Parties violating the provisions of the preceding section, shall be considered guilty of a distinct offence for every day they shall unlawfully mine.

49. On complaint in writing made to any Justice of the Peace of the County in respect of such unlawful mining or entry to mine, the Justice shall issue his warrant to apprehend the offender and bring him before the Justice to answer the complaint; such Justice shall thereupon forthwith enter upon the investigation of the complaint, and in case he shall find the party guilty, impose such fines or penalties as the party may have incurred under the provisions of this Act. In case the defendant requires time for the production of witnesses for the defence, the Justice may adjourn the investigation to any period not exceeding six days, on being satisfied by affidavit that such time is required for that purpose, and in such case the defendant shall be committed to gaol unless he gives security to the satisfaction of the Justice to appear at the time and place appointed for such adjourned investigation.

50. The decision of such Justice shall be subject to appeal, as in ordinary cases, but before such appeal shall be allowed, the appellant shall give bonds to the Deputy Gold Commissioner to pay the costs of the appeal, in case of a decision against him, and also to pay such fines or penalties as the Court of Appeal may impose.

51. Gold in quartz or otherwise, unlawfully mined on the property of any lessee of the Crown, shall be considered in

law the personal property of the owner of the mine, and a search warrant may be issued for the same by any Justice of the Peace for the county, in the same manner as for stolen goods; and, upon the recovery of any gold under such warrant, the Justice shall make such order for the restoration thereof to the proper owner, as he shall consider right.

52. Nothing herein contained shall deprive the Crown lessee of the mine, or any proprietor of the soil, of any remedy existing at or before the passing of this Act, for damages or redress in respect of the matters above specified.

53. The lessee of gold mines in lands of private proprietors shall be entitled to use the area within the limits of his lease, for all purposes necessary for the convenient working of the mines therein.

54. The lessee of any gold mine in the lands of the Crown, or in any lands which, under this Act or by purchase, shall become revested in the Crown, shall be a lessee of the soil for the term for which he holds the mine.

55. All disputes relative to the possession of any mine may be investigated and decided in a summary way without costs before the Gold Commissioner or the deputy for the district; in cases of difficulty, and in any case where the Deputy Gold Commissioner, or either of the parties desires it, the deputy shall remit the enquiry to the chief Gold Commissioner and report to him the facts; and the Gold Commissioner shall, on such report, or upon an investigation, to be conducted by himself in the district, as he shall deem best for the interests of justice, decide upon such disputes, and the decision, when made, shall be communicated by the deputy forthwith to the parties affected thereby, and shall be enforced and executed by the bailiff of the district; but either party, if dissatisfied, may appeal from the decision to the Supreme Court, provided the party appealing shall, within ten days from the decision, give notice to the other of his appeal; but such appeal, when perfected, shall be no stay of proceedings.

56. In case of an appeal the appellant, or in case of his absence his agent, before the appeal shall be allowed, shall make an affidavit in writing that he is dissatisfied with the judgment and feels aggrieved thereby, and shall file the same with the Deputy Gold Commissioner, and the party so appealing, or in his absence, his agent, shall, within two days thereafter, enter into a bond with two sufficient securities in the penalty of fifty dollars, with a condition that the appellant shall enter and prosecute his appeal according to the provi-

sions of this Act, and pay all costs which may be adjudged against him by the Court of Appeal.

57. In cases where the Commissioner decides to remove a party in possession of any mine, and such decision is appealed from, the Commissioner may order such decision to be carried out forthwith; but before he shall put the appellee in possession of the mine, such appellee, or in his absence, his agent, shall enter into and file with the Deputy Gold Commissioner a bond to the appellant with two sufficient sureties in the penalty of one hundred dollars, or such larger sum as the Commissioner shall deem adequate; conditioned that the appellee shall keep a strict and accurate account of the gold and gold-bearing quartz that shall be mined on the area pending the appeal, and that he shall deliver the same over to the appellant in case the Court of Appeal shall decide in his favor and pay the costs if the ultimate decision is against him.

58. In case the gold district shall be entirely within one county, the appeal shall lie to the Supreme Court of that county. If it shall include portions of more than one county, it shall lie to the Court which shall be first held in any of such counties. All such appeal causes may be heard and tried before a Judge at Chambers, in vacation, at Halifax, if the appellant or appellee shall desire to bring on the trial before the next sittings of the Supreme Court to which the appeal lies. Ten days' notice shall, in such case, be given to the appellant or appellee, of the time and place of trial.

59. On appeal being perfected, the Commissioner shall forward the papers in the cause to the Prothonotary of the Court to which the appeal lies, who shall, when required by the appellant or appellee, and on payment of the necessary postages, transmit the same to the Prothonotary at Halifax.

60. If the Judge at Chambers shall be of opinion that the matter in dispute should be tried by a jury, he may give an order accordingly, and in such case the appeal shall be remitted to the county to which it originally lay, to be dealt with as in other cases of appeals.

61. The decision of a Judge on appeal shall be subject to the review of the whole Court, agreeably to the eighth section of the Act of the last session of the Legislature, entitled "An Act to amend Chapter 134 of the Revised Statutes, 'Of Pleading and Practice in the Supreme Court,'" but, in the mean time, his decision shall be carried out, and any appeal to the Court shall be no stay of proceedings; but, before the party

in whose favor the decision shall be made shall be put in possession of the mine, he shall execute to the other a bond conditioned as prescribed by section fifty-seven.

62. The Judge at Chambers, or the Court on review, may decide as to the hearing of the cause, and order a new trial on such terms as may seem just, or order judgment to be entered for either party, or try the cause *de novo*, and may make such order as to the costs of the appeal, and as to amendments or other matters connected therewith, as he or they may think fit.

63. The Governor in Council shall, in each gold district, appoint an officer to be called the Bailiff of the District, with such remuneration as may be thought adequate to the office; and such Bailiff shall have power to appoint one or more deputies, and such Bailiff and his deputies within the district, by virtue of and during their appointments, shall be constables for any county within which the gold district, or any part thereof lies, and shall be clothed with all the power and immunities of constables, appointed for such counties in the ordinary way.

64. In case the Bailiff or his deputy or deputies may, at any time, be found insufficient for the preservation of peace and good order in any gold district, the Governor in Council may appoint for the district any policemen or police force of such numbers as may be adequate to the occasion, and make regulations for the management, discipline, and pay of such force: and persons so appointed shall have all the powers, authorities and immunities of constables and peace officers appointed in the ordinary way, and such additional powers and authorities as the Governor in Council may confer on them.

65. The Governor in Council may authorize the erection of a lock-up house in any gold district when the same may become necessary, and the expenses of erecting the same shall be paid out of the Treasury. The Bailiff shall have the charge and keeping of such lock-up house.

66. In cases when payment shall have been made for areas either in quartz or alluvial mines at rates higher than those provided by this Act, the lessee of mines shall be entitled to have such surplus payments passed to the credit of the mines upon which such payments shall have been made according to the rents by this Act, provided as rent and royalty prepaid.

67. In cases unprovided for by this Act, the Governor in Council is hereby authorized to make rules and regulations

relative to Gold Districts and Gold Mines, and to the working, management, care, possession, and disposal of the same, and also as to ditches, water-privileges, roads, ways, and other matters connected with the same; and all such rules and regulations when published in the Royal Gazette, shall have the force of law till repealed by the Legislature, provided such rules and regulations shall not be repugnant to the laws of the Province or the provisions of this Act; and such rules and regulations may, in like manner, be altered, modified or cancelled, as circumstances shall require.

SCHEDULES REFERRED TO IN THE FOREGOING BILL.

A.

Applications for Gold Areas at

No. of Application	Date of Application and paym't.	Applicant's name.	By whom money paid.	Amount paid.	Description of Area.

B.

Gold District.

Application is hereby made for a lease for one year, from the day of 186 , of Lot No. , at Gold District, measuring feet by feet—subject to the terms and conditions of the act relating to the Gold Fields.

Dated this day of , A. D., 186

OR—

Application is hereby made for a lease of a Mining Area of class No. , in the above named Gold District, being composed of the following areas No. laid off therein, [or in case the same shall not have been laid off in the areas] for a lease of a Mining Area of class No. , described as follows (here define the area applied for), or that area of class No. , which, when the mines shall be laid off in

district areas, shall include within its lines the centre of the lot above defined.

C.

Office of Commissioner for Gold District,
day of 186

Received from the sum of
 dollars, paid for a mine in said district, containing the
 area of class No. , known as area No. , mea-
 suring feet by feet, being the in
 advance, as required by law.

Comm'r.

D.

THIS INDENTURE, made this day of
 in the year of our Lord one thousand eight hundred and
 sixty , between our Sovereign Lady the Queen of the
 one part, and of , in the County of
 , of the other part :

Witnesseth, that our said Sovereign Lady the Queen has demised and let, and by these presents doth demise and let to the said all the mines of gold in that certain lot situate in the gold district, known as lot : To have and to hold the same to the said , his executors, administrators and assigns, for and during the term of one year from the date hereof, yielding and paying to our said Sovereign Lady the Queen, at the office of the Deputy Gold Commissioner for said district, the yearly rent or sum of dollars, payable in advance, upon the execution and delivery of these presents; and also yielding a royalty on the gold mined of three hundredth parts, the whole into one hundred equal parts to be divided, in case royalty shall become payable under the terms and provisions of the Act relating to gold fields. And it is hereby declared that this demise is granted and accepted on the condition and understanding that all the provisions of the said Act in reference to the tenure, rents, royalties, rights of renewal, and other matters therein declared applicable to mines, of the character of those herein demised, shall be applicable to and govern the rights of both parties under the lease.

In witness whereof, our said Sovereign Lady the Queen has caused _____, chief Gold Commissioner for the Province of Nova Scotia, to subscribe his hand and seal of office to this Indenture, and the said _____ has subscribed his hand and seal thereto.

Signed, sealed and delivered, by the }
 said Gold Commissioner, in pre- }
 sence of }
 By the said }
 in presence of }

E.

THIS INDENTURE, made this _____ day of _____ in the year of our Lord one thousand eight hundred and _____, between the Queen's Most Excellent Majesty of the one part, and _____ of _____, in the County of _____ 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 and behalf of the said _____, his executors, administrators and assigns, to be observed and performed, our Sovereign Lady the Queen, of her special grace, certain knowlege, and mere motion, doth grant and demise unto the said _____, his executors, administrators and assigns, all that certain tract of land situate at _____ in the County of _____ known and described as follows, that is to say:

[*Here describe area*]

And also, all and singular the beds, veins, and seams of gold, gold-bearing quartz, and other gold-bearing rocks, and all the gold whether in quartz, grain, or otherwise, situate and being within the limits of the said tract, and within, under, or upon the same, or [*as the case may be*] all and singular the beds, veins and seams of gold, gold-bearing quartz, and other gold-bearing rocks, and all the gold whether in quartz or otherwise, situate in, under, or upon that certain tract of land lying and being at _____, in the County of _____ known and described as follows, that is to say:

To have and to hold the said tract of land, and the said beds, veins, and seams of gold, and gold-bearing quartz, and all other the gold-bearing rocks, and gold whether in quartz

or otherwise, in, under, and upon the same, to the said _____, his executors, administrators and assigns, for, during, and unto the full end and term of twenty-one years, to commence and be computed from the day of the date hereof, and fully to be complete and ended: yielding and rendering unto our Sovereign Lady the Queen, her heirs and successors, yearly and every year during the continuance of this demise, at the office of the Gold Commissioner at Halifax, or to the Deputy Gold Commissioner of the district, the yearly rent of _____ dollars, payable in four equal and quarter yearly payments, each of said quarter yearly payments to be made in advance at the beginning of the quarter; and also yielding and paying yearly during the continuance of this demise three full hundredth parts, the whole into one hundred equal parts to be divided, of all the gold which shall be 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. Provided always, nevertheless, that in case such three hundredth parts so reserved as royalty shall, in any one year of the term hereby granted and demised, exceed in value the amount herein reserved as yearly rent, then and in such case, such royalty only shall be paid, and the rents which may have been paid in advance, shall be considered as having been paid as part and parcel, and on account of such royalty; and in case such three hundredth parts shall not exceed in value the said amount herein reserved as yearly rent, then and in such case the said royalty shall not be demanded, but the said rent alone shall be payable, under the terms of this demise.

And the said _____ doth hereby covenant, promise and agree, to and with our said Sovereign Lady the Queen, her heirs and successors, that the said _____, his executors, administrators and assigns, shall and will well and truly pay, or cause to be paid, to our Sovereign Lady the Queen, her heirs and successors, at the time and place and in the manner aforesaid, the said yearly rent hereby reserved, in case the same shall, under the terms and provisions of this lease, be payable; or in case royalty shall become payable under the terms and provisions of this lease, then shall and will well and truly pay and deliver as aforesaid the amount and value of the said royalty.

And also, that the said _____, his 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, and other rock containing gold, and all gold in grain or otherwise, as shall from time to time be mined, wrought, had, gotten, or obtained out of the said demised premises, and also of 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, that such book or books of account shall at all times be open and subject to the inspection and examination of the Gold Commissioner, or of the Deputy Gold Commissioner of the district, and also of any other person or persons thereto specially appointed, under the sign-manual of the Lieutenant-Governor for the time being; and also that he, the said _____, his executors, administrators or assigns, shall yearly, and every year during the continuance of this demise, deliver or cause to be delivered to the Gold Commissioner at Halifax, or the Deputy Gold Commissioner of the district, one or more affidavit or affidavits, to be made by two or more suitable persons principally employed in or about the working or management of the mines hereby granted and demised, that the entries which shall from time to time be made in such book or books of account, contain a full and true account of the quantities of all such gold and gold-bearing quartz, and other rocks containing gold, and all gold in grain or otherwise, as shall be mined, wrought, or gotten, or had or obtained, in each and every year in all or any part of the demised premises, which affidavit shall be sworn before the Deputy Gold Commissioner of the district, or before a Justice of the Peace.

And likewise, that the said _____ 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 and 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 shall be 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 shall and will at the end

or other sooner determination of the said term, peaceably and quietly yield and deliver unto the Deputy Gold 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, founderies, railroads, implements, houses and buildings, as shall not be 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 shall be abandoned by reason of their being unproductive only excepted.) Provided always, and it is hereby agreed and declared, and the said _____, for himself, his heirs, executors administrators and assigns, doth accept this grant or demise under the condition that in case default shall be made by the said _____, his 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 rents or royalties hereby reserved for the space of forty-two days after the periods 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 herein before set forth and required to be made shall be false and fraudulent, or any other covenant herein contained shall not be kept and observed, then, and in every or 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 _____, his executors, administrators and assigns, at any time or times hereafter when so minded to give notice in writing to, and file the same in the office of, the Deputy Gold Commissioner of the district, setting forth that he is desirous of surrendering this lease ; and in such case, so soon as any such notice shall be so filed in the office of the Deputy Gold Commissioner, the interest and estate of the said _____ in the demised premises shall forthwith revert in her said Majesty, and the said _____ his executors and administrators, shall thenceforth cease to have any interest therein, or to be liable under the terms and

provisions of this lease for any rent except the rent then due, and that of the quarter then current and unexpired.

Provided also further, and it is the true intent and meaning of these presents that the said _____, his executors and administrators, 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 shall have existed at the date of such surrender, and also shall continue and remain liable for the rent of the current quarter unexpired at the date of his surrender.

In witness whereof, &c.

F.

County of

A. B. of _____ in the County of _____ and C. D. of _____ in the County of _____ chosen as arbitrators to estimate the value of the land required for mining purposes, situated and contained within the following description, viz. :

do hereby severally solemnly swear that they will faithfully and impartially discharge the duties assigned them, in accordance with the terms of the Act relating to Gold Fields, estimating such lands irrespectively of any enhancement in the value thereof from the supposed existence of gold therein, or in the neighborhood.

Sworn at _____ this _____ day of _____
186 _____, before me, _____ }

J. P.