

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1860.*

23 Victoria – Chapter 3

**An Act to amend an Act passed in the Seventh Year of Her Majesty's Reign, entitled "An Act to make Provision for the Disposal and Sale of Ungranted and Unoccupied Crown Lands within the Island of Newfoundland and its Dependencies, and for other Purposes," and to make Provision for Granting Mining Licenses, Leases and Grants of Mineral Lands, and for other Purposes. (Passed 14th May, 1860.)**

Be it Enacted by the Governor, Legislative Council and Assembly, in General Session convened;

I. It shall be lawful for the Governor, with the advice of the Council, to issue free Licenses of Occupation, for a term not exceeding Five Years, of any ungranted and unoccupied Wilderness Lands, to such Person or Persons as shall be desirous of permanently settling and cultivating the same, in quantities not exceeding Fifty Acres to each Settler, such Settler being qualified to obtain a Grant under the Provisions of the First Section of the Local Statute, 7 Vic. Cap. 1; and to every such Person desirous of erecting a Saw or other Mill upon any such Land, a similar License for Two Hundred Acres of such Land; but in no case, whether it be a License for the erection of a Saw or other Mill, or any Grant of Land made under the provisions of this Act, shall there be more than one-third fronting on any Hirer by two-thirds deep; and in cases of Grants on the Coast, the frontage on such Coast shall not exceed Two Hundred yards.

II. To such Persons as shall have occupied and settled on the Land so licensed, for a period of Five Years after the date of the License, and shall have cultivated within that period Two Acres of the said Land, or to such Persons as shall have erected a Saw or other Mill thereon, and worked the same for the period of Three Years, it shall be lawful for the Governor to issue Grants in fee, under the Great Seal of this Island, for the quantity of Land specified in such License, upon such Person paying the charge of Five Shillings for each of such Grants.

III. Before any such Grant shall be issued, the Person applying for the same shall file, in the Office of the Surveyor General, a Petition setting forth the quantity of Land occupied and cultivated by him, with a general description thereof, and the general uses to which he intends to apply the Land for which he seeks a Grant; which Petition shall be verified by the Oath of the Petitioner, to be administered by any Justice of the Peace in this Island, who is hereby authorised to administer the same; but no such Grant shall be made unless the Land granted shall be surveyed by the Surveyor General, or an authorised Deputy Land Surveyor, at the cost of Petitioner, unless in case it may appear to the Executive that the applicant resides in such a remote locality that the services of a Deputy Land Surveyor could not have been obtained.

IV. The Governor in Council may grant an exclusive right of searching for Minerals and Mines to any Person for any period not exceeding Two Years from the date of the License, over any space not exceeding Three Square Miles, and the Person obtaining the same shall have the right to a grant of any

quantity not exceeding One Square Mile of the Land in which he shall discover any Mines or Minerals, if applied for within the said Two Years.

V. It shall be lawful for the Governor in Council to issue Grants in; fee, or Leases for a term of years not exceeding Nine Hundred and Ninety-nine Years, of One Square Mile of Land, with the Mines and Minerals therein, to any Person applying for the same; but all Grants shall be subject to a Royalty of two and a half per centum on the gross produce of all Mines or Minerals worked thereon, or obtained therefrom, except Gold and Silver, and to the condition that should they not be actually worked within Two Years from the date of the Grant, the same shall be forfeited, and the Land so granted shall revert to the Crown for the use of the Colony, and to such other conditions as the Governor in Council shall deem just, subject to the like forfeiture should the said conditions not be complied with: Provided always, that the Royalty hereinbefore reserved shall not take effect or become chargeable until the expiration of Five Years from the passing of this Act, or from the date of such Lease or Grant.

VI. The Governor in Council shall prescribe general rules and regulations for the issuing and cost of such Licenses and Grants, and for the collection of the said Royalties, and which shall be published in the "Royal Gazette" of this Island within One Month after the making thereof: Provided always that the cost of any such License or Grant shall not exceed Ten Pounds.

VII. It shall be lawful for the Governor in Council, and he is hereby authorised, to cause any of the Crown Lands of this Colony to be let for a term or terms of years at Public Auction, at the highest annual rent that can be obtained therefor, and to execute Grants or Leases for such term, and on such conditions, and at such rent, as the said Land shall be knocked down at such Public Sale.

VIII. On the Report of the Attorney General to the Governor in Council that the conditions of any Mining Lease, Grant, or Grant of Land, for erecting a Saw or other Mill, have not been complied with, and the same is therefore liable to forfeiture, the Governor in Council may direct the Attorney General, or, in his absence, the Solicitor General, to give not less than Thirty Days' notice to the holder of any such right, of the grounds of forfeiture, and unless he shall within that time make it appear to the satisfaction of the Governor in Council that there were no such grounds of forfeiture as are mentioned in said Notice, the same shall be Forfeited.

IX. Upon proof of due service of such notice, or if such Person shall be beyond the limits of the Colony, or cannot be found within the same, then, upon proof by affidavit of the service of such Notice on his attorney, agent, or representative, if any, within the Colony, or by publication of such Notice for Three Consecutive Months in the "Royal Gazette," the Governor in Council may escheat such Lease, License, or Grant, upon such equitable terms and conditions as he may deem right, and regulate the expenses thereof, and thereupon order a record of such escheat, under the Great Seal, to be filed in the Secretary's Office; which record, or certified copy thereof, under the hand of the Secretary, shall be evidence of such escheat in all Courts.

X. If the holder of such right shall in person, or by attorney, appear on or before the day fixed in the notice for the hearing, or shall notify the Colonial Secretary in writing, that he require the common law mode of proceeding to be pursued, the Governor in Council shall allow the same.

XI. All Grants or Leases of Mines of Gold or Silver shall be subject to such Royalty as the Governor in Council shall determine.

XII. This Act shall not apply to or be construed to affect the legality or otherwise of any Grant, Lease, or License heretofore made or granted by the Crown.

XIII. This Act shall not come into operation until Her Majesty's assent thereto shall be first given.