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Indian and Northern Affairs Canada  
Affaires indiennes et du Nord Canada  
E 5855/06175

Oil and Gas  
WIKEMIKONG UNCEDED RESERVE #26

## Pétrole et gaz

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Date From\De: 4/06/58  
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E 5855-06175

E 5855-26175 Vol. 2  
ENCLOSURE



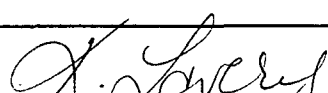
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**SCINTREX**



**geophysical and geochemical  
instrumentation and services**

REPORT ON  
GRAVITY AND MAGNETICS SURVEYS  
MANITOULIN ISLAND, ONTARIO

June, 1981

On Behalf Of

Indian and Northern Affairs Canada,  
Indian Minerals (East)  
Suite 302, 1 Front Street West  
Toronto, Ontario,  
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By

Scintrex Limited  
222 Snidercroft Road  
Concord, Ontario  
L4K 1B5

J. Seara  
JS/cc  
June, 1981

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REPORT ON  
GRAVITY AND MAGNETICS SURVEYS  
MANITOULIN ISLAND, ONTARIO

On Behalf Of  
THE DEPARTMENT OF INDIAN AFFAIRS

1. INTRODUCTION

Gravity and magnetic surveys were carried out during the period March 21 - March 28, 1981 on behalf of the Department of Indian Affairs (Contract No. MIN 80/16) over the Murray Hill area of Wikwemikong, Manitoulin Island.

The approximate location of the survey area is shown in Figure 1. The purpose of the work was to detect structural traps for possible hydrocarbons. Ground magnetic surveys were carried out to map basement structures.

This report was prepared by Scintrex Limited, Toronto, Canada.

2. SURVEY AREA

The survey area was centered about  $2\frac{1}{2}$  miles south of the village of Wikwemikong on Manitoulin Island. The survey was conducted over existing roads in the Murray Hill area in the Wikwemikong Indian Reserve Number 26. The existing roads permitted approximately 10 kilometers of traverse with readings taken every 50 meters. In order of profile length, survey lines/roads were designated 1, 1, 1B, 3, 1A and 2A. Figure 2 shows the survey line locations on a photomosaic base (scale 1"=1/4 mile). Also shown are selected station locations, gravity control stations and approximate locations for existing wells (labelled GN2 to GN9 inclusive and GLC-5).

3. PERSONNEL

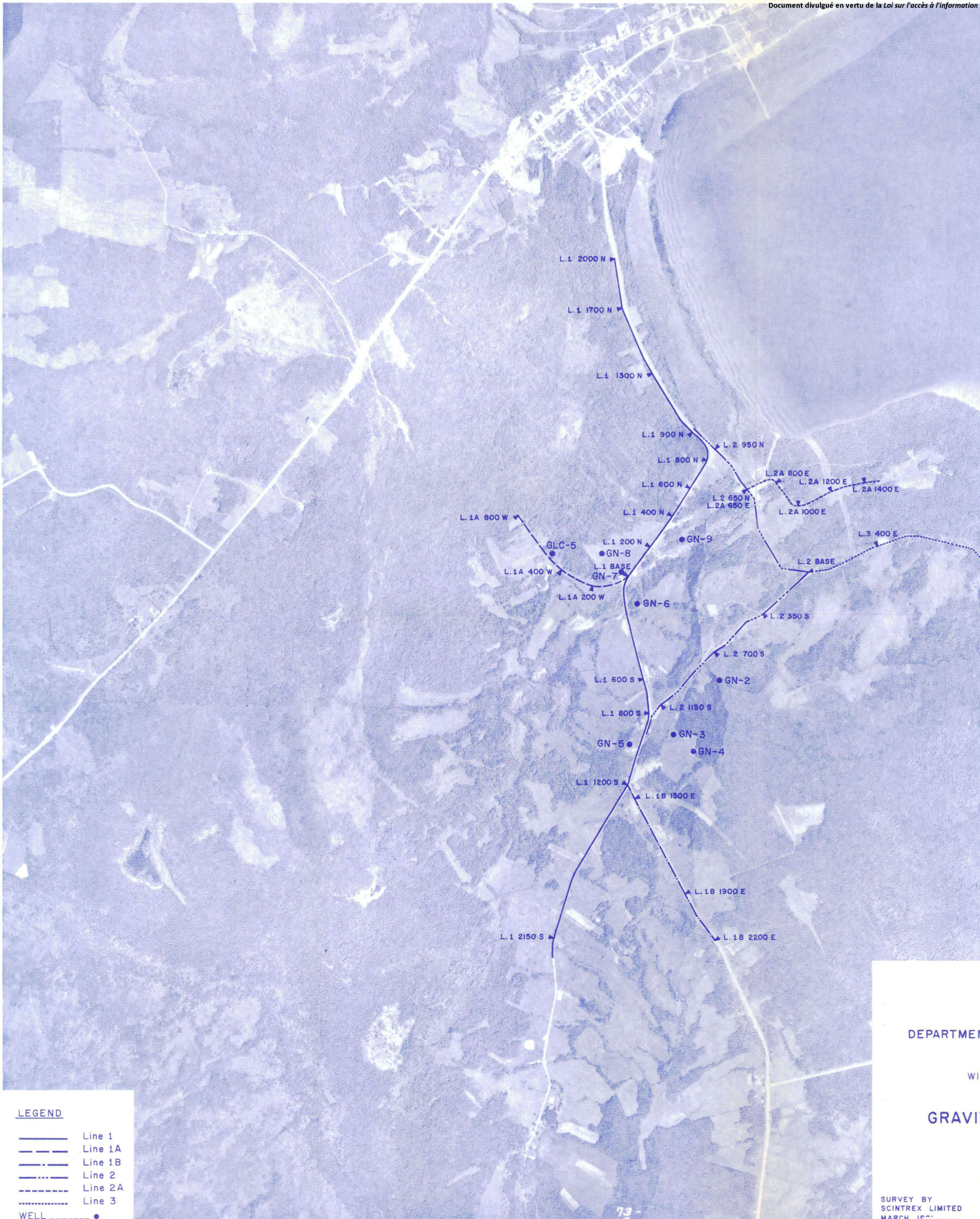
The following people were involved in the survey.

- José L. Seara, geophysicist in charge of the survey, compilation and data interpretation.
- Paul Conroy, technician/operator.
- Jerome Trudeau, field assistant.
- Mr. Michael Lewis, Operations Manager of Scintrex, maintained overall control of the survey.
- Dr. Harold O. Seigel was involved in the interpretation phase of the project.

Progress reports were submitted to Mr. S.N. Crandall of Indian Minerals (East) and to Dr. Franc R. Joubin, the consultant on the project.







LEGEND

- Line 1
- Line 1A
- Line 1B
- Line 2
- Line 2A
- Line 3
- WELL

DEPARTMENT

WIL

GRAVITY

SURVEY BY  
SCINTREX LIMITED  
MARCH, 1981  
000753





FIGURE 2

DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS  
INDIAN MINERALS (EAST)

WIKWEMIKONG, INDIAN RESERVE No. 26  
MANITOULIN ISLAND, ONTARIO

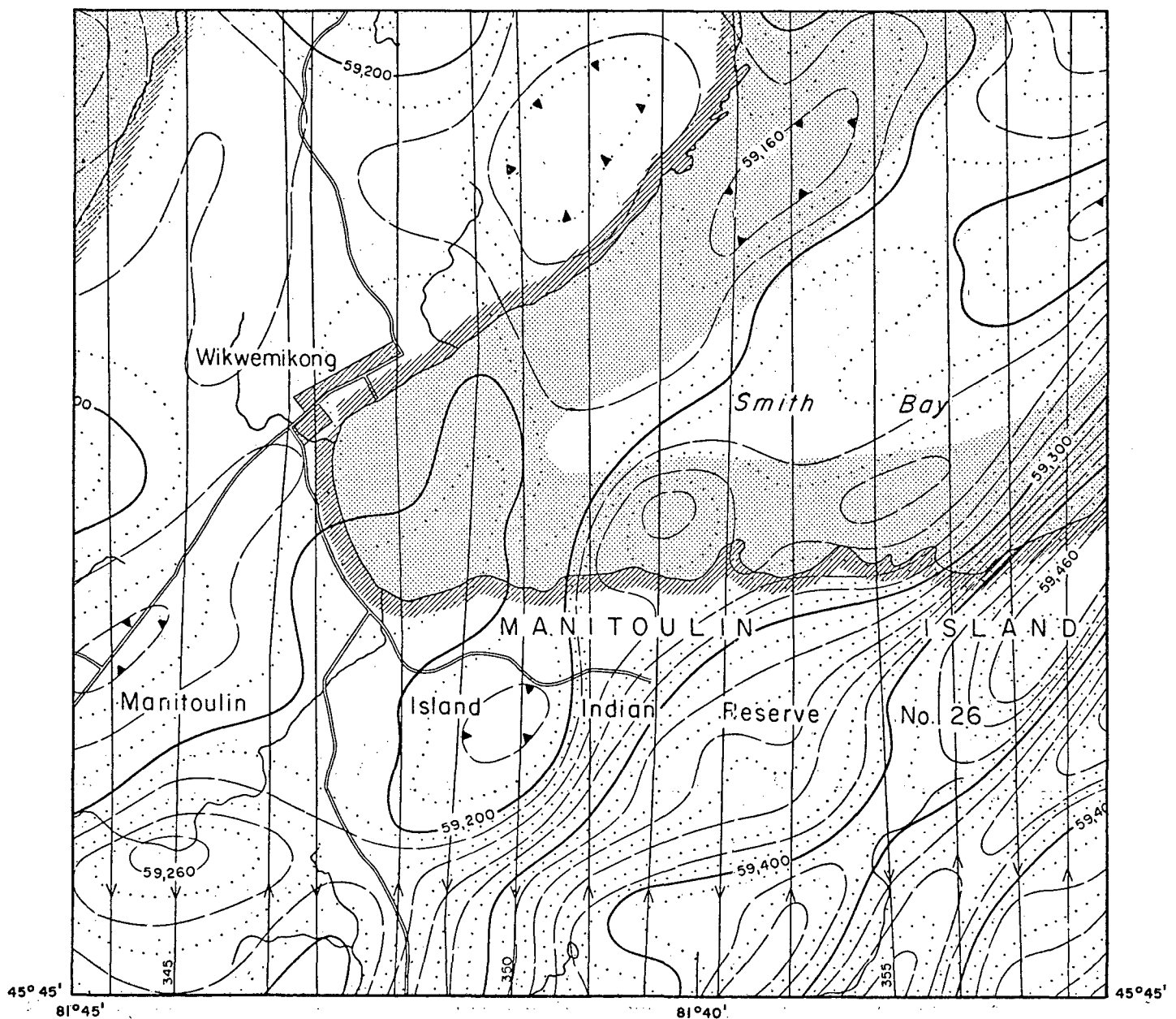
GRAVITY AND MAGNETIC SURVEY

Scale : 1"  $\approx$  1320'



SURVEY BY  
SCINTREX LIMITED  
MARCH, 1981





MAP 2270 G

AIRBORNE MAGNETIC SURVEY

DEPARTMENT OF MINES AND TECHNICAL SURVEYS

Scale : 1 inch = 1 mile



FIGURE 000755



#### 4. METHOD AND INSTRUMENTATION

##### 4.1 The Gravity Method

The gravity method consists of measuring the earth's gravitational acceleration by means of very sensitive meters. After corrections are made, the gravity differences may be related to variations in subsurface rock density.

Location of pinnacle reefs by gravity surveys has been reported in Southwestern Ontario in recent literature\*. Positive gravity anomalies of 0.17 to 0.73 milligals were observed over five known pinnacle reefs.

A LaCoste Romberg Model G gravity meter was employed in this survey. This gravity meter has a sensitivity of .01 milligals.

To measure station elevations, an electronic level (GDD Model B) was employed. Level surveys were run in a closed profile of about 4 km producing a closure error of 19 cm.

##### 4.2 The Gravity Corrections

The following procedure was used to obtain the final value of gravity:

- a) The meter counter reading is converted to milligals.
- b) The reading in milligals is corrected for drift. (Base stations were reoccupied at approximately 1 hour intervals).
- c) Altitude correction (0.3085 milligals per m). This correction is added for stations above datum plane and subtracted for station below datum plane.
- d) Bouguer correction (0.112 milligals per m). This correction is subtracted for station above the datum plane and added for stations below the datum plane.
- e) Latitude correction ( $.81213 \sin(\theta)$  milligals per km) is applied to alternate stations and interpolated for stations in between.
- f) Terrain correction has been calculated at few stations by using Bible (1973) tables. The values were multiplied by a factor of 1.33, to correct for the density of the surface material, assumed to be 2.67 grams/cc. The terrain correction is added regardless of position of station with reference to the datum plane. The maximum correction obtained in this survey area was .3 milligals.

Finally all the corrected values of gravity are subtracted from the gravity at the northeast station of the grid, obtaining the Bouguer anomaly in milligals.

##### 4.2 The Magnetic Method

The magnetic method consists of measuring the total magnetic field. The magnetometer used in this survey was a Scintrex MP-2 proton precession magnetometer.

\*Kapnistos, M.M. and Symons, D.T.A. (1980). Location of pinnacle reefs in Southwestern Ontario by gravity surveys. CIM Bulletin.

Significant variations in the earth's magnetic field may occur within periods when the readings are taken. It is therefore necessary to take continuous readings of the geomagnetic field with a base station magnetometer while the magnetic survey is being done. The base station used was a Scintrex proton precession MBS-2 with an internal strip chart recorder. The analog full scale was 100 gammas. The field data was corrected for diurnal variations.

## 5. GEOLOGY

Manitoulin Island is situated on the north flank of the Michigan Basin. Over the Basement (Precambrian) lies Ordovician sediments (carbonates interbedded with petroliferous shales). Silurian sediments (carbonates interbedded with non-petroliferous shales) lie conformably on the Ordovician sequence.

The average thickness of the sedimentary cover is approximately 800 feet and the sediments dip slightly towards the south.

## 6. DESCRIPTION OF THE GRID

The survey grid is located south of Wikwemikong (Manitoulin Island). Measurements were taken along shoulders of the roads surrounding Murray Hill, stations were 50 meters apart.

Figure 2 shows the grid plan. A total of six lines were surveyed with gravity and magnetics.

Line 1 starts at 400 m south of Wikwemikong and extends from 2000 N down to 2000 S. The gravity base station for this line was located in front of well GN-7.

Line 1A starts at the gravity base station of Line 1 and extends 800 meters to the west (Station numbers 00W to 800W).

Line 1B starts at station 1200S of Line 1 and extends 1000 meters to the southeast. (Station numbers 1200E to 2200E).

Line 2 starts at station 1100N (coinciding with station 1000N of Line 1) and extends up to 1400S coinciding with station 1000S of Line 1).

Line 2A starts at 650N of Line 2 and extends to the west up to station 1400E.

Line 3 starts at the base station of Line 2 and extends to the west up to station 1000E.

The stations shown in the photomosaic correspond with locations identified at the jobsite by means of aerial photos.

## 7. DATA PRESENTATION

The data is presented on Plates 1 to 5, in profile form on a horizontal scale of 1 cm = 50 meters. The following vertical scales are used for the following parameters plotted in each plate:

- a) 10 gammas per centimeter for the total magnetic field intensity.
- b) 0.10 mgals per centimeter for the Bouguer and assumed regional gravity fields.
- c) 10 meters per centimeter for relative ground elevation.
- d) .10 mgals per centimeter for the residual gravity field.

A visual procedure was used to draw a smooth regional gradient in a manner that appears to best represent the regional gravity. The only available regional gravity map of Manitoulin Island is the one published by the Department of Energy, Mines and Resources (1971), Map. No. 132, at the scale 1:500,000. It shows an increase of the regional gravity towards the south of about 5 milligals over the survey area. This trend correlates with the regional gravity assumed for Line 1 (oriented N-S). A contour line of -550 milligals crosses the survey area in an east-west direction. This regional feature agrees with the assumed regional gradient in lines running east-west.

## 8. DISCUSSION OF THE RESULTS

### 8.1 General

Figure 3 shows the contoured airborne total field magnetic data of the area. It shows a slight increase towards the south which correlates with the magnetic field data obtained on Line 1.

### 8.2 Lines 1 and 1B

The total magnetic intensity profile shows a fairly flat response on both lines except at the south part of line 1 and eastern part of line 1B. The change here is about 100 gammas. This feature is probably associated with a structural change in the basement, possibly a fault. The magnetic profile shows a set of spikes which have been smoothed. These spikes are due mainly to cultural noise.

The residual gravity profile shows a high of .3 mgals in line 1 near station 150S. The anomaly is about 200 meters wide. This anomaly is potentially associated with a near-surface reef structure. It is interesting that the well GN-7 may have missed this target since it is located off the flank of the anomaly.

The well GN-6 situated south south of well GN-7 probably missed the target as

Further south from stations 500S to 1000S exist a broad residual gravity anomaly. This anomaly is possibly due to some higher specific gravity structure (reefs?) situated under or to one side of the road. There are three wells GN3,4 and 5 located in this general vicinity, although their precise locations relative to this structure are not known.

#### 8.3 Line 2

The magnetic intensity profile shows a flat response. The residual gravity shows no distinctive anomalies although the broad positive feature near 1000S on Line 1 is confirmed by the results at the south end of Line 2.

#### 8.4 Line 3

In order to analyse regional trends Line 3 is shown with part of Line 2 (see Plate 3). The magnetic intensity profile shows a flat response. The only notable feature is the depression in the residual gravity near station 500E. This is possibly associated with an increase in the thickness of the overburden and it correlates somewhat with a similar low on line 2A (lines 2A and 3 are almost parallel).

#### 8.5 Line 2a

In order to analyze regional trends the line 2A is presented with part of Line 2. The only notable feature is the residual gravity depression near station 1250E; which corresponds with the low on Line 3.

#### 8.6 Line 1A

The magnetic intensity profile shows a flat response. The residual gravity profile shows an anomaly of plus .3 mgals on station 300W. The well GLC-5 is situated on station 500W and misses this anomaly. This anomaly is about 300 meters wide.

#### 8.7 Summary

Two distinctive positive gravity anomalies were found, one on Line 1 and one on Line 1A, each of about .3 mgals, situated to the south of wells GN-7 and GN-6. These two anomalies could be related to one another and be part of a single complex anomaly. They are potentially reefoidal in origin. In addition a relatively high broad anomaly is found on line 1 between stations 500S and 1300S. This type of anomaly can be due to sources situated in the vicinity of the line 1. All of these indications could be caused by a reduction in overburden thickness near these stations or to any other source of increased average specific gravity of the rocks in their vicinity.

### 9. CONCLUSIONS AND RECOMMENDATIONS

In order to properly delineate these potential reefoidal indications, a detail gravity survey should be carried out over the three anomalous areas detected in

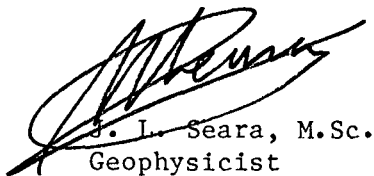
SCINTREX

6  
page

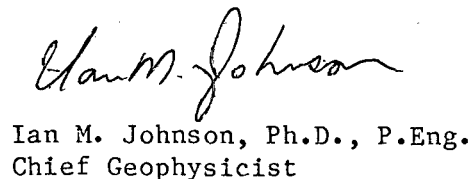
this survey. Detail surveys should be carried out over the selected anomalies. Such surveys should consist of several parallel lines running north-south and east-west with a line spacing of 100 m. With this type of detail a two dimensional map of residuals would be made. Other geological information might also be applied. Although the results obtained are not thought to be uninteresting, the interpretation suffers from the irregularity of the grid and consequent lack of gravity data in plan form. The detailed surveys would permit contouring and allow for a better interpretation of subsurface structures.

Respectfully submitted,

SCINTREX LIMITED



J. L. Seara, M.Sc.  
Geophysicist



Ian M. Johnson, Ph.D., P.Eng.  
Chief Geophysicist

# SCINTREX MP-2 Portable Proton Precession Magnetometer

## Function

The MP-2 is a portable one gamma proton precession magnetometer for field survey or base station use. The optimized design of sensor and circuitry using the latest COS/MOS components has resulted in a very light weight, low power consumption, rugged and reliable magnetometer.

Light emitting diodes coupled with an ingenious optically polarized reflector combine solid state reliability with easy reading even in bright sunlight.

Coupled with a module into which the MP-2 is easily inserted, the magnetometer can be used as a base station unit for analogue or digital recording. Full details of the MBS-2 Magnetic Base Station are available on another Scintrex specification sheet.

The noise-cancelling dual-coil sensor and electronics have been so designed as to effectively eliminate reading problems due to virtually all magnetic gradients which may be encountered in field survey conditions.

## Features

1 gamma sensitivity and accuracy over range of 20,000 to 100,000 gammas.

Operates in very high gradients, to 5000 gammas per meter.

Ultra small size and weight.

Up to 25,000 readings from only 8 D cells.

Battery pack isolated from electronics for corrosion protection.

Battery pack easily extended for winter use.

Light emitting diode digital display, with complete test feature

Unique no-glare polarized reflector permits easy reading in bright sunlight.

Indicator light warning of excessive gradient, ambient noise or electronic failure.

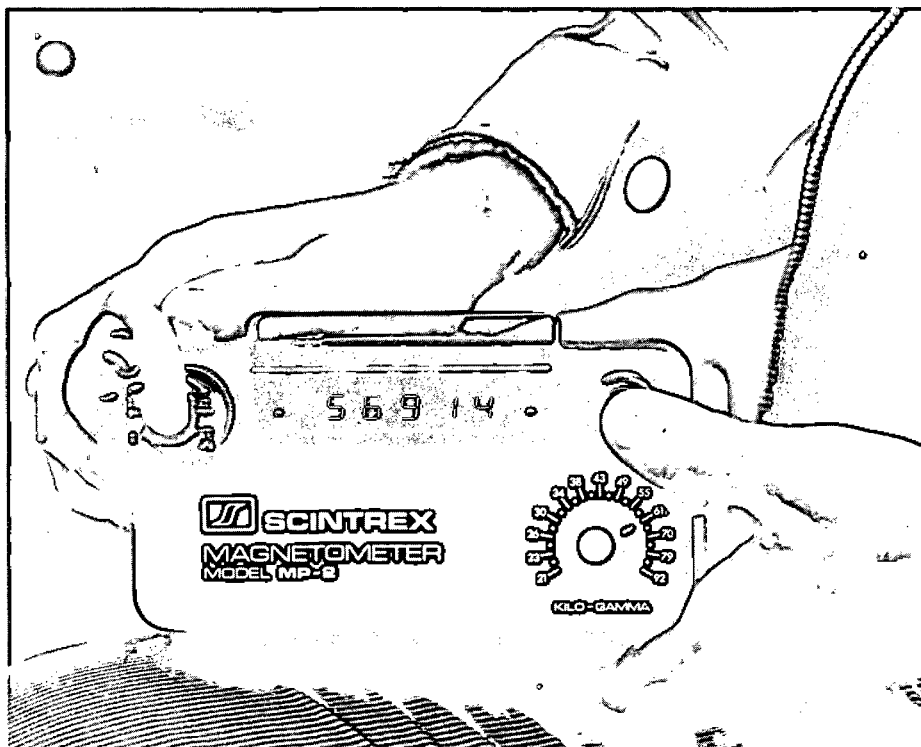
Digital readout of battery voltage.

Rugged all metal housing for rough field use at all temperatures.

Automatic recycling or external trigger features permit ready conversion to base station use.

Short reading time.

Broad operating temperature range.



MP-2 console.



MP-2 in operation with Staff Sensor.

# Technical Description of the MP-2 Portable Proton Precession Magnetometer



MBS-2 Magnetic Base Station.



MP-2 in operation with Back Pack Sensor.

<b>Resolution</b>	1 Gamma
<b>Total Field Accuracy</b>	±1 Gamma over full operating range
<b>Range</b>	20,000 to 100,000 gammas in 25 overlapping steps
<b>Internal Measuring Program</b>	Reading appears 1.5 seconds after depressing Operate Switch, stays on for 2.2 seconds, for a total of 3.7 seconds per single reading.
<b>External Trigger</b>	External trigger input permits use of sampling intervals longer than 1.5 seconds
<b>Readout</b>	5 digit LED (Light Emitting Diode) readout displaying total magnetic field in gammas or normalized battery voltage
<b>Digital Output</b>	Multiplied precession frequency and gate times
<b>Base Station Mode</b>	MP-2 console slips into a base station module which provides external triggering as well as digital and analogue outputs. The complete unit is called the MBS-2 Magnetic Base Station
<b>Gradient Tolerance</b>	Up to 5000 gammas/meter
<b>Power Source</b>	8 alkaline "D" cells provide up to 25,000 readings at 25°C under reasonable signal/noise conditions (less at lower temperatures). Premium carbon-zinc cells provide about 40% of this number
<b>Sensor</b>	Omnidirectional, shielded, noise-cancelling dual coil, optimized for high gradient tolerance
<b>Harness</b>	Complete for operation with staff or back pack sensor
<b>Operating Temperature Range</b>	-35°C to +60°C
<b>Size</b>	Console, with batteries: 80 x 160 x 250mm Sensor: 80 x 150mm Staff: 30 x 1550mm (extended) 30 x 600 mm. (collapsed)
<b>Weights</b>	Console, with batteries: 1.8 kg Sensor: 1.3 kg Staff: 0.6 kg
<b>Standard Accessories</b>	Sensor, Staff, Cable, Harness, Carrying Case, Manual
<b>Shipping Weight</b>	Approximately 9.5 kg
<b>Optional Accessory</b>	Cold weather battery pack.

**SCINTREX**

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Cable: Geoscint Toronto  
Telex: 06-964570

Geophysical and Geochemical  
Instrumentation and Services

# SCINTREX MBS-2 Total Field Magnetic Base Station

## Function

The MBS-2 is a compact, portable, self powered, total field magnetic base station which incorporates the MP-2 Portable Proton Precession Magnetometer. It is designed and constructed to operate for extended periods at remote locations under a variety of environmental conditions. The resolution is one gamma.

The MBS-2 may be used as a base station for ground and airborne magnetic surveys, in observatories as well as for land, air and sea mobile surveying.

Visual digital display and analogue strip chart outputs are integral to the MBS-2. In addition, analogue and digital outputs are provided for external recording. Internal or external power supplies may be used.

Variable sampling intervals from 2 seconds to 10 minutes plus externally triggered response coupled with selectable recorder chart speeds and selectable analogue sensitivity permit a full range of settings for any monitoring situation.

The MBS-2 is supplied complete with MP-2 Magnetometer, recording control console, 50 metre sensor cable, sensor, non-magnetic tripod, one roll of chart paper, connectors, carrying case, and instruction manual. Optional accessories offer the flexibility of employing the MP-2 as a field portable survey unit.

## Features

One gamma sensitivity and accuracy over the range of 20,000 to 100,000 gammas.

Operates in very high gradients, to 5000 gammas per metre.

Internal D cell power supply allows approximately 80 hours of operation. Alternatively, external power sources can be used.

Light Emitting Diode digital display for total field, lamp test and battery test.

Analogue recording output is switch selectable at 10, 100 or 1000 gammas full scale.

Digital output for interfacing with cassette or computer compatible magnetic tape recorders.

Automatic sampling intervals are variable from two seconds to ten minutes. Alternatively manual or remote clock commands can be used for any sampling interval greater than two seconds.

Timing pulse output allows synchronization of the MBS-2 with a remote recording system.

Timing pulses are automatically shown each ten minutes on the analogue strip chart.

Automatic stepping ensures no offscale analogue traces.

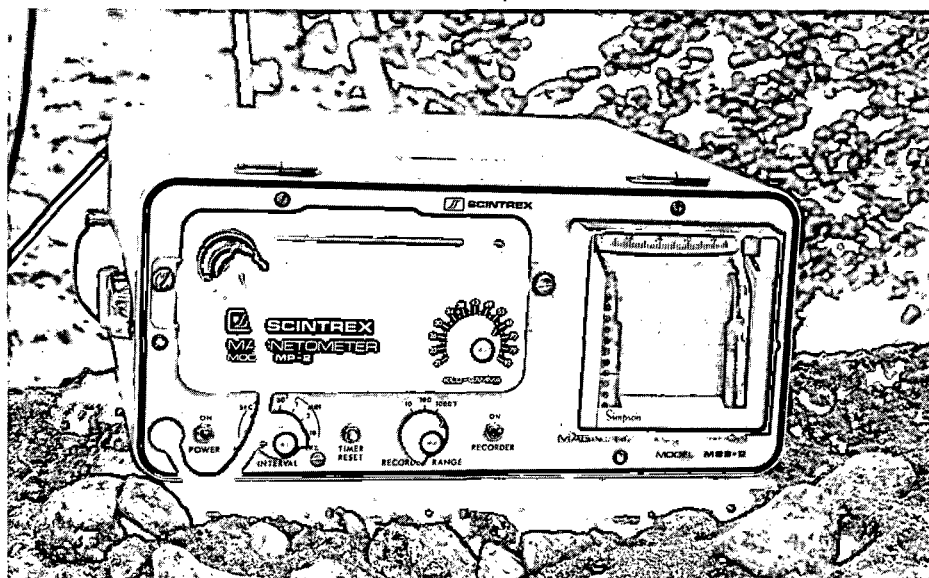
Reset feature allows precise initiation of recording to synchronize with airborne or other systems.

Unique no-glare polarized reflector permits easy reading in bright sunlight.

Indicator light warning of excessive gradient, ambient noise or electronic failure.

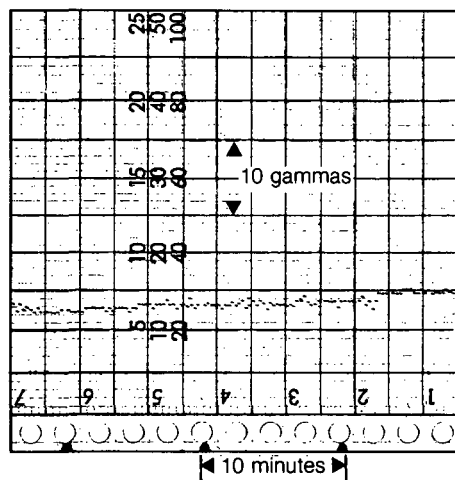
Rugged, all metal housing for rough field use.

MP-2 magnetometer plus optional accessories kit can be used as a field portable survey unit.

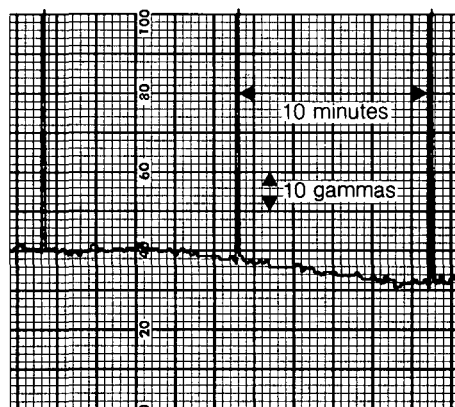




# Technical Description of the MBS-2 Total Field Magnetic Base Station



internal analogue recorder



external analogue recorder

Resolution	1 gamma
Total Field Accuracy	± 1 gamma over full operating range
Operating Range	20,000 to 100,000 gammas in 25 overlapping switch selectable steps
Gradient Tolerance	Up to 5000 gammas/metre
Sensor	Omnidirectional, shielded, noise-cancelling, dual coil
Sampling Rate	Internal control: switch selectable every 2, 4, 10, 30 seconds or 1, 2, 10 minutes. External control: manual command or by external clock at any rate longer than 2 seconds. For external trigger, a positive transition from 0 to +4V or greater initiates one reading.
Clock Accuracy and Stability	± 10 ppm over full temperature range.
Visual Outputs	5 digit light emitting diode numerical display lasting 0.1 seconds in automatic recycle mode and 1.7 seconds in manual mode. Internal strip chart recorder with 65 mm chart width and 100 or 600 mm/hr chart speed. Inkless recording. Switch selectable at 10, 100 or 1000 gammas full scale.
External Outputs	5 digit, 1-2-4-8 BCD DTL, TTL compatible (2 loads) with 0.5 msec, 5V pulse for synchronization of MBS-2 and external recorder. Analogue recorder output of 1V at 1 mA max. Switch selectable for 10, 100 or 1000 gammas full scale.
Time Marker	A 1.5 second pulse every 10 minutes generates a time mark on the internal or on external analogue recorders. For an external analogue recorder, a switch to ground is provided (NPN transistor, 40V max., 250 mA max.). No side pen is required for continuously writing recorders as the pen returns to zero at every event mark. Intervals of less than 10 minutes are optional
Sensor Cable	50 m length is standard
Power Requirement	The internal batteries of the MP-2, (8 "D" cells) are used to power all functions of the MBS-2. This power source lasts approximately 80 hours, at 25°C and a once per minute sampling interval. An external 10 to 32V DC supply may alternatively be used. Current drain is approximately 0.9A during polarize time and 35 mA during standby, depending upon supply voltage.
Battery Test	Digital readout of normalized internal battery voltage activated by touching switch.
Operating Temperature Range	Console: -10 to 50°C Sensor: -35 to 50°C
Dimensions	Console: 140 mm x 310 mm x 390 mm Sensor: 80 mm diameter x 150 mm length Tripod: 130 mm extended length
Weights	Console: 7.7 kg Sensor with cable: 5.5 kg Tripod: 1.5 kg
Shipping Weight	Approximately 18 kg
Optional Accessories	Sensor monopod, harness, sensor backpack and 2 m sensor cable allow field portable survey use of MP-2 magnetometer. See MP-2 specification sheet.

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Geophysical and Geochemical  
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**SCINTREX**

PROPRIETARY

PETROLEUM EVALUATION  
of  
THE WIKWEMIKONG UNCEDED INDIAN RESERVE NO.26  
in  
MANITOULIN DISTRICT, PROVINCE OF ONTARIO

by  
J. D. Macgregor, P. Eng.  
Petroleum Exploration Advisor  
1981

06/75

P R O P R I E T A R Y

Disclosure of the contents of this report is prohibited, except following granting of written approval by either the Chief of the Wikwemikong Indian Band or the Director of Indian Minerals (East) - Toronto.

PETROLEUM EVALUATION

of

THE WIKWEMIKONG UNCEDED INDIAN RESERVE NO. 26

in

MANITOULIN DISTRICT, PROVINCE OF ONTARIO

---

National Topographic System (NTS) Map Area:

41-H/12 and 13

Location:  $45^{\circ} 45'$  N.Lat./ $81^{\circ} 45'$  W. Long.

J.D. Macgregor, P. Eng.,  
Petroleum Exploration Advisor  
1981

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### APPENDIX A

Band Council Resolution No. 862 -  
February 6, 1980.

### APPENDIX B

Production of Manitoulin County Wells,  
Prepared by MNR - Petroleum Section,  
Province of Ontario.

Petroleum and Natural Gas Report by  
M.Y. Williams - 1937.

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## I. PREFACE

Wikwemikong Unceded Indian Reserve No. 26 occupies the eastern end of Manitoulin Island in Manitoulin District, Province of Ontario. The area of the Reserve is 105,300 acres (165 square miles). It is the largest Reserve in Southwestern Ontario with Paleozoic-age rock cover and related petroleum possibilities. The current chief is Mr. Ronald Wakegijig.

A Band Council Resolution (BCR) No. 862, dated February 6, 1980 (Appendix A), authorized the Indian Minerals (East) office in Toronto to commission the author (Contract No. MIN 80/06): "to initiate the exploration and evaluation work of the oil and gas potential of the Wikwemikong Reserve with the intention to develop feasible deposits".

The author gratefully acknowledges the courteous and helpful advice and assistance provided by the Ontario Ministry of Natural Resources (Petroleum Resources Section), London, Ontario, and the staff of Indian Minerals (East) office in Toronto.



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## II. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1. Wikwemikong Indian Reserve occupies 165 square miles at the eastern end of Manitoulin Island.
2. It corresponds to the northern rim of the Michigan Basin with mean thickness of 800 feet of Paleozoic-age rocks, including Ordovician and Silurian Systems only.
3. 35 wells were drilled between 1863 and 1958 on the Reserve. Oil and gas showings were common. Some oil was produced. Well drilling and production records are very poor. Unlikely that total oil produced exceeded 20,000 barrels.
4. All oil showings and produced oil were from the Ordovician-age Trenton limestone/dolomite (now called Lindsay formation). Reservoir characteristics are poor. Porosity is low-grade and sporadic and permeability seems non-existent.
5. Oil source was the Lower Whitby black shale (Collingwood-Utica equivalent) which overlies the Trenton.
6. Inadequate reservoir facilities and absence of effective traps on the Wikwemikong Reserve downgrade petroleum prospects. Rated - 'Poor'.
7. Silurian pinnacle reefs are expected to underlie the offshore area. Prospects for offshore petroleum (oil and/or gas) are rated - 'Very Good'. Examination of ownership and administration of offshore petroleum rights are recommended on behalf of the Indian Bands of Manitoulin Island.

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### III. INTRODUCTION

Wikwemikong Unceded Indian Reserve is identified on the Index Map (Figure 1). It is situated at the eastern end of Manitoulin Island, 15 miles off the northern shore of Lake Huron.

Manitoulin Island comprises part of the Niagara Escarpment which traverses Southwestern Ontario over a distance of some 400 miles from Niagara to Sault Ste Marie at the eastern end of Lake Superior (Figure 1). The Niagara Escarpment is a cliff up to 1,000 feet in height, sculpted from the south and west dipping Silurian-age sedimentary rock formations which are variably resistant to erosion. The rock formation components of the escarpment are identified on the stratigraphic chart (Figure 2). The softer Cataract Group occurs at the base of the escarpment and the harder, more erosion resistant Guelph-Lockport Group forms the top.

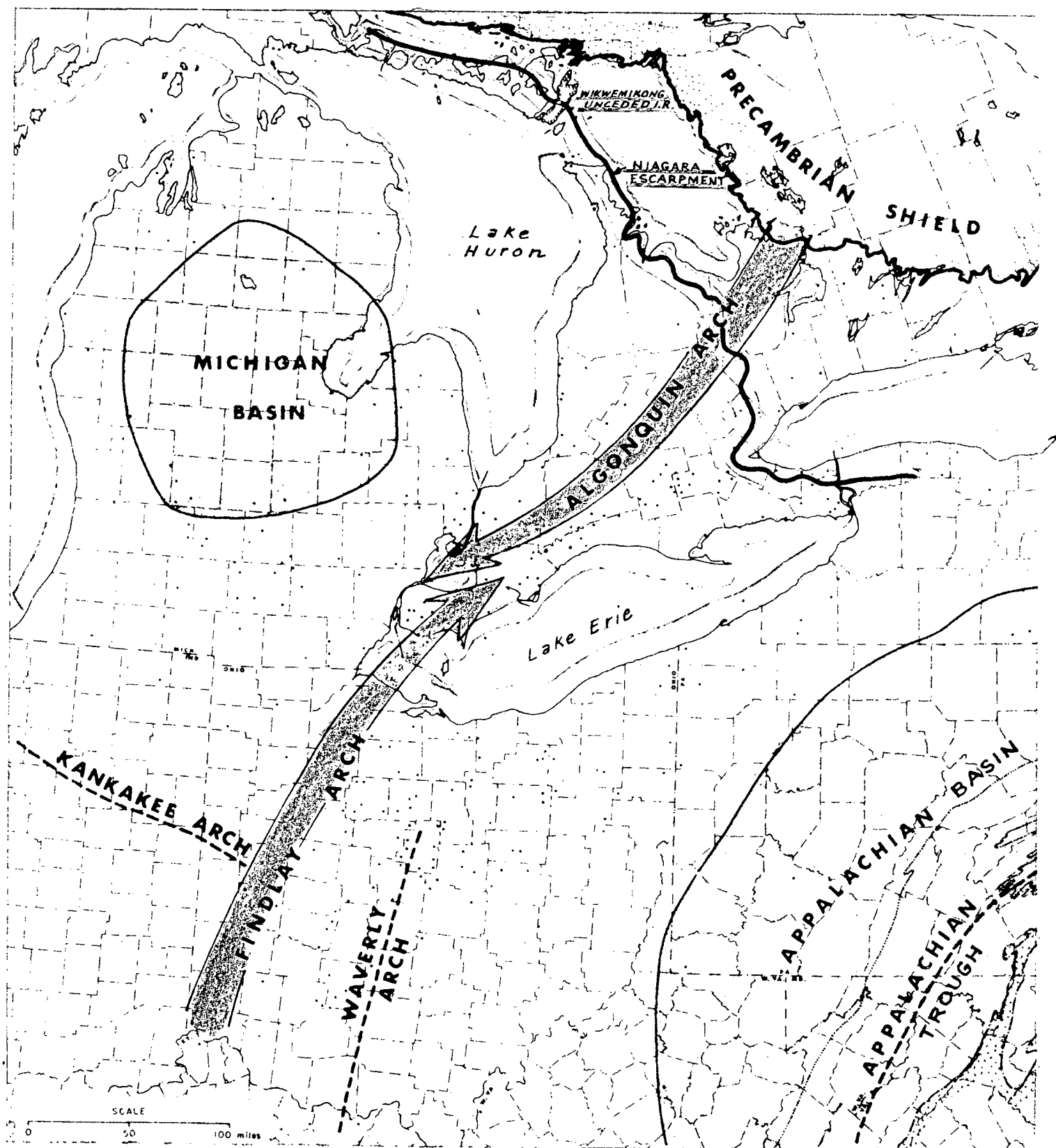
The Niagara Escarpment crosses Wikwemikong Indian Reserve in Kaboni Township where the relief is about 300 feet. The crossing is shown on Figures 5 and 6, (two maps of the Reserve at Scale 1 inch = 1 mile), also on Figure 7, (geological cross section) and on Figure 8, (surface geological map).

Manitoulin Island, including Wikwemikong Indian Reserve, is on the northern flank of the Michigan Basin, within about 20 miles of the basin's northern rim where Precambrian-age basement rocks outcrop (Figure 1).

Interest has been displayed in petroleum on Manitoulin Island at intervals dating back over more than 100 years. During various periods of interest, some 125 wells were drilled, without significant commercial results. 35 wells are reported to have been drilled on the Wikwemikong Reserve but not all of them can be located. 26 wells are identified on the maps (Figures 5 and 6) of this report, however, drilling, geological, testing, production and ultimate disposition records for all of the wells are either unavailable or of poor quality.

# GREAT LAKES AREA MAJOR GEOLOGICAL FEATURES

J.D. MACGREGOR 1980



AFTER ONTARIO MINISTRY OF NATURAL RESOURCES  
PETROLEUM SECTION PAPER 71-2 by R.J. BRIGHAM

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The available recorded history of drilling and production in 4 localities in eastern Manitoulin Island is summarized on the maps (Figures 5 and 6), including Kyto, Manitowaning, Wikwemikong and Cape Smith areas. It appears unlikely that cumulative oil production for any of these 4 areas exceeded 10,000 barrels.

#### IV. HISTORY OF PETROLEUM OPERATIONS

(Refer to Figures 6 and 7 and Appendix B for localities and history of drilling and production operations).

Jesuit missionaries discovered an oil spring on the south side of Smith Bay in the northern part of the Wikwemikong Indian Reserve in the mid 1600's. In the 1860's, 6 wells were drilled in the vicinity of the seepage but at unrecorded locations, down to depths of 524 feet. Some oil was produced before the supply failed, according to M.Y. Williams in his Summary Report for 1920 (see Bibliography). Williams reports the oil came from the Trenton which is overlain by black (petroliferous?) Utica Shale.

Also in the mid 1860's the Manitoulin Oil Company drilled 2 wells near Manitowaning which yielded showings of oil but no production.

In 1904-05, the Great Northern Oil and Gas Company drilled some 5 wells about 2 miles south of Wikwemikong village. The discovery well is reported to have produced 3,000 barrels of oil (see Appendix B). It appears unlikely that aggregate production from this site exceeded 10,000 barrels of oil.

In 1905-06, Benedum-Trees Oil Company of Pittsburgh, Pennsylvania drilled 3 wells at Manitowaning which were capable of producing oil, thereby identifying the Manitowaning oilfield. No production records were kept, however it appears the oil was used for restricted local needs only. The reservoir is the Trenton. Interest in the Manitowaning area resumed in the late 1930's and early 1940's when the following companies drilled a total of 14 wells: Ashland Oil and Refining, Ethredge-Olson Oil Development, Island Oils, Ivy Drilling, H.C. Gordon, Lew Kemp, Morris and Vigors, Manitowaning Oil, Manitoulin Oil and Gas and Sault Ste Marie Syndicate. Output was restricted but unrecorded, and used only for local purposes.

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Oil showings were encountered in wells drilled near Pike Lake in Bidwell Township in 1912 and were followed by renewed drilling activities in 1920 by the Kyto Oil Company. The Kyto oilfield failed to produce commercial quantities of oil. The reservoir for the showings was again the Trenton. Ashland Oil and Refining Company drilled various wells in the Kyto area between 1948-1950. Oil is reported to have flowed from one well, according to Liberty (see Bibliography).

In 1950, Great Lakes Carbon drilled 6 diamond drill holes on Wikwemikong Indian Reserve. Operator was George Shakel. Showings were reported but no production was established.

The latest, serious petroleum exploration venture on Manitoulin Island was by Imperial Oil Limited in 1956-58. 22 wells were drilled, 3 on the Wikwemikong Indian Reserve. All of the wells drilled to depths sufficient to test the Trenton. Depths varied from 160 feet to 1,177 feet. Frequent showings were reported but there were no commercial successes.

The history of petroleum ventures on Manitoulin Island concerning liquid petroleum, or oil, reveals persistent showings in the Trenton rocks (probably dolomite) but disappointingly poor production performance. The rock section under Manitoulin Island appears to be: "source - rich and reservoir - poor". Although production records were not kept, it appears unlikely that aggregate, all time oil production from wells on Manitoulin Island exceeded 50,000 barrels.

Frequent reports of showings of gas appear in the records of wells drilled on Manitoulin Island. There has never been any gas produced on a commercial scale. The gas showings occur in the Georgian Bay, Whitby and Trenton rocks.

A compilation of available production information concerning Manitoulin Island wells, prepared by the Ministry of Natural Resources of Ontario, is contained in Appendix B.

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All available recorded information concerning wells drilled on Manitoulin Island to 1937 is contained in M.Y. Williams' Preliminary Report No. 37-25 for the Geological Survey of Canada (see Bibliography). A copy of the section from the Williams report entitled "Petroleum and Natural Gas" is included in Appendix B.

## V. REGIONAL GEOLOGY

Southwestern Ontario is the western component of the St. Lawrence Lowlands physiographic subdivision of Canada which extends from western Newfoundland to the eastern shores of Lake Huron and Georgian Bay. The East St. Lawrence Lowland corresponds to the northern part of the Gulf of St. Lawrence, including Anticosti Island; the Central St. Lawrence Lowland occupies the Ottawa-Montreal area; and the West St. Lawrence Lowland lies between Lake Huron (including Manitoulin Island) and Lakes Erie and Ontario. All 3 'St. Lawrence Lowland' physiographic areas are characterized by underlying Paleozoic-age sedimentary rocks which rest directly on ancient Precambrian crystalline rocks.

Paleozoic rocks underlie all of Southwestern Ontario from the north shore of Lake Huron - Georgian Bay - Lake Simcoe area (outcrop edge of the Precambrian Shield) southward, extending under Lakes Huron, Erie and Ontario into the adjacent states of Michigan, Ohio, Pennsylvania and New York (Figure 1).

Figure 2 is a stratigraphic section of the Paleozoic rocks exposed on the surface and underlying Manitoulin Island. Only 2 Systems are represented: Ordovician and Silurian. Mean thickness is 800 feet. Thickness at Wikwemikong Indian Reserve varies from less than 100 feet in the northern part of the Reserve to over 1200 feet in the south.

The principal lithologic characteristics of the 2 systems are:

Silurian --- Carbonate rocks (dolomite and limestone - generally dense, except the Guelph Formation which displays organic reefal porosity characteristics in outcrops at the southern end of the Wikwemikong Reserve), interbedded with infrequent, non-petroliferous shale beds.

Ordovician --- Carbonate rocks (dolomite and limestone with minor, local, discontinuous porosity, possibly fracture derived), interbedded with shale (black/petroliferous, grey, brown and red).



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Throughout Paleozoic time, marine seas occupied present day South western Ontario and the adjoining States of Michigan, Ohio and New York (see Figure 1). Paleozoic-age rocks were deposited in 2 basins in the area - the Michigan Basin and the Appalachian Basin which were/are separated by the Algonquin Arch. Manitoulin Island is near the northern rim of the Michigan Basin.

The Michigan Basin is an intracratonic depression into which sediments were deposited with only infrequent interruptions from Cambrian through Pennsylvanian time. It occupies 120,000 square miles in Michigan, Ohio, and Ontario. Sedimentary rock thickness in the deepest part of the basin is 14,000 feet and mean thickness in the basin is 5,000 feet. The total basin fill is 120,000 cubic miles of sedimentary rocks.

Oil and gas occur in Cambrian, Ordovician, Silurian, Devonian and Mississippian-age rocks in the Michigan Basin in the States of Michigan and Ohio, and in Southwestern Ontario.

In Michigan, oil and gas production to the end of 1978 by geologic age was:

	<u>Oil</u> (Millions Bbls.)	<u>Gas</u> (Billions C.F.)
Mississippian	2 ( 1%)	229 (17%)
Devonian	515 (67%)	120 ( 9%)
Silurian	133 (17%)	824 (60%)
Ordovician	<u>119 (15%)</u>	<u>197 (14%)</u>
	<u>769</u>	<u>1,370</u>

In the Ontario part of the Michigan Basin, the main petroleum reservoir is Silurian-age carbonate rocks of organic reefal origin. To the end of 1977, 8.7 million barrels of oil (16% of total Ontario oil production) and 744 Billion cubic feet of gas (93% of total Ontario gas production) had been produced from Silurian-age pools.

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Figure 3 is a map of the Michigan Basin with emphasis on Silurian-age oil and gas pools. The reservoirs for the Silurian pools in both Michigan and Ontario are carbonate reefs of organic origin which appear inclined to encircle the Michigan Basin, due to the influence of water depth in determining 'where' organic reefs are positioned. Present day petroleum exploration in Michigan and Southwestern Ontario is directed almost exclusively towards Silurian reef prospects in the 'Shelf' reef environment belt shown on the map. The 'Shelf' was a critical water depth environment in the Michigan Basin during Silurian time wherein marine organisms found compatible conditions for the building of habitat colonies (reefs). The reef builder organisms later provided source material for petroleum which subsequently migrated back into the porous reefal reservoir rocks to accumulate in oil and gas pools.

Currently, the emphasis of petroleum exploration in the State of Michigan is in the 'northern reef province' of Otsego, Montmorency and Presqu'ile Counties where surveys and drilling are extending the northern trend of Silurian reefal oil and gas pools out to the Lake Huron shore. Similarly in Southwestern Ontario, exploration is pursuing Silurian reef prospects in northern Lambton County and Huron County. The Silurian shelf facies of the Michigan Basin obviously bends between northern Michigan and Southwestern Ontario under Lake Huron and it appears nearly undeniable that petroleum bearing reefs underlie the lake waters on both sides of the international boundary.

Figure 4 is a geological cross section (A-B), 350 miles in length, from South to North through the Michigan Basin. It depicts the regional geologic restraints on petroleum opportunities at Manitoulin Island in comparison with areas in Michigan and Southwestern Ontario corresponding to deeper parts of the Michigan Basin.

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Cambrian-age rocks, which provide excellent reservoirs for oil pools along the northern side of Lake Erie in Southwestern Ontario, are not present under Manitoulin Island. As shown on the cross section, they 'wedge out' under Lake Huron. The part of the Silurian System which contains reefal reservoirs for oil and gas in Michigan and Southwestern Ontario is likewise absent at Manitoulin Island due to erosional truncation of the tilted rim of the basin.

The main sedimentary rock component of Manitoulin Island is the Ordovician System, including the Black River and Trenton Groups and the Whitby and Georgian Bay formations. These rock units will be examined in the 'Stratigraphy' and 'Structure' chapters of this report. Inescapable to the petroleum evaluation of Manitoulin Island, however, is the inferiority of Ordovician rocks as reservoirs for oil and gas in the Michigan Basin, compared with the porous sandstone and carbonate rocks of the Cambrian, Silurian and Devonian Systems.

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## VI. STRATIGRAPHY

The preserved remnant of Paleozoic sedimentary rocks on the north flank of the Michigan Basin which corresponds to Manitoulin Island is restricted to Ordovician and Silurian-age rocks. Mean thickness of the section is 800 feet. Lithology and unit thicknesses of the sequence are summarized on Figure 2 and stratigraphic relationships are shown on Cross Section C-D (Figure 7).

The authority for the lithology and stratigraphy of the Paleozoic rocks of Manitoulin Island is the M.Y. Williams report of 1937 (see Bibliography). Following is an abbreviated summary identification of the rock units.

### A. ORDOVICIAN

#### Black River Group

##### Basal Beds (called Lowville by Williams)

Red sandstone and shale, overlain by red and green limy beds.  
Exposed in R.R. cuts on Cloche Peninsula.

##### Gull River (called Leray by Williams)

Soft, white limestone, capped by 'birdseye' limestone.  
Exposed in R.R. cut near Swift Current at eastern end of  
Cloche Peninsula.

##### Bobcaygeon (called Black R. Limestone by Williams)

Dark colored limestone which weathers into soft, nodular  
masses. Exposed near Swift Current.

\*\*\*\*\*

#### Trenton Group

##### Verulam (called Lower Trenton by Williams)

Dolomitic limestone. Highly fossiliferous. Green cast on  
bedding planes.

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Lindsay (called Upper Trenton by Williams)

Limestone - Dolomite. Fossiliferous. Interbedded shale. Sporadic, lowgrade porosity. Oil-bearing formation in the region. Exposed near Little Current.

\*\*\*\*\*

Whitby Formation (Williams called the Lower Whitby - Collingwood and the Upper Whitby - Sheguiandah). The Lower Whitby (Collingwood) is dark grey to black, bituminous shale. It is the age equivalent of the bituminous Utica shale in New York State. Probable 'source' bed for petroleum in the upper Trenton Lindsay Formation. Exposed in a quarry north of Sheguiandah.

The upper Whitby (Sheguiandah) is shale and clay with minor limestone at the top. Fossiliferous.

Georgian Bay Formation (Williams used the biostratigraphic names Widwemikongaing and Kagawong for the Lower and Upper units respectively). Lower shale grading upwards into limestone and minor dolomite. Exposed in "clay cliffs" near Cape Smith. Limestones have minor dolomite content, but no reported porosity. The Kagawong member is partially reefal with a broad outcrop area, including exposures in Ohio and Indiana. No reports of petroleum.

B. SILURIAN

Manitoulin Formation

The second cliff-forming formation in the area, after the Guelph-Lockport. Dolomite which is blue-green on fresh surface. Locally developed biohermal reefs. No reported petroleum seepages.

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#### Cabot Head Formation

Corresponds to the Cataract Group in the Niagara Gorge. The lower member (Cabot Head Member) is red and green shale. The upper member is thin-bedded shaly dolomite. Comprises the escarpment face of the Niagara Escarpment.

Mindemoya Formation (called Wingfield Shale, overlain by Niagara Dolomite by Williams).

Wingfield is green, calcareous shale and Niagara Dolomite is grey, brown and dense.

#### Guelph-Lockport

Williams' lowermost member of this formation is called Fossil Hill which is dolomite and profusely fossiliferous with corals. Higher beds exposed on the western end of Fitzwilliam Island (now identified as Guelph) are described by Williams to be thin-bedded, platy, brown to grey dolomite with "perhaps some bituminous material". Williams concludes his description of the Guelph by suggesting "It is quite possible that Guelph strata may underlie Duck Islands".

Inspection of the Michigan Basin Map (Figure 3) reveals Duck Islands lie in the path of a possible northern extension of the Silurian Shelf facies which contains the petroleum-bearing reefs of northern Michigan. The reported showing of bitumen in the Guelph formation on Fitzwilliam Island represents a distinct encouragement for petroleum bearing reefs in Canadian waters in Lake Huron between Manitoulin Island and Michigan. Duck Islands will be used someday as a drilling platform to investigate these prospects. (A well was drilled on Great Duck Island in 1935 but only to a depth of 240 feet with inconclusive results).

## VII. STRUCTURE

The predominant structural geologic characteristic of eastern Manitoulin Island and Wikwemikong Indian Reserve is a monoclinal inclination to the south into the Michigan Basin at 40 feet per mile ( $1/3^{\circ}$ ). Figure 5 is a structure map of the Precambrian basement surface which, although based on only a dozen control points, shows a uniform, undisturbed dip to the south throughout the Wikwemikong I.R.

A spur of Precambrian-age rocks extends from east to west across the northern part of the Figure 5 map area, resulting in an interruption of the monoclinal regularity of the basement surface near the northern rim of the Michigan Basin. The spur or narrow ridge predated the Paleozoic rocks of Manitoulin Island and acted as a disjunction between the Paleozoic sediments deposited on either side of it.

Figure 7 is a geologic Cross Section (C-D), from south to north through Wikwemikong I.R. which displays the monoclinal attitude of eastern Manitoulin Island and the influence of the pre-Paleozoic ridge on the deposition and preservation of Paleozoic sedimentary rocks.

Figure 6 is a structure map of the top of the Trenton Group which shows the same monoclinal structural monotony throughout Wikwemikong I.R. as the Precambrian surface. Cross Section C-D shows a marked conformity between the structure of the Trenton surface compared with the Precambrian.

Figure 8 is a compilation of 2 surface geologic maps of Wikwemikong I.R. by Dr. B.A. Liberty (published by the Ontario Department of Mines in 1972). The monoclinal attitude of the Paleozoic rock section on eastern Manitoulin Island is clearly depicted, together with surface topographic relief induced by the Paleozoic rocks. (The scale of the surface geologic map at 1 inch = 1 mile is the same as the scale of the Precambrian and Trenton structure maps and the horizontal scale of Cross Section C-D). The line of profile for Cross Section C-D is shown on all of the 1 inch = 1 mile maps.

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The topographic profile of eastern Manitoulin Island is visibly revealed on Cross Section C-D with exposed Precambrian spires in the northern part, the flat lands west of the Wikwemikong Indian Reserve (corresponding to the outcrop of the comparatively soft Manitoulin formation), the Niagara Escarpment (held up by the competent dolomite rocks of the Mindemoya and younger formations) and the gradually rising relief in southern Wikwemikong I.R. where the erosion resistant dolomite of the Guelph-Lockport Group is preserved.

All of the foregoing maps and Cross Section C-D substantiate and affirm that the Paleozoic rock section continues to thicken south of Manitoulin Island under northern Lake Huron where continuously younger Paleozoic-age rock units will be found to be preserved. There appears to be little doubt that Middle Silurian reefs exist in the subsurface below northern Lake Huron and that they will someday be found to contain petroleum, comparable to similar-age reefs in northern Michigan and Southwestern Ontario. Depth of water at the international boundary is 300 feet.

Interpretation of the geologic structure of eastern Manitoulin Island based on perusal of all of the geologic reports concerning the area (see Bibliography), together with an evaluation of the results of wells drilled in the vicinity, have not revealed any geologic structural phenomena, either stratigraphic or tectonic, that are likely to influence the occurrence of significant accumulations of petroleum on Wikwemikong Indian Reserve.



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#### VIII. PETROLEUM OCCURRENCE

The reputation held of Ordovician sedimentary rocks in the northern part of the Michigan Basin, including Southwestern Ontario, in relation to petroleum occurrence is: "source-rich and reservoir-poor". The Collingwood Shale is characteristically bituminous in Southwestern Ontario, as is its geologic age equivalent, the Utica Shale, in the Michigan Basin. This widespread petroleum source horizon appears not to be in communication with any porous reservoir rock formations in Southwestern Ontario into which it might have expelled the petroleum generated within it. By contrast, in the southern Michigan Basin, in the vicinity of the Findlay Arch (see Figure 1), the Trenton-age rocks suffered fracturing which created void space within which oil and gas from the Utica source horizon could accumulate. Consequently, in southern Michigan and northern Ohio, the Trenton is a prominent oil and gas reservoir horizon. In the northern Michigan Basin however, including Southwestern Ontario, the Trenton has not been found anywhere to be capable of providing reservoir accommodation for commercially producible petroleum reserves.

In eastern Manitoulin Island, the lower member of the Whitby Formation is the age equivalent of the Collingwood Shale and, like the Collingwood and the Utica, the Lower Whitby is bituminous and recognized as a petroleum source bed. The Trenton rocks however do not appear to provide any better reservoir facilities than elsewhere in Southwestern Ontario. All of the small oil occurrences in eastern Manitoulin Island that have been identified in this report occur in Trenton rocks where only inferior reservoir exists. There is no evidence to indicate the Trenton might provide better reservoir anywhere else in eastern Manitoulin Island. There are not any other rock horizons on eastern Manitoulin Island considered prospective for commercially producible oil or gas.

Offshore from eastern Manitoulin Island, it appears likely that the northern Michigan belt of Silurian reefs extends into Canadian waters and bends to the southeast to join with the northern extension of the Southwestern Ontario Silurian reef trend. The reservoir rocks are Guelph Formation pinnacle reefs. Prospects for petroleum bearing reefs in Canadian waters between eastern Manitoulin Island and Michigan are rated "Very Good".

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## IX. CONCLUSIONS AND RECOMMENDATIONS

Wikwemikong Indian Reserve, at the eastern end of Manitoulin Island, has been undergoing sporadic petroleum investigations for over 100 years. In all, some 35 wells have been drilled at scattered localities on the Reserve. Showings of oil and gas have been commonplace in the Wikwemikong wells but none of the drilling has resulted in production operations of any significance. The latest drilling venture on the Wikwemikong Reserve was by Imperial Oil, 25 years ago.

Compilation of a reliable history of drilling for petroleum on Wikwemikong Indian Reserve is frustrated by conflicting reference information concerning company names, locations of wells drilled, numbers of wells, dates, depths, initial production rates and final results.


Despite the incomplete and unreliable well drilling records all of the oil and gas showings encountered in the Wikwemikong wells are judged to have been in (or closely associated with) Trenton-age limestone/dolomite rocks which appear to provide only poor petroleum reservoir facilities, including porosity and permeability. The black shale of the Lower Whitby Formation is bituminous and appears to provide petroleum source potential; but in order for producible pools of petroleum to exist, source beds have to have had access to reservoir rocks, which in turn have to be involved in trap configurations, either structural or stratigraphic. Neither reservoir beds nor competent traps appear to exist in the Ordovician-Silurian sequence of Paleozoic rocks on Wikwemikong Indian Reserve. Prospects for commercially producible petroleum on the Reserve are poor.

Offshore in the Canadian waters of northern Lake Huron, it appears likely that Silurian-age pinnacle reefs are present, corresponding to the linking of the northern Michigan Silurian reef belt with the Southwestern

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Ontario Silurian reef trend. Prospects for Petroleum in this segment of the circum-Michigan Basin Silurian reef belt are "very Good". It is recommended that ownership and administration of petroleum rights in this offshore area be investigated to determine the status of Indian rights thereto.

Respectfully submitted

  
J.D. Macgregor, P. Eng.

DATE:

*February 16, 1981*



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APPENDIX A



Indian and Northern Affairs - Affaires indiennes et du Nord

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

Chronological No. - Numéro consécutif
862
File Reference - N° de réf. du dossier

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds

NOTA: Les mots "des fonds de notre bande", "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE WIKWEMIKONG UNCEDED INDIAN RESERVE LE CONSEIL DE LA BANDE INDIENNE	Current Capital Balance Solde de capital \$
AGENCY	Committed - Engagé \$
DISTRICT MANITOULIN ISLAND	Current Revenue balance Solde de revenu \$
PROVINCE ONTARIO	Committed - Engagé \$
PLACE	
NOM DE L'ENDROIT WIKWEMIKONG, ONTARIO	
DATE 6 FEBRUARY AD 19 80 DAY - JOUR MONTH - MOIS YEAR - ANNÉE	

DO HEREBY RESOLVE:

DECIDE, PAR LES PRÉSENTES:

- That the Wikwemikong Band Council does hereby initiate the exploration and evaluation work of the oil and gas potential of the Wikwemikong Reserve with the intention to develop feasible deposits.

A quorum for this Band  
Pour cette bande le quorum est

consists of  
fixé à

Council Members  
Membres du Conseil

CERTIFIED TRUE COPY

One Hart 80-07-16

*James E. B. B. B. B.*  
(Councillor - conseiller)  
*Alphonse A. T. T. T.*  
(Councillor - conseiller)  
*David A. B. B. B.*  
(Councillor - conseiller)  
*Robert A. B. B. B.*  
(Councillor - conseiller)

*Henry Peltier*  
Chief - Chef  
*Joseph A. B. B. B.*  
(Councillor - conseiller)  
*Joseph A. B. B. B.*  
(Councillor - conseiller)  
*Joseph A. B. B. B.*  
(Councillor - conseiller)  
*Joseph A. B. B. B.*  
(Councillor - conseiller)

*Alphonse T. T. T. T.*  
(Councillor - conseiller)  
*Joseph A. B. B. B.*  
(Councillor - conseiller)  
*Maria P. T. T. T. T.*  
(Councillor - conseiller)  
*Joseph A. B. B. B.*  
(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

Fund Code Code du compte bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act - Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
	A. Capital	B. Revenue - Revenu			
Recommended - Recommandable			Approved - Approuvable		
Date			Date		
Recommending Officer - Recommandé par			Approving Officer - Approuvé par		

APPENDIX B



APPENDIX BPRODUCTION OF MANITOULIN COUNTY WELLS

<u>Well Name</u>	<u>Township</u>	<u>Lot</u>	<u>Concession</u>	<u>Production Data</u>
Sault Ste. Marie Synd. Jas. Marshal No. 3	Assiginack	44	I	1000 Bbls first winter 10 Mcfd
Island Oils Ltd. J. Marshal No. 4	Assiginack	44	I	5 BOPD
Benedum-Trees Oil Co. No. 3 Lehman	Assiginack	44	II	45 Bbls in 5 min.
Lew Kemp J. Marshal No. 1	Assiginack	44	II	0.5 Bbls/Day
Imperial No. 632 M.A. Ferguson	Bidwell	8	VIII	156 Mcfd
Imperial No. 631 J.B. Ferguson	Bidwell	8	IX	490 Mcfd 2-3 Bbls
Imperial No. 625 C.T. White	Bidwell	13	XII	20 Mcfd
Imperial Bidwell 628	Bidwell	18	XI	200 Mcfd
Imperial Campbell 678 A. Lewis	Campbell	16	III	21Mcfd at 300'
Gore Bay No. 2	Gordon	Southern part of Town of Gore Bay		100 Bbls Total
Imperial Oil No. 585	Gordon	20	W.R.	225 Mcfd
Jas. Purvis & Sons Ltd. No. 1	Gordon	20	W.R.	145 Mcfd
*W.P. Bullard Williams No. 9	Wikwemikong I.R.			100 Bbls/Hour
*Great Northern Oil & Gas Co. No. 1	Wikwemikong I.R.			3000 Bbls Total
*Gregory No. 2 Williams	Wikwemikong I.R.			32 BOPD
*Williams No. 11	Wikwemikong I.R.			100 BOPD
*Great Lakes Carbon No. 5	Wikwemikong I.R.			12 BOPD
*Imperial Oil Co. No. 666	Kaboni I.R.	1	B	65 Mcfd
E.R. Morris G McIvor No. 1	Sheguiandah	12	VI	350 Mcfd
Scott & Renwick Bonnie Lee No.1	Sheguiandah	16	VII	100 Mcfd
Imperial Oil No. 629	Sheguiandah	23	B	427 Mcfd

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<u>Township</u>	<u>Number of Wells</u>
Assiginack	24
Bidwell	15
Carnarvon	5
Clouche Island	1
Cockburn Island	4
Gordon	14
Great Duck Island	1
Howland	5
* Wikwemikong Indian Reserve	35
Tehkummah	2
Robinson	2
Sandfield	1
Sheguiandah	<u>16</u>
TOTAL	125

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\* - Wikwemikong Indian Reserve

## CHAPTER IV

### Petroleum and Natural Gas

The Jesuit missionaries who first ministered to the Indians of Ekaentoton (Grand Manitoulin) island in 1648 probably knew of the presence of oil springs near the eastern end of the island. In his historical sketch, Mr. Major<sup>1</sup> says:

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<sup>1</sup> Bibliography, No. 6, p. 64

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"Parties in Montreal who had read in the relations des Jesuites that there existed in Grand Manitoulin Island, a mysterious spring flowing, as the Indians believed, from the entrails of the Great Manitou in which rock oil was found that cured all human diseases, started stealthily like Jason in pursuit of the golden fleece and they landed at Wekwemikong." The writer has failed to confirm the statement referred to but it is probable that, as stated by Major, the missionaries directed the early oil seekers to the oil spring near Wekwemikong on Smith bay.

T. Sterry Hunt, in his admirable paper "Notes on the History of Petroleum or Rock Oil" (4 (a), page 321) says: "On the Great Manitoulin island, also, according to Mr. Murray, a petroleum spring issues from the Utica slate ....."

Hunt repeats this statement (4 (b), page 252).

In the same report Robert Bell (page 179) says:

"Springs of petroleum have been found on the south side of Wekwemikong Bay, where three or four wells are now being sunk.... Surface oil is said to have been found at Bob's Portage, on the east side of Manitowaning bay, and also in She-gui-an-dah bay, and upon Strawberry island. A petroleum spring, on one of the islands north of Maple Point, is referred to in your

General Report of 1863."

Hunt, in his earlier report, refers to the oil that may be distilled from the Utica shale, and cites the occurrence of oil and bitumen in Trenton limestone. Bell (page 179) refers to the 1863 report (pages 523 and 790) which mentions a bituminous dolomitic limestone, a specimen of which had been brought from Grand Manitoulin island, containing about 8 per cent of solid bitumen or mineral pitch. In the Geology of Canada 1863, page 523, the following reference occurs:

"A brown crystalline porous magnesian limestone from the Grand Manitoulin island, had in like manner portions of asphaltum in its interstices, and contained from 7.4 to 8.8 per cent of soluble bitumen." (page 288) "..... the possibility of its (petroleum) occurrence in available quantities in some part of the Trenton formation should not be lost sight of ....."

The oil spring on the south side of Smith-bay was visited by the writer in 1920 and described in his report of that year (11 (G), p. 27). It is located in a small bay just east of Sturgeon point and about 10 feet from the water's edge. The water, which shows no flow, is on a level with that of the bay, and high waves must wash into it. The surface was covered with a thick coating of oil. The distance from the town of Wekwemikong around the shore is nearly 4 miles. Antoine Trudeau, who owned the land, reported that one winter he saw a spring of oil coming up through the ice near the centre of Smith bay. A similar showing of oil was reported as having been seen by an Indian in Manitowaning bay somewhere near Ten Mile point.

Favourable conditions for the occurrence and accumulation of oil are indicated by the presence of the black Utica shale that overlies the Trenton limestone. This shale outcrops at Little Current and Sheguiandah, and at various other

places on the northeastern part of the island. Dipping to the south beneath the younger sediments it forms an effective cap rock for the Trenton limestone, which is the petroliferous formation. Similar relations occur in the Dover oil field west of Chatham, Ontario, and in the Trenton oil fields of Ohio.

The Utica shale is variously reported from the wells as being from 20 to 60 feet thick. It is a low-grade oil-shale, samples collected by the writer from near Little Current and Sheguiandah in 1920 yielding 8.1 and 4.8 Imperial gallons of petroleum a ton of shale on destructive distillation. Thus a relatively large reserve of hydrocarbons is present in the shale, and it is not surprising that some petroleum and natural gas occur in the underlying Trenton limestone.

Wekwemikong Indian Reserve. As is generally the case, the first wells were dug near the most prominent oil spring, that on the south side of Smith bay. Here the Manitoulin Oil Company, organized in Montreal, put down five wells. Of these Hunt says in part (4 (b), pp. 252-253): "One of the wells there sunk gave soil 10, shales 140, limestone 316 = 466 feet, at which depth the boring was suspended ----- At 220 feet from the surface a vein of oil was encountered, and another, six feet lower; the well has yielded, in all, seven or eight barrels of oil with much gas. This is designated by the Manitoulin Oil Company, as well No. 2, about two miles from which is No. 1. This, after 32 feet of soil, and 100 feet of black shale, penetrated 340 feet of the limestone, to which succeeded 52 feet of a red siliceous sandstone, the last 20 feet very hard. There the boring ceased. At 192 feet from the surface was met a vein of saline water, and at 193, 248, and 270 feet veins of oil. From this well 120 barrels of excellent petroleum have been obtained, but the supply has now ceased. .... At a position inter-

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mediate between the last two wells, is another, No. 5, which gave soil 21, shale, etc. 230, limestone 179 = 430 feet, the boring being still continued. A vein was struck in the limestone, 288 feet from the surface, and has given a few gallons of oil. At 92 feet, saline water was met with, less strong, however, than in the previous wells. Two other borings, Nos. 3 and 4, are now in progress. It is evident that these wells, penetrating the Hudson river and Utica formations, find the oil in the limestones of the Trenton group."

Hunt reports on the brine from well No. 1 as follows (page 272): The vein was met 192 feet from the surface and 60 feet in the Trenton limestone. "The water, as sent to me, was intensely bitter and saline to the taste; it contained no trace of sulphates, nor yet barium nor strontium. It was not examined for bromides or iodides, which however, were probably present. The analysis of this water gave for 1000 parts -

Chloride of sodium	4.800
Chloride of potassium	.792
Chloride of calcium	12.420
Chloride of magnesium	3.650
	<hr/> 21.662

In most waters of this class, the proportion of chloride of potassium is small, rarely attaining to one-hundredth of the alkaline chlorides, but in the Manitoulin water it amounts to not less than 16.6 per cent, or more than 3.7 per cent of the entire solid matters, a proportion as great as in modern sea water."

In the files of the Geological Survey there are the records of three wells, marked Manitoulin, Algoma, 1863, driller, Jos. Ward. They apparently refer to Nos. 2, 1, and 5

as described by Hunt. The records differ so materially from those given as to cast much doubt upon their reliability. The discrepancies may be due to the interpretations by different drillers. The records are given for comparison.

No. 1. Location, cape Smith, south of Whiskey island and 200 feet from the shore.  
Elevation 10 feet above lake Huron.

	Thickness Feet	Depth Feet
Surface	20	20
Shale	120	140
Limestone	370	510
Sandstone	40	550
Yield of oil at 300 feet		

No. 2. Location, half-way between No. 1 and No. 3 and one-half mile south.

	Feet
Elevation	656
Surface	15
Shale	110
Limestone	175
Depth	300

Yield of oil and water, "the largest flow on the Manitoulin."

No. 3. Location, 2 miles north (should be east by north) of No. 1, and about 200 feet from the shore ("South Mequimakong Mission").

Elevation 591 - A.M.T.

	Thickness Feet	Depth Feet
Surface	5	5
Shale	110	115
Limestone	285	400
Yield of oil at 300 feet.		

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The writer saw the site of an old well about one-eighth of a mile east by north of the oil spring mentioned above. It is about 200 feet from the shore, about 10 feet above water-level, and the caved-in pit is about 18 feet across. Mr. Trudeau reported it drilled to a depth of about 300 feet, some fifty years previous to 1920, and to have struck oil. This well, marked No. 1 on the map, appears to be No. 1 as noted above, and probably No. 2 well described by Hunt. The writer is at a loss, however, to explain the reference to Whisky island, as he knows of no island along this shore, nor is any shown on any map or chart consulted. It may have been a sand or gravel bar appearing at very low water. Sites of wells No. 2 and No. 3 of the accompanying map were not seen by the writer, and their location is approximated from the description given above.

The inference may be drawn from these old records that the formational dip along the south side of Smith bay is from 10 to 12 feet a mile to the westward, and the top of the Trenton near the oil spring is about 140 feet below the level of lake Huron. The oil spring, and the oil reported as having been recovered, bear testimony to the petroliferous character of the Trenton and the brine, with its resemblance to marine water, suggests relative freedom from dilution by water from the bay. Oil is reported from depths between 35 and 185 feet in the Trenton limestone.

It is reported that the Manitoulin Oil Company gave up its operations because of difficulties with the Indians.

In 1905 the Northern Oil and Gas Company, of Chicago, drilled six wells about 2 miles southeast of Wekwomikong (10, vol. XV). Three were producers and three dry holes. "The wells were drilled at an elevation of 155 feet above the lake, and



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produced in all about 500 barrels of oil, one well producing about 50 barrels in the first 12 hours after shooting." The lithological records, omitting the interpretation into formations, are as follows:

No. 1 well, elevation 736 feet A.M.T.

	Feet	
Limestone	50	
Light shalo	250	
Grey shalo	62	
Black shalo	21	Top of Trenton at 383 feet.
Limestone	137	Gas at 398 feet.
Total depth	520	

---

No. 2 well.

	Feet	
Surfaco	34	
Limestone and shales	90	
Light shalo	161	
Grey shalo	65	
Black shalo	9	Top of Trenton at 359 feet.
Limestone	50	Gas and oil at 380 feet.
Total depth	409	

---

No. 4 well.

	Feet	
Sand	15	
Limestone	50	
Light shale	250	
Dark shale	70	
Black shale	22	Top of Trenton at 407 feet.
Limestone	---	Salt water at 438 feet.

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No. 5 well.

	Feet	
Sand	14	
Limestone	50	
Light shale	250	
Dark shale	94	Top of Trenton at 420 feet.
Black shale	12	Oil at 457 feet.

"No. 4 well is 640 feet northwest of No. 5. No. 1 is about the same distance northwest of No. 4, and No. 2 is about 500 feet northeast. Another well has been drilled northeast of No. 2 at an elevation of 55 feet, and the Huronian was struck at a depth of 625 feet. The oil is a very good quality, registering 36 Baume at 60 degrees."

J. Clarke and R. MacMillan, who worked on a number of the wells drilled near Wekwemikong, accompanied the writer to the locality, identified the wells, and furnished the following information.

No. 4. Near edge of swamp, below hill, drilled by Clement, from Sherbrooke, Quebec, about thirty years ago. This was a gusher for an hour or two, and the ground around is still saturated with oil. The casing still contains a light green oil, standing near the top. This and two or three neighbouring wells were pumped for a time. The well is said to be 450 feet deep and to contain 200 feet of 4<sup>5</sup>/<sub>8</sub> inch casing.

No. 5 was not visited.

No. 6. Known as Gregory No. 1, is situated below the hill east of the highway and south of the stream. This was pumped by means of a spring-pole and is bubbling gas still.

No. 7. Drilled by Gregory, produced much salt water.

No. 8. This is known as Gregory No. 2. This was a promising well and pumped 32 barrels the day it was abandoned (cf. J. Clarke, who worked on it). Oil was struck 17 feet in the Trenton. Gas and salt water were struck at first, but oil was produced after two hours of pumping.

No. 9. This well was drilled in 1906 by George Gregory of Petrolia, Mr. Buller of Chicago being manager. It is about 500 feet deep, and was drilled 31 feet into the Trenton. It started with salt water, but after pumping for three days it went over to oil and flowed 100 barrels of oil into the tank in less than 1 hour. It finally went over to brine.

No. 10. This well was drilled to the "granite" at 750 feet in depth, the Trenton being struck at 500 feet. An 8-inch hole was carried down and a little salt water was struck.

No. 11. Drilled by Gregory. It pumped 100 barrels of oil for 1 day and then filled with white sand and never pumped again.

Another well is situated about 400 feet southeast of No. 11, but no information was available.

These wells were drilled during 1905, 1906, and 1907.

It seems established that the wells visited include those described in the Report of the Bureau of Mines. The elevation (736 feet A.M.T.) there given corresponds reasonably well with the elevation (715) feet for the higher wells as obtained by the writer from aneroid readings. As the Indian land where these wells are located is entirely unsurveyed, considerable doubt remains in regard to the identity of the wells. This is unfortunate as the published report contains such definite logs that a relationship between productivity of wells and geological

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structure could be worked out were the identification certain. As it is, No. 2 well of the Northern Oil and Gas Company appears to be located on the highest structure, the other wells down the dip to the southwest being, however, the larger producers of oil. The general conclusion to be drawn is that the Trenton formation in this vicinity contains some oil, but that the tests at this locality were on "edge water," that is on the edge of the real accumulation. Whether that accumulation will prove commercial or not remains to be proved. Accurate information regarding the various wells drilled in this vicinity would be worth the cost of several new wells to a company starting a testing program.

Messrs. Clarke and MacMillan furnished the following information regarding other wells drilled on the Indian reserve.

Grogory drilled two or three wells out on Cape Smith. One was "a great gasser", but none produced oil.

No. 12. An old well west of the road about 4 miles southwest of Wekwewikong and now covered with stones. Gas pressure blew out the casing, and there was much salt water but very little oil.

Well No. 13 is situated about one mile farther southwest, and to the east on top of the hill. There is no record.

Well No. 14 was drilled near the shore and just south of the present gas station. The driller was Tom Rawlings, the depth about 450 feet, and a little salt water was struck. The first 300 feet of the drilling was through drift. Elevation above the bay about 10 feet.

Well No. 15 is situated on John King's farm between the barn and the road. The elevation is 50 feet above the bay. The depth was over 500 feet and salt water was struck.

Well No. 16 is located near the Wekwemikongsing school, but no record is available.

Well No. 17 was situated about 4 miles southeast of South Bay Indian village by the shore of a little lake. There is no record of it, nor was it visited.

Well No. 18, known as the Gurley well, is one mile south of Manitowaning and just south of the elbow of the road to the Indian reserve. It struck much salt water and a show of oil.

There appear to have been several other wells drilled by the Northern Oil and Gas Company before 1912, when they were granted the oil rights on 50,000 acres of land on the Indian reserve east of Manitowaning. Senator Poirier's estate holds the oil rights on a strip of territory 9,334 feet wide, lying south of Smith bay and extending from near Manitowaning bay eastward to Georgian bay, the area containing 10,000 acres. The Northern Oil and Gas Company hold the rights on the adjoining area of the same size to the south. The remainder of their 40,000 acres includes the whole of the southern end of the peninsula, extending northward nearly to the head of South bay. Thus only the central part of the reserve and the extreme northern portions are available for exploration by other interests.

Manitowaning and Vicinity. In 1907 the Benedum-Trees Oil Company of Pittsburgh, Pa., drilled five test wells about 1½ miles west of Manitowaning, on lot 44, con. 2, Assiginack tp. Of these wells Nos. 1, 2, and 3 were pumped, and produced at least 500 barrels of oil. When the casing was pulled out of No. 1 oil rose within one foot of the top (cf. Wm. McCauley of Manitowaning). In 1912 oil was being drawn from No. 2 by local farmers, by means of a sand pump. In 1920 all three

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contained oil, and in 1935 oil was standing within 8 foot of the top of No. 2 and gas was bubbling through the oil. The log of No. 3 furnished by the Bonodum-Troos Oil Company is as follows:

	Foot	Depth Foot
Surface soil etc.	14	14
Richmond limestone	116	130
Grey shale	280	410
Collingwood shale	20	430
Trenton limestone	47	477
Oil and gas at 442 feet.		

This well is said to have produced 45 barrels of oil in fifteen minutes.

For well No. 4, situated south of the road, no record is available.

Well No. 5 was drilled by Clide Potts, for Bonodum-Troos. The well was finished with the men working ankle-deep in oil. It was plugged immediately near the top of the casing, after which it flowed out beneath and appeared at the surface some distance to the north. There was no water appearing with the oil (cf. Mr. McCauley).

The log of the well drilled on lot 45 (the Watson farm) is as follows:

	Feet	Depth Feet
Surface	6	6
Richmond limestone	124	130
Shale	175	305
Trenton limestone	261	566
Oil from 464 to 474 feet.		

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In 1920 H.C. Gordon drilled a well near the road. The Trenton limestone was struck at about 445 feet from the surface. At about 17 feet in the Trenton limestone considerable gas and a little oil were obtained. After shooting with dynamite considerable salt water was produced.

The Allan well was drilled by Wm. Allan of Campbellford for the Manitoulin Oil Company in 1929, the driller being R. MacMillan of Manitowaning. The record in the Geological Survey files is as follows:

	Feet
Surface	10
Brown and grey dolomite	200
Dark grey shale	170
Dark grey bituminous shale	30
Light grey dolomite	40

The depth was later recorded as 457 feet, and Mr. Marshall says it was drilled to 476 feet and that 18 feet of "oil sand" was penetrated.

The Marshall well was drilled in 1933 by John McCorkindale, 8th Street West, Owen Sound. The depth was 490 feet. Eighteen feet of "oil sand" was penetrated at 480 feet with a "strong flow of gas" and a showing of yellow oil. There was not enough water to drill with. The well was shot, but never cleaned out (cf. James P. Marshall, 1530 - 4th Avenue West, Owen Sound, the owner of the old Lehman farm, who accompanied the writer over the property in July 1935).

From the records of the three wells available it may be seen that there is a gentle dip of the formations toward the southwest.

The wells recorded above are marked 22 to 30 on the accompanying map.

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Other wells in the vicinity of Manitowaning are described below, the numbers referring to the map notation.

No. 19. Near the southeast end of lot 35, con. II, Assiginack tp., on the farm formerly owned by Wm. Tucker. This well flowed gas for some years.

No. 20. Lot 30, con. II, Assiginack tp. A show of oil is reported.

No. 21. Lot 23, con. IV, Assiginack tp. No record.

No. 31 is known as the H.C. Gordon well No. 1, and was drilled by that gentleman in 1920 (ll (G), p. 28). "It is situated about 70 yards from the east line and 90 yards from the north line of lot 50, con. II, Assiginack tp. The top of the well is about 10 feet below the base of the Manitoulin dolomite, of the Cataract formation, as exposed a few rods away, and the log, taken by the writer, from samples, is as follows:

	Feet	Depth Feet
Surface	5	5
Hard, dark grey limestone and shale	360	365
Grey shale	20	385
Brown shale	65	450
Black shale	15	465
Trenton		
Grey, semicrystalline limestone	15	480
Calcareous shale	5	485
Semicrystalline limestone	65	550

This well was dry except for a small show of gas."

No. 32. Near the south end of lot 51, con. I, Assiginack tp. No record.

No. 33. Near the north end of lot 51, con. I, Assiginack tp. No record.

No. 34. About 85 yards from the west line and 30 yards from the south line of lot 22, con. I, Sheguiandah tp.

000811



Elevation about 645 feet A.M.T. By Senator Pascal Poirier.

Completed Feb. 9, 1932. Dry hole.

	Thickness
	Feet
Surface	11
Richmond limestone	34
Grey shale	280
Dark shale	69
Trenton limestone	40
	<hr/>
Total depth	434

No water, perfectly dry hole.

No. 35. Near the middle of the east side of lot 20, con. I, Sheguiandah tp. No record.

No. 36. About 525 yards from the northwest corner and 40 yards from the west line of lot 6, con. II, Sheguiandah tp., on the farm of Andrew Lane. Elevation about 740 feet A.M.T. Commenced No. 1, 1906, completed May 27, 1907.

	Thickness	Depth
	Feet	Feet
Surface	10	10
Silurian	170	180
Limestone, shale, etc.	315	495
Collingwood shale	22	517
Trenton limestone	112	629
Gas and oil at 532 feet		

No. 37. Lot 4, con. XIV, Assiginack tp. Drilled by Gib Wallace for Manitowaning Oil Company. Depth 210 feet. The samples from this well in the Geological Survey have been examined by Mr. C.S. Evans, whose report is as follows:

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Feet	
5 - 10	Fine- to medium-grained, buff-grey dolomite - a little chert in which are fragments of corals.
10 - 20	Fine to medium, grey dolomite - a little chert.
20 - 25	Fine to medium, grey limestone - grey, shaly limestone - a few fragments of brown bituminous shale - bryozoa.
25 - 30	Missing.
30 - 35	Fine to medium, grey limestone - grey, shaly limestone.
35 - 40	Missing.
40 - 45	Fine, grey dolomite.
45 - 55	Fine, grey, shaly limestone - grey shale, fossiliferous.
55 - 60	Medium-grained, buff dolomite.
60 - 65	As above, with some chert.
65 - 70	Fossiliferous, grey, shaly limestone.
70 - 115	Medium-grained, buff dolomite - some chert - few crinoid stems.
115 - 135	Fine, buff dolomite.
135 - 150	Fine, light grey dolomite.
150 - 155	Fine, buff-grey dolomite.
155 - 170	Fine, drab-grey, limy shale and shaly limestone - fossiliferous.
170 - 175	Medium buff dolomite.
175 - 195	Quite fine-grained, light grey dolomite and shaly dolomite - some greenish shale and a few sand grains.
195 - 210	Fine to medium, buff and grey dolomite.

The section is Lockport throughout unless the lower 20 feet include some Dyer Bay beds.

No. 38. About 40 yards east of the west line and 100 yards north of the south line of lot 21, con. XI; Sheguiandah tp. Elevation about 860 feet A.M.T. By Senator Poirier. Completed Jan. 23, 1932. A dry hole.

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	Thickness
	Feet
Surface	1
Richmond limestone	50
Grey shale	255
Dark shale	92
Trenton limestone	125
Total depth	523

Gas 210 and 426 feet. Seepage of salt water at 523 feet.

Gas was bubbling up through fresh water in July 1935.

No. 39<sup>1</sup>. Near the southwest corner, 100 feet from

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<sup>1</sup> Ontario Dept. of Mines, vol. XLII, pt. V, 1933, p. 43.

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each line of lot 24, con. XI, Sheguiandah tp. Elevation about 850 feet A.M.T. Drilled for Senator Poirier. Completed Jan. 7, 1932. Dry hole.

	Thickness
	Feet
Surface	1
Richmond limestone	40
Grey shale	272
Collingwood shale	60
Trenton limestone	37
Total depth	410

Show of gas 200 and 400 feet. Salt water at 400 feet.

No. 40<sup>1</sup>. About 170 yards west of east line and 50 yards north of south line of lot 18, con. XIII, Sheguiandah tp. (Senator Poirier). Elevation about 870 feet A.M.T. Completed

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<sup>1</sup> Ontario Dept. of Mines, vol. XLII, pt. V, 1933, p. 43.

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March 19, 1932. Dry hole.

	Thickness
	Feet
Surface	5
Richmond limestone	47
Grey shale	282
Collingwood shale (black)	56
Trenton limestone	40
Total depth	430

Black water at 420 feet.

Wells Nos. 41 to 62. The Kyto Oil Field. In 1912 Senator Pascal Poirier started intensive drilling on lots 3 and 4, cons. VIII and IX, Bidwell tp. (11 (G), p. 28). "At least twenty wells were drilled at this locality, of which eleven are said to have produced oil, and three to have had traces of oil. The drilling contractor stated that some of these wells produced as much as 27 barrels a day for a short time. Four are reported as dry. Following is an analysis of a sample of oil from Renny Byers' farm, lot 3, con. IX, Bidwell tp., Groon bay, Manitoulin island.

Specific gravity at 15.5° C.	- 0.864
Distillation - continuous method.	
First drop	100° C.
Up to 150° C.	10%
150 - 200° C.	7%
200 - 250° C.	8%
250 - 300° C.	11%
300 - 350° C.	18%
Residue (by difference)	46%

Calorific value:

Calories per gram, gross	10600
B.T.U. per lb. gross	19080

Sulphur: 0.2 %." Sp. gr. Baume 32

000815

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"During 1920, three wells were drilled on the old Poirior leases, No. 1 being dry, No. 2 producing some oil with a small amount of salty, sulphur water (at a depth of 403 feet), and No. 3 not being reported on. The top of the Trenton in No. 2 was struck at 384 feet 3 inches in depth or 10 feet higher than in No. 1. The log of No. 1 as determined by the writer from samples is as follows:

Well drilled by Kyto Oil Company, near southeast corner of lot IV, con. IX, Bidwell tp.

	Thickness	Depth
	Feet	Feet
Surface clay	5	5
Buff limestone	11	16
Grey shale	336	372
Black Utica shale	28	400
Light coloured, hard, semi-crystalline limestone	9	409
Show of oil at		418

No. 64. On the north end of lot 24, con. XI, Bidwell tp. Drilled by Senator Poirier. It finished in slato possibly 500 feet deep.

A well is also reported on lot 17, con. XII, Bidwell tp. No information.

No. 65. Near middle of south end of lot 34, con. I, Howland tp., drilled by Senator Poirier. The well stopped a few feet in the black Utica shale with no show of gas or oil.

No. 66. Providence Bay. At Providence bay, about 30 feet east of the road and 100 yards from the wharf. This well was drilled about 1906 by H.F. Slater of Toronto, who reported to the writer that he struck the Trenton limestone at about 960 feet from the surface and drilled about 100 feet into it when the tools were lost and never recovered. It is plugged with a wooden plug, but

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escaping gas may still be burned. Elevation 25 feet above lake Huron.

Wells Nos. 67 to 70. Gore Bay. In 1909 four wells were drilled in the southern part of the town of Gore Bay. Mr. Ben Johnson, still resident in Gore Bay, worked with the drillers, Brako and Buchanan, and furnished the following information.

The most northerly well produced no oil. No. 2, on Mr. Brett's property, and No. 3 pumped 100 barrels of oil between them, along with much black water. Tools were lost in No. 3 and the well was abandoned. Mr. Brett piped his well to his machine shop and used the gas for some time.

Well No. 4 was shot and produced no oil afterward.

The following record in the files of the Geological Survey is probably that of well No. 3. Elevation about 610 feet A.M.T.

	Thickness	Depth
	Feet	Feet
Drift	1	1
Limestone	45	46
Blue shale	89	135
Limestone	1	136
Shale	29	165
Limestone	1	166
Blue shale	90	256
Brown shale	60	316
Black shale	15	331
Trenton limestone	250	581

Oil was struck at 425 feet.

A log made by Mr. C.S. Evans from samples 447-23 in the Geological Survey follows. As the depth to the Trenton is 19 feet greater than in the log given above, the well is probably

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No. 4 which starts at a higher level.

Feet		
0 -	10	Medium-grained, light grey and grey, dolomitic limestone.
10 -	60	Medium-grained, grey dolomite.
60 -	85	As above, with some shaly dolomite.
85 -	270	Grey shale with some limy bands.
270 -	275	Grey shale with a little brownish shale.
275 -	350	Brown, bituminous shale.
350 -	400	Medium-grained, somewhat dolomitic limestone-grey.
400 -	515	Medium-grained, grey limestone.
515 -	525	Medium-grained, grey limestone and shaly limestone.
525 -	535	Medium-grained, grey limestone.
535 -	545	Medium-grained, grey limestone - a little green shale - a few rounded sand grains in limestone.
545 -	555	Medium-grained, grey limestone and dark grey, shaly limestone.
555 -	585	Medium-grained, grey limestone - some shaly limestone.
585 -	605	Medium-grained, grey limestone - dark grey, shaly limestone - some sand grains.
605 -	675	Medium-grained, grey and dark grey limestone - shaly limestone - some green shale - fair amount of sand grains.
675 -	695	Coarse, well-rounded sand grains (all quartz).
695 -	700	Quartz grains and weathered granite.

Bottom of well.

This may be interpreted as:

	Feet
Richmond	0 - 85
Grey shale	85 - 275
Dark shale	275 - 350
Trenton and lower formations	350 - 675
Basal sandstone	675 - 695
Sandstone and weathered granite	695 - 700

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Mr. Johnson also reported a well on the rear of lot 13, range VIII, Gordon tp., and one on Alex Purvis' farm about  $1\frac{1}{2}$  miles west of town, both of which were dry.

No. 71. Lot 10, West range, Gordon tp. This is reported by Mr. Ben Johnson of Gore Bay as having been a dry well.

No. 72. On the northwest corner of lot 20, con. XI, Robinson tp., 2.5 miles north of Silverwater corners and 40 feet east of the road allowance. Mr. Alex Kemp of Silverwater reports that this well was drilled in 1908 or 1909 by Brake and Buchanan for Mr. Alexander of Oklahoma. Fresh water was struck at 66 feet. No oil or gas were struck, but when finished at a depth of 1,074 feet it filled with salt water.

Following are two analyses of oil (11 (G), p. 30):

A - lot 44, con. XI, Assiginack tp., B - M.W. Brett's farm, lot 6, north side of Hall street, Gore Bay - probably well No. 2.

	A	B
At 15.5° C. specific gravity	0.877	0.881
Distillation continues		
First drop	220° C.	180° C.
Up to 250°	10%	9%
250 - 300°	20%	19%
300 - 350°	18%	18%
Residue (by difference)	52%	54%

Note: The yield obtained between 300 and 350 degrees is uncertain owing to the tube of the condenser being clogged with the wax formed. This holds for both samples.

Calorific value -	A	B
Calories per gram gross	10790	10800
B.T.U. per pound gross	19430	19440
Sulphur	0.2%	0.2%

The specific gravity in degrees Beaume is 29.6 for A and 28.9 for B.

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Great Duck Island. Well No. 73 is situated about one-quarter of a mile north of the little harbour on Great Duck island, which is in the small bay opposite Outer Duck island. The well was started in 1935 by Detroit and Windsor interests, the driller being E. Randall of Petrolia. Later his brother, Fred, took over the drilling and he has furnished the following record:

	Feet
Sand and gravel	to 152
Boulders	152 - 162
Gravel and sand	162 - 190
Hard clay	190 - 230
Gravel	230 - 240
Loose white sand	240 - 243

Water occurs in all the sediments except the hard clay or "hardpan."

Elevation of the top of the well above lake Huron about 25 feet.

#### Conclusions to be Drawn from Drilling

The drilling recorded above has demonstrated the presence of small accumulations of petroleum at four localities on Manitoulin island, viz.: near Wekwemikong; west of Manitowaning; southeast of Pine lake; and at Gore bay. The writer is of the opinion that the Pine Lake and Manitowaning areas have been sufficiently tested, and are not of commercial value. As the Wekwemikong field appears to have been abandoned while still producing oil, a small production might be obtained from one or two of the abandoned wells, or from new wells drilled near by. Some of the wells have never been properly plugged, and water has doubtless damaged the field. No large production is indicated.

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The Gore Bay wells are typical of "edgewater" conditions, such as might be expected from their location on the margin of the monocline described under "Structure". Their oil and gas content are good auguries for production from the structure nearby.

The wild-cat wells scattered over the rest of the island show practically no promise, but it must be remembered that several of them did not penetrate the Collingwood shale, and of the rest the records are very unsatisfactory.

In order to explore this region in a satisfactory manner it is necessary to determine whether the oil accumulations occur on anticlines or in synclines and then to test the most promising structures.

In his 1920 report the writer concluded that the petroleum of Manitoulin island was not accompanied by normal salt water, and that "the best oil wells are located well within the syncline." F. Sterry Hunt emphasized the similarity to sea water exhibited by the brine from the Cape Smith wells; and salt water has been reported from various other wells. No samples being available the evidence is inconclusive, as most observers fail to distinguish between salt water and sulphur water. A number of the wells stand full of water at the present time, but this is mostly of surface origin and so is essentially fresh.

There is also the problem, raised in the previous report, as to whether the oil and water occur at the same horizon. As important as this problem is, it cannot be answered satisfactorily at the present time. The history of the field, however, suggests that there was some saline water in association with the petroleum. The relation of the test wells to structure is not as clearly determined as could be wished, due to the lack

of a sufficient number of reliable well logs (See discussion below). Having reviewed the available evidence, however, and especially that furnished by the wells at Gore bay, where the structure is clearly defined, the writer feels obliged to differ with his previous conclusion, and to decide that oil is most likely to occur on Manitoulin island on the higher structures, in accordance with the normal law of anticlinal accumulation. In regard to the effect of bay water upon oil accumulation at the localities tested, it may be noted that the wells most likely to be so affected are those located at Cape Smith, and yet it was from these very wells that T. Sterry Hunt obtained the brine referred to above. That oil has escaped into the bay is shown by the Cape Smith spring, and the records cited above. The wells near Ten Mile point were in the writer's judgment doomed to be non-productive because of the nearby outcrop of the Trenton formation below the bay. It hardly seems probable, however, that the wells near Manitowaning, Pine lake, or Gore bay, have been seriously affected by bay water.

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The Mining Act  
( Revised Statutes of Ontario, 1970  
August 1980

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Government  
of Ontario

# The Mining Act

Revised Statutes of Ontario, 1970

Chapter 274

as amended by

1971, Chapter 50, s. 58; 1971, Chapter 98, s. 4,  
Sched. par. 22; 1971, Chapter 102; 1972, Chapter  
4, s. 17; 1972, Chapter 116; 1973, Chapter 106 and  
1978, Chapter 83, s. 42, par. 5

August 1980

## CHAPTER 274

### The Mining Act

#### 1. In this Act,

Interpre-  
tation

1. "agent", when used in Parts IX and XI, means a person having, on behalf of the owner, the care or direction of a mine or plant or a part thereof; R.S.O. 1970, c. 274, s. 1, par. 1.
2. "Commissioner" means the Mining and Lands Commissioner appointed under *The Ministry of Natural Resources Act, 1972*; R.S.O. 1970, c. 274, s. 1, par. 2; 1973, c. 105, ss. 3, 4.
3. "Crown" means Crown in right of Ontario;
4. "Crown land" does not include land in the actual use or occupation of the Crown, or of a public department of the Government of Canada or of Ontario, or of an officer or servant thereof, or under lease or licence of occupation, from the Crown or the Minister of Lands and Forests or the Minister of Mines, or set apart or appropriated by lawful authority for a public purpose or vested in The Ontario Northland Transportation Commission; R.S.O. 1970, c. 274, s. 1, pars. 3, 4.
5. "Ministry" means the Ministry of Natural Resources; R.S.O. 1970, c. 274, s. 1, par. 5; 1972, c. 4, s. 12.
6. "Deputy Minister" means the Deputy Minister of Natural Resources; R.S.O. 1970, c. 274, s. 1, par. 6; 1972, c. 4, s. 12.
7. "Director" means the Director of the Lands Administration Branch; 1973, c. 106, s. 1(1).
8. "holder", when referring to the holder of an unpatented mining claim, a boring permit, a quarry permit or a licence of occupation issued under this Act, means the holder of record;
9. "in place", when used, in reference to mineral, means in the place or position where originally

#### OFFICE CONSOLIDATION

THIS EDITION IS PREPARED FOR  
PURPOSES OF CONVENIENCE ONLY;  
AND FOR ACCURATE REFERENCE  
RECOURSE SHOULD BE HAD TO THE  
STATUTES.

NOTE: PART IX of *The Mining Act*, except sections 176, 611 and 616, is repealed by the Statutes of Ontario, 1978, chapter 83, section 42, paragraph 5. As of the date of publication, this amendment has not been proclaimed in force. See—1978, c. 83, s. 43.

formed in the solid rock, as distinguished from being in loose, fragmentary or broken rock, boulders, float, beds or deposits of gold or platinum-bearing sand, earth, clay, or gravel, or placer; R.S.O. 1970, c. 274, s. 1, pars. 8, 9.

10. "inspector" includes "engineer" as defined in clause b of subsection 1 of section 169, a geologist on the staff of the Ministry and any other officer or agent designated by the Minister to carry out an inspection or investigation relating to the mining industry; R.S.O. 1970, c. 274, s. 1, par. 10; 1972, c. 1, s. 1.

11. "lease" means a leasehold patent; R.S.O. 1970, c. 274, s. 1, par. 11.

12. "licensee" means a person, mining partnership or company holding a prospector's licence issued under this Act or a renewal thereof; R.S.O. 1970, c. 274, s. 1, par. 12; 1972, c. 116, s. 1(1).

13. "machinery" includes steam and other engines, boilers, compressors, furnaces, milling and crushing apparatus, hoisting and pumping equipment, chains, trucks, tramways, tackle, blocks, ropes and tools, and all appliances used in or about or in connection with a mine or plant; R.S.O. 1970, c. 274, s. 1, par. 13.

14. "metal tag" means the metal tag supplied by the mining recorder or a substitute therefor supplied by the Ministry; R.S.O. 1970, c. 274, s. 1, par. 14; 1972, c. 1, s. 1.

15. the noun "mine", except as defined in Part IX, includes any opening or excavation in, or working of the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, rock, earth, clay, sand or gravel, or place where mining is or may be, carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine, and also any quarry, excavation or opening of the ground made for the purpose of searching for or removal of mineral rock, stratum, earth, clay, sand or gravel and any roasting or smelting furnace, concentrator, mill, work or place used for or in connection with washing, crushing, sifting, reducing, leaching, roast-

ing, smelting, refining, treating or research on any of such substances;

16. the verb "mine" and the word "mining", except as defined in Part IX, include any mode or method of working whereby the earth or any rock, stratum, stone or mineral-bearing substance may be disturbed, removed, washed, sifted, leached, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether it has been previously disturbed or not;

17. "minerals" includes gold and silver, all rare and precious metals and coal, natural gas, oil and salt;

18. "mining lands" includes the lands and mining rights patented or leased under or by authority of a statute, regulation, or order in council, respecting mines, minerals or mining, and also lands or mining rights located, staked out, used or intended to be used for mining purposes;

19. "mining rights" means the ores, mines and minerals on or under any land where they are or have been dealt with separately from the surface; R.S.O. 1970, c. 274, s. 1, pars. 15-19.

20. "Minister" means the Minister of Natural Resources; R.S.O. 1970, c. 274, s. 1, par. 20; 1972, c. 4, s. 12.

21. "owner", when used in Parts IX and XI, includes every person, mining partnership and company being the immediate proprietor or lessee or occupier of a mine or plant, or a part thereof, or of any land located, patented or leased as mining land, but does not include a person or a mining partnership or company receiving merely a royalty, rent or fine from a mine, plant or mining lands, or being merely the proprietor of a mine, plant or mining lands subject to a lease, grant or other authority for the working thereof, or the owner of the surface rights and not of the ore or minerals; R.S.O. 1970, c. 274, s. 1, par. 21.

22. "patent" means a grant from the Crown in fee simple or for a less estate made under the Great Seal, and includes leasehold patents and freehold patents, but in sections 7, 35, 71, 105, 106; 109,

110, 111, 112, 113, 114, 115, 116, 117, 118, 637, 638, 646, 650, 653 and 660 the meaning is limited to freehold patents; R.S.O. 1970, c. 274, s. 1, par. 22; 1972, c. 116, s. 1 (2).

23. "prescribed" means prescribed by or under the authority of this Act;

24. "recorder" means the mining recorder of the mining division in which is situate the land in respect of which an act, matter or thing is to be done;

25. "regulations" means the regulations made under this Act; R.S.O. 1970, c. 274, s. 1, pars. 23-25.

26. "Supervisor" means the Supervisor of the Mining Lands Section; 1973, c. 106, s. 1 (2).

27. "surface rights" means every right in land other than the mining rights;

28. "unpatented" when referring to land or mining rights, means land or mining rights for which a patent, lease, licence of occupation or any other form of Crown grant is not in effect;

29. "unpatented mining claim" means a mining claim that is in good standing and for which the Crown has not issued a patent, lease or licence of occupation;

30. "valuable mineral in place" means a vein, lode or deposit of mineral in place appearing at the time of discovery to be of such a nature and containing in the part thereof then exposed such kind and quantity of mineral or minerals in place, other than limestone, marble, clay, marl, peat or building stone, as to make it probable that the vein, lode or deposit is capable of being developed into a producing mine likely to be workable at a profit. R.S.O. 1970, c. 274, s. 1, pars. 27-30.

31. Nothing in this Act affects the sale, lease or location, for agricultural or other purposes, of any land opened for sale or free grant under *The Public Lands Act* or otherwise. R.S.O. 1970, c. 274, s. 2.

32. The Lieutenant Governor in Council may make regulations prescribing forms and providing for their use. R.S.O. 1970, c. 274, s. 3.

Application to sales, etc., for other purposes  
R.S.O. 1970, c. 380

Forms

# PART I

## ADMINISTRATION

4. to 6. REPEALED: 1972, c. 4, s. 17, part.

7.—(1) All public lands for mining purposes and for the purposes of the mineral industry and all regulations made with respect to mines or minerals or mining or mining lands or mining rights or the mineral industry shall be administered by the Minister.

Administration by Minister

(2) All patents, leases, licences or other instruments of title and all agreements, contracts or other writings relating to mines or minerals or mining lands or mining rights or the mineral industry shall be signed and executed by the Minister or by the Deputy Minister. R.S.O. 1970, c. 274, s. 7.

Execution of instruments

8. The Lieutenant Governor in Council may appoint such officers and agents as he considers necessary, who shall be officers of the Ministry and shall perform such duties as are assigned to them by this Act or by the regulations. R.S.O. 1970, c. 274, s. 8; 1972, c. 1, s. 1.

Officers and agents, appointment

9.—(1) The Lieutenant Governor may appoint for each mining division a mining recorder, who shall be an officer of the Ministry. R.S.O. 1970, c. 274, s. 9 (1); 1972, c. 1, s. 1.

Mining recorder

(2) Where a mining recorder is absent because of illness or for any other reason, the Minister may appoint in writing a person to act as mining recorder *pro tempore*, but such person shall exercise only such of the duties of the recorder as are defined in the appointment.

Appointment in absence of mining recorder

(3) Where a mining recorder is absent because of illness or for any other reason, and no appointment is made under subsection 2, the Supervisor is *pro tempore* mining recorder for that division and may exercise all of the duties of the recorder. R.S.O. 1970, c. 274, s. 9 (2, 3).

Idem

10. Every recorder shall keep such books for the recording of mining claims, applications and other entries therein as are directed by the Minister, and such books shall be open to inspection by any person on payment of a fee of 25 cents for each claim or application examined, and every recorder shall also keep displayed in his office one or more maps showing the territory included in his mining division and shall mark thereon all claims as they are

Books and maps to be kept by recorder



recorded, and there shall be no charge for examining such map or maps. R.S.O. 1970, c. 274, s. 10.

Right  
to inspect  
documents

11. Every document filed in the recorder's office shall, during office hours, be open to inspection by anyone on payment of the prescribed fee. R.S.O. 1970, c. 274, s. 11.

Evidence  
of records

12. Every copy of or extract from an entry in any of such books, and of any document filed in the recorder's office, certified to be a true copy or extract by the recorder, shall be received in any court as *prima facie* evidence of the matter certified by him without proof of his appointment, authority or signature. R.S.O. 1970, c. 274, s. 12.

Employment  
of experts,  
etc.  
R.S.O. 1970,  
c. 386

13. Notwithstanding anything in *The Public Service Act*, the Minister may employ any professor, instructor, or other person to investigate the mineral resources of Ontario, or for any work in connection with this Act, and may pay him for such services at such rate as is agreed upon, out of the moneys that are appropriated by the Legislature for that purpose. R.S.O. 1970, c. 274, s. 13.

Inspection  
of minerals

14.—(1) An inspector may enter upon any lands for the purpose of gathering information respecting minerals or mineral rights and may enter any structure or works for the purpose of gathering information respecting ore and may take therefrom representative samples of minerals and ore sufficient for the purpose of testing or analysis.

Enforcement

(2) An inspector shall be deemed to be an officer appointed under this Act for the purposes of section 628. R.S.O. 1970, c. 274, s. 14.

Officers  
not to be  
interested  
in mining  
lands or  
claims  
situate in  
Ontario

15.—(1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any mining lands, mining rights or mining claims situate in Ontario, and any such purchase or interest is void.

Penalty

(2) Any officer contravening any provision of subsection 1 forfeits his office and is, in addition thereto, liable to a penalty of \$500 to be recovered in any court of competent jurisdiction by any person who sues for it. R.S.O. 1970, c. 274, s. 15.

Ex officio  
justices of  
the peace

16. 17. REPEALED: 1972, c. 4, s. 17, part.

18.—(1) The Commissioner, Director, Supervisor and Director of the Northern Affairs Branch of the Ministry are

*ex officio* justices of the peace for every county and district in Ontario and a recorder in his division is *ex officio* a justice of the peace for the county or district in which any part of his division lies, and it is not necessary that they possess any residential or property qualification. R.S.O. 1970, c. 274, s. 18 (1); 1972, c. 1, s. 1.

(2) Every mining recorder and person designated by the Minister in writing as a Northern Affairs officer is *ex officio* a commissioner for taking affidavits in Ontario. R.S.O. 1970, c. 274, s. 18 (2).

Recorders,  
commis-  
sioners for  
affidavits

19. REPEALED: 1972, c. 4, s. 17, part.

20. The Lieutenant Governor in Council may divide the Province into mining divisions and may alter the number, limits or extent thereof. R.S.O. 1970, c. 274, s. 20.

Mining  
divisions

21.—(1) Except as in this Act otherwise provided, the recorder's office is the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any unpatented mining claim or any right, privilege or interest that may be acquired under this Act respecting an unpatented mining claim; and all such applications, documents and instruments may, before patent, be filed or recorded in such office, but, after patent, *The Land Titles Act* or *The Registry Act*, as the case may be, applies. R.S.O. 1970, cc. 234, 409.

Certain  
documents  
filed in  
recorder's  
office

(2) Except as in this Act otherwise provided, the Minister's office is the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under this Act, affecting any mining licence of occupation or any right, privilege or interest that may be acquired under this Act respecting a mining licence of occupation, or affecting any grant under this Act or the regulations that is not a grant that may be registered under *The Land Titles Act* or *The Registry Act* or affecting any right, privilege or interest that may be acquired under this Act respecting such a grant, and the Minister may authorize an officer or officers to receive, scrutinize, approve and record any such applications, documents and other instruments. R.S.O. 1970, c. 274, s. 21.

Certain  
documents  
filed in  
Minister's  
office

22. Where a part of Ontario is not included in a mining division or if there is no recorder for a mining division, all applications shall be made to the Ministry and all duties and powers of the recorder shall be performed

Vacancy in  
office of  
recorder

and exercised by the Deputy Minister, and all acts, matters and things, that in a mining division are to be done by or before a recorder shall be done by or before the Deputy Minister, and all such acts, matters and things that are to be done in the office of the recorder shall be done at the Ministry. R.S.O. 1970, c. 274, s. 22; 1972, c. 1, s. 1.

Minister  
to furnish  
recorder  
with list  
of lands  
patented

23. Upon the issue of a patent by the Crown of mining lands or mining rights, the Minister shall give notice thereof to the recorder of the mining division in which the lands included in the patent are situate, and the recorder shall keep in his office a list of all such lands. R.S.O. 1970, c. 274, s. 23.

Licence  
required

24.—(1) No person or company not the holder of a prospector's licence shall prospect for minerals upon Crown lands or lands of which the mining rights are in the Crown, or stake out, record or acquire any unpatented mining claim, or area of land for boring permit, or acquire any right or interest therein. R.S.O. 1970, c. 274, s. 24 (1); 1972, c. 116, s. 2 (1).

Clerks or  
employees  
not to  
require  
licence

(2) A clerk or employee of a licensee performing clerical, manual or other services of like nature shall not be required to be the holder of a prospector's licence. R.S.O. 1970, c. 274, s. 24 (2); 1972, c. 116, s. 2 (2).

Who may  
receive  
licences

25.—(1) Any person over eighteen years of age and, subject to subsection 8, any company, is entitled to obtain a prospector's licence upon application therefor in the prescribed form and upon payment of the prescribed fee. R.S.O. 1970, c. 274, s. 25 (1); 1972, c. 116, s. 3.

Date and  
term of  
licence

(2) The licence shall be dated on the day of the issue thereof and it expires at midnight on the 31st day of March then next ensuing.

Licence not  
valid unless  
signed

(3) Subject to subsection 4, the licence is not valid unless it is signed by the holder thereof in the space provided on the licence.

Officer to  
sign for  
company

(4) Where the licensee is a company, the licence shall be signed by the president or secretary of the company.

Licence not  
transferable

(5) The licence is not transferable.

Licences to  
companies

(6) Licences to companies shall be issued only by the Minister or by the Deputy Minister.

(7) Licences to individuals may be issued by the Minister or the Deputy Minister or by any recorder. R.S.O. 1970, c. 274, s. 25 (2-7).

Proof  
required  
before licence  
is issued to  
company

(8) Where a company,

(a) incorporated in Ontario, satisfies the Minister that it is so incorporated; or

(b) incorporated outside Ontario, satisfies the Minister that it is so incorporated and that it is not required to be licensed under Part IX of *The Corporations Act*; or R.S.O. 1970, c. 89

(c) other than a company coming within clause a or b, files with the Ministry a copy of the licence authorizing it to transact business or hold land in Ontario verified by an affidavit of an officer of the company,

a licence shall be issued to the company. R.S.O. 1970, c. 274, s. 25 (8); 1972, c. 1, s. 1.

26. Every prospector's licence shall be numbered, and shall also be lettered with a letter of the alphabet to indicate the office from which it was issued. R.S.O. 1970, c. 274, s. 26; 1972, c. 116, s. 4.

Numbering  
and lettering  
of licences

27. A prospector's licence held by a company does not entitle any shareholder, officer or employee thereof to the rights or privileges of a licensee and shall not be used for the staking of mining claims. R.S.O. 1970, c. 274, s. 27; 1972, c. 116, s. 5.

Effect of  
licence to  
company

28.—(1) A licensee is entitled to a renewal of his licence before its expiration upon making application therefor in the prescribed form and paying the prescribed fee, except as provided under subsection 5. R.S.O. 1970, c. 274, s. 28 (1); 1971, c. 102, s. 1 (1).

Renewal of  
licences

(2) Licences to companies may be renewed by the Minister or the Deputy Minister, and licences to individuals may be renewed by the Minister or the Deputy Minister or by any recorder. R.S.O. 1970, c. 274, s. 28 (2).

Who  
may issue  
renewals

(3) The renewal shall bear date on the 1st day of April and shall be deemed to have been issued and shall take effect immediately upon the expiration of the licence of

Date and  
effect of  
renewal

which it is a renewal, or of the last preceding renewal, as the case may be, except as provided under subsection 5. R.S.O. 1970, c. 274, s. 28 (3); 1971, c. 102, s. 1 (2).

Form

(4) The renewal shall bear the same number and letter as the original licence and, after it comes into effect, it shall be deemed to be the licence of the licensee. R.S.O. 1970, c. 274, s. 28 (4).

Renewal of licence for lifetime of holder by Minister

(5) The Minister shall renew the licence of a person who has held a licence continuously for twenty-five years, without fee, and the licence shall remain in good standing during the lifetime of the licensee and shall expire at 12 o'clock midnight of the day of death of the licensee. 1971, c. 102, s. 1 (3).

Accidental destruction or loss of licence

29.—(1) If a prospector's licence is accidentally destroyed or lost, the holder may;

(a) upon proof by statutory declaration that the original has been destroyed or lost and setting out the circumstances thereof; and

(b) upon payment of the prescribed fee,

obtain a duplicate thereof from the office of the Minister, Deputy Minister or any recorder. R.S.O. 1970, c. 274, s. 29 (1); 1972, c. 116, s. 6.

Substituted licence

(2) Every such duplicate shall be marked "substituted licence" and shall bear the same date and number as the original licence. R.S.O. 1970, c. 274, s. 29 (2).

Not more than one licence

30.—(1) No person or company shall apply for or hold more than one prospector's licence. R.S.O. 1970, c. 274, s. 30 (1); 1972, c. 116, s. 7.

Refund where more than one licence issued

(2) A contravention of this section is an offence against this Act, but, where the Minister is satisfied that there was no improper intent and upon surrender of the unnecessary licence or licences, the Minister may relieve from the penalty and may direct a refund of the fee or fees paid. R.S.O. 1970, c. 274, s. 30 (2).

Production of licence

31.—Every licensee shall upon demand produce and exhibit his licence to an inspector or a recorder. R.S.O. 1970, c. 274, s. 31.

Licence to date from application

32.—Where application for licence or a renewal of a licence is made during the absence of a recorder from his office, the applicant may leave with the person in charge

of the office his application and such documents as he is required to produce in order to obtain the licence or renewal and the prescribed fee, and in every such case the licence or renewal when issued is as effective as if obtained at the time of the application, and the licence shall bear that date. R.S.O. 1970, c. 274, s. 32.

33. REPEALED 1972, c. 116, s. 8.

34.—(1) Where the Commissioner finds, after a hearing, that a licensee has been guilty of a wilful contravention of any of the provisions of this Act or the regulations, the Minister may, on the recommendation of the Commissioner, revoke the licence of the licensee and a licence shall not thereafter be issued to such licensee without the authority of the Minister. 1971, c. 50, s. 58 (2), *part*.

(2) Where a licence is revoked under subsection 1, the Minister shall determine and notify the holder of the licence revoked of the period of time during which a licence shall not be issued to him. R.S.O. 1970, c. 274, s. 34 (2).

(3) Where a recorder finds, after a hearing, that a licensee has contravened any of the provisions of this Act or the regulations, the Minister may, upon the recommendation of the recorder, suspend the licence of the licensee. 1971, c. 50, s. 58 (2), *part*.

(4) Where a licence is suspended under subsection 3, the Minister shall determine and notify the holder of the licence suspended of the period of time during which his licence is suspended.

(5) While a licence is suspended under subsection 3, the licensee may renew his licence or transfer claims to another licensee or report work, but he may not stake out or apply for a mining claim or acquire an unpatented mining claim or interest therein through transfer or obtain an extension of time in which to perform work or in which to apply for lease on any unpatented mining claim recorded in his name. R.S.O. 1970, c. 274, s. 34 (4, 5).

(6) A finding by the Commissioner that a licensee has wilfully contravened this Act or the regulations, or by a recorder that a licensee has contravened this Act or the regulations, as the case may be, may be appealed in a like manner as any decision of the Commissioner or recorder, respectively, and the Minister shall give effect to the decision on the appeal. 1971, c. 50, s. 58 (3).

PART II

MINING CLAIMS

LANDS OPEN

Where  
licensee may  
prospect for  
minerals

**35.** Except where otherwise provided, the holder of a prospector's licence may prospect for minerals and stake out a mining claim on any,

- (a) Crown lands, surveyed or unsurveyed;
- (b) lands, the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands where they have been located, sold, patented or leased after the 6th day of May, 1913, not at the time,
- (c) under staking or record as a mining claim that has not lapsed or been abandoned, cancelled or forfeited; or
- (d) withdrawn by any Act, order in council, or other competent authority from prospecting, location or sale, or declared by any such authority to be not open to prospecting, staking out or sale as mining claims. R.S.O. 1970, c. 274, s. 35; 1972, c. 116, s. 9.

Claim may  
be staked

**36.** A licensee may stake out a mining claim on any land open for prospecting and, subject to the other provisions of this Act, may work such claim and transfer his interest therein to another licensee; but, where the surface rights in the land have been granted, sold, leased or located, by the Crown, compensation must be made as provided by section 101. R.S.O. 1970, c. 274, s. 36.

LANDS NOT OPEN

Land not  
open for  
prospecting  
without  
consent

**37.** No mining claim shall be staked out or recorded upon any land transferred to or vested in the Ontario Northland Transportation Commission without the consent of the Commission nor, except with the consent of the Minister,

- (a) upon any land reserved or set apart as a town site by the Crown;

- (b) upon any land laid out into town or village lots on a registered plan by the owner thereof;
- (c) upon any land forming the station grounds, switching grounds, yard or right of way of a railway;
- (d) upon any colonization or other road or road allowance. R.S.O. 1970, c. 274, s. 37.

**38.** No mining claim shall be staked out or recorded on any land,

Lands  
upon which  
claim may  
not be  
staked out

- (a) that, without reservation of the minerals, has been sold, located, leased or included in a licence of occupation; or
- (b) for which a *bona fide* application is pending in the Ministry under *The Public Lands Act*, or otherwise, and the applicant may acquire the minerals; or R.S.O. 1970, c. 380
- (c) where the surface rights have been subdivided, surveyed, sold or otherwise disposed of by the Ministry for summer resort purposes, except where the Minister certifies in writing that in his opinion discovery of valuable mineral in place has been made; or
- (d) where the Minister or the Minister of Transportation and Communications certifies that land is required for the development of water power or for a highway or for some other purpose in the public interest and the Minister is satisfied that a discovery of mineral in place has not been made thereon; or
- (e) in an Indian reserve, except as provided by *The Indian Lands Act*, 1924, or 1924, c. 15
- (f) while proceedings in respect thereto are pending before the Supreme Court, the Commissioner or a recorder. R.S.O. 1970, c. 274, s. 38; 1972, c. 1, ss. 1, 100 (2); 1972, c. 4, s. 12.

**39.** Prospecting or the staking out of mining claims or the development of mineral interests or the working of mines in provincial parks is prohibited except as provided by the regulations made under *The Provincial Parks Act*. R.S.O. 1970, c. 274, s. 39.

Provincial  
parks

R.S.O. 1970,  
c. 371

**40.** (1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person or

Lands used  
or occupied  
as gardens,  
etc.

company shall prospect for minerals or stake out a mining claim upon the part of a lot that is used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops that may be damaged by such prospecting are growing, or on the part of a lot upon which is situated a spring, artificial reservoir, dam or waterworks, or a dwelling house, outhouse, manufactory, public building, church or cemetery, except with the consent of the owner, lessee, purchaser or locatee of the surface rights, or by order of the recorder or the Commissioner, and upon such terms as to him seem just.

Disputes  
as to lands  
exempt

(2) If a dispute arises between the intending prospector and the owner, lessee, purchaser or locatee as to land that is exempt from prospecting or staking out under subsection 1, the recorder or the Commissioner shall determine the extent of the land that is so exempt. R.S.O. 1970, c. 274, s. 40.

Valuable  
water powers  
not included  
in claim

41. A water power lying within the limits of a mining claim, which at low water mark in its natural condition is capable of producing 150 horsepower or upwards, shall not be deemed to be part of the claim for the use of the licensee, and a road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the recorder or the Commissioner may be necessary for the development and utilization of such water power. R.S.O. 1970, c. 274, s. 41.

Surface  
operations  
within  
150 feet of  
highway

42. Where a mining claim adjoins, or is adjacent to a highway or road maintained by the Ministry of Transportation and Communications, no surface mining operations shall be carried on within 150 feet of the limits of the highway or road except with the consent in writing of the Minister. R.S.O. 1970, c. 274, s. 42; 1972, c. 1, s. 100 (2).

Withdrawal  
and re-  
opening of  
lands, etc.

43.—(1) The Minister, or an officer appointed under this Act and designated by the Minister, may by an order signed by him,

(a) withdraw from prospecting and staking out and from sale or lease any lands, mining rights or surface rights that are the property of the Crown; and

(b) reopen for prospecting and staking out and for sale or lease any lands, mining rights or surface rights that have been withdrawn under this Act.

(2) Where the Minister or the officer makes an order under subsection 1, he shall within twenty-four hours of the date of the order mail a copy of the order to the recorder of the mining division in which the lands, mining rights or surface rights are situate. <sup>Copy of order sent to recorder</sup>

(3) Upon receipt of the copy of the order, the recorder shall forthwith post up in his office a notice of the order and file the copy of the order in his office. <sup>Filing copy of order</sup>

(4) Lands, mining rights, or surface rights withdrawn under this section, until reopened by the Minister or the officer, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except under subsection 5. <sup>Lands, etc., withdrawn not to be prospected or worked</sup>

(5) The Lieutenant Governor in Council may direct that the mines and minerals in lands, mining rights or surface rights, or in any part thereof, withdrawn under this section may be worked by or on behalf of the Crown. <sup>Working on behalf of Crown</sup>

(6) An order under subsection 1 shall be deemed not to be a regulation within the meaning of *The Regulations Act*. R.S.O. 1970, c. 274, s. 43. <sup>Order not a regulation R.S.O. 1970, c. 410</sup>

44.—(1) Every officer appointed or acting under this Act and every assistant of such officer who makes a discovery of valuable mineral upon any lands or mining rights open to prospecting and staking out as a mining claim shall stake out and record a parcel thereof of the size and form of a mining claim on behalf of the Crown, and no licence is required for that purpose. <sup>Duty of officers of the Crown discovering mineral</sup>

(2) No proceeding is necessary for such staking out except to plant posts and blaze lines as provided in respect to a mining claim, but the officer or assistant shall mark upon No. 1 post the words "Staked out for the Crown" and within the time limited by this Act for recording the claim shall notify the recorder of the staking out, giving the date of staking out and the description of the property. <sup>Method</sup>

(3) The recorder upon receiving such notice shall enter the parcel of land upon his record book as staked out on behalf of the Crown, and shall mark it upon his map with the letter "C", and after such staking out the parcel is not open to staking out or recording. R.S.O. 1970, c. 274, s. 44. <sup>Recording</sup>

45. Land or mining rights staked out on behalf of the Crown, and land or mining rights reserved or withdrawn from prospecting, staking out, or sale as mining claims, <sup>Crown may contract for working mining rights under agreement</sup>

may be worked, sold, leased or granted by the Crown or worked under an agreement or arrangement with the Crown in such manner, and upon such terms and conditions and for such price as is provided by the Lieutenant Governor in Council. R.S.O. 1970, c. 274, s. 45.

**46. REPEALED:** 1972, c. 116, s. 10.

Permit under  
R.S.O. 1970,  
c. 179

**47.** Before beginning or carrying on any work prescribed by this Act on a mining claim, the holder thereof, in addition to any other requirement, shall obtain a written permit entitling him so to do as provided in *The Forest Fires Prevention Act*. R.S.O. 1970, c. 274, s. 47.

#### SIZE AND FORM OF MINING CLAIMS

Mining  
claims in  
unsurveyed  
territory,  
how to be  
laid out

**48.** A mining claim in unsurveyed territory shall be laid out with boundary lines running north and south and east and west astronomically and the measurements thereof shall be horizontal, and in a township surveyed into lots or quarter sections or subdivisions, of a section, a mining claim shall be such part of a lot or quarter section or subdivision of a section as is hereinafter defined, and the boundaries of all mining claims shall extend downwards vertically on all sides. R.S.O. 1970, c. 274, s. 48.

Mining  
claims on  
agricultural  
lands

**49.—(1)** Where the Minister certifies that land is suitable for disposition for agricultural purposes, a mining claim staked thereon does not give the staker any right, title or interest in or to the surface rights.

Where  
surface  
rights  
necessary  
for mining  
operations

**(2)** Where surface rights on any such land are necessary to the carrying on of mining operations, the Minister may determine the part of the surface rights so required and, if not previously disposed of, may sell or award the surface rights or such part thereof to the claim holder as he considers essential to the efficient carrying on of mining operations, and he may require the claim holder to have such surveys made at the expense of the claim holder as he considers proper. R.S.O. 1970, c. 274, s. 49.

Size and  
form of  
claims, in  
unsurveyed  
territory

**50.—(1)** In unsurveyed territory, a mining claim shall be a square of 40 acres, being 20 chains (1,320 ft.) on each side.

in townships  
surveyed  
into sections  
of 640 acres

**(2)** In a township surveyed into sections of 640 acres subdivided into quarter sections or subdivisions, containing 160 acres or thereabouts, a mining claim shall consist of the

northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter of a quarter section or subdivision, and shall contain 40 acres or thereabouts.

**(3)** In a township surveyed into lots of 320 acres, a mining claim shall consist of the northwest quarter of the north half, the northeast quarter of the north half, the southwest quarter of the north half, the southeast quarter of the north half of a lot, or any like subdivision of the south half of a lot, and shall contain 40 acres or thereabouts.

**(4)** In a township surveyed into lots of 200 acres, a mining claim shall consist of the northeast quarter, the southwest quarter, the northwest quarter or the southeast quarter of a lot, and shall contain 50 acres or thereabouts.

**(5)** In a township surveyed into lots of 150 acres, a mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter or the southwest quarter of a lot, and shall contain 37½ acres or thereabouts.

**(6)** In a township surveyed into lots of 100 acres, a mining claim shall consist of the north half, the south half, the east half or the west half of a lot, and shall contain 50 acres or thereabouts. R.S.O. 1970, c. 274, s. 50.

**51.—(1)** In unsurveyed territory, an irregular area of land lying between land not open to be staked out, or bordering on water, may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area.

**(2)** In a surveyed township where, by reason of land covered with water being excluded from the area of a lot, quarter section or subdivision of a section, or by reason of the lot, quarter section or subdivision being irregular in form, or from any other cause, it is impossible to stake out a mining claim of the prescribed area in accordance with the foregoing provisions of this Act, the mining claim shall as nearly as is practicable be of the prescribed form and area, and shall have such, if any, of its boundaries as can be so made coincident with boundary lines of the lot, quarter section or subdivision of a section, and shall have as many as possible of its boundaries that are not so coincident parallel to boundaries of the lot, quarter section or subdivision which are straight lines, and, where necessary to procure the prescribed area, the mining claim may extend into any part of the lot or quarter section or subdivision of a section, but not into any other lot or quarter section



or subdivision of a section, and land lying between parcels of land not open to be staked out or between such land and a boundary or boundaries of the lot, quarter section or subdivision of a section may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area.

Claims, including lands covered with water

(3) In unsurveyed territory, land covered with water may be included in a claim in the same way as land not covered with water, and in a surveyed township, land covered with water that would, if not covered with water, have been comprised in the area of the lot, quarter section or subdivision of a section, or have constituted a lot, quarter section or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter section or subdivision of a section.

Crown reservation

(4) Where a claim includes land covered with or bordering on water, there may be reserved for the Crown the surface rights not exceeding 400 feet in width from the high water mark. R.S.O. 1970, c. 274, s. 51 (1-4).

Crown reservation

(5) Where a claim is traversed by a highway or road constructed or maintained by the Ministry of Transportation and Communications, there may be reserved for the Crown the surface rights not exceeding 300 feet in width along both sides of the highway or road, such reservation to be measured from the outside limits of the right of way of the highway or road. R.S.O. 1970, c. 274, s. 51 (5); 1972, c. 1, s. 100 (2).

Application of Crown reservation to unpatented mining claims

(6) The reservations of surface rights authorized by subsections 4 and 5 shall be deemed to apply to and to have been made on all unpatented mining claims unless such reservation or reservations are waived by the Minister. R.S.O. 1970, c. 274, s. 51 (6).

Rates for licences of occupation

52. (1) Notwithstanding the provisions of a licence of occupation, a minimum annual rental of \$1 an acre, but not less than \$5 a year, payable in advance, shall be paid for the licence of occupation.

When annual rental to be paid

(2) Where a licence of occupation does not specify a date for the payment of the annual rental, the annual rental shall be paid on the anniversary of the effective date of the licence. 1972, c. 116, s. 11 (1), part.

(3) REPEALED: 1972, c. 116, s. 11 (1), part.

(4) Where payment of the rental under any such licence is in arrears for two years or more, the licence may be terminated by an instrument in writing, and all rights and powers therein contained as well as all rights and claims of the licensee, his successors or assigns, in or to the lands covered by the licence, cease, but the lands or mining rights contained therein are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, at least two weeks notice of which shall be published in *The Ontario Gazette*. Termination of licence of occupation

(5) Where there is no adverse interest, the Minister may, upon such terms as he considers just, reinstate a licence terminated under subsection 4. Reinstatement

(6) A licence or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him. R.S.O. 1970, c. 274, s. 52 (4-6). Consent to transfer of licence

(7) The holder of a licence of occupation, upon application in writing therefor and upon the surrender of his licence of occupation, may be issued a lease under section 104 and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section. Lease may be issued under s. 104

(8) This section applies only to a licence of occupation issued under section 52 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, and any licence of occupation heretofore issued without a provision for an annual payment. 1972, c. 116, s. 11 (2). Application

53. REPEALED: 1972, c. 116, s. 12.

54. (1) Where the Minister considers it in the public interest, he may direct that mining claims in a surveyed township shall be staked and recorded in the same manner as mining claims in unsurveyed territory. Special staking in surveyed townships

(2) Where the Minister considers it inequitable to require compliance with any of the requirements of section 50 or 51 with respect to a mining claim that has been staked and recorded in a surveyed township, he may waive any such requirements. Waiving section 50 or 51

(3) Every survey of a mining claim coming under this section shall indicate and describe the parts of the lots or sections, according to the original survey of the township, included within the limits of such claim, together with the areas thereof. R.S.O. 1970, c. 274, s. 54. Surveys

STAKING OUT CLAIMS

Number of  
claims  
unlimited

55.—(1) A licensee is not limited as to the number of mining claims that may be staked out and applied for in a licence year. R.S.O. 1970, c. 274, s. 55 (1).

(2), (3). REPEALED: 1972, c. 116, s. 13.

Staking out  
and planting

56.—(1) A licensee shall stake out a mining claim,

(a) by planting or erecting a post at each of the four corners of the claim, beginning with and marking that at the northeast corner "No. 1", that at the southeast corner "No. 2", that at the southwest corner "No. 3", and that at the northwest corner "No. 4", so that the number is on the side of the post toward the post next following it in the order named;

(b) by writing or otherwise inscribing on No. 1 post his name, the letter and number of his licence, the date and hour of the commencement of staking out, and, if the claim is situated in a township surveyed into lots, quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;

(c) by writing or otherwise inscribing his name and the letter and number of his licence on No. 2, No. 3 and No. 4 posts; and

(d) by plainly blazing the trees on two sides only where there are standing trees, and cutting the underbrush along the boundary lines of the claim, or where there are not standing trees, clearly indicating the outlines of the claim by planting thereon durable pickets not less than 5 feet in height at intervals of not more than 2 chains (132 feet) or by erecting at such intervals monuments of earth or rock not less than 2 feet in diameter at the base and at least 2 feet high so that the lines may be distinctly seen.

Witness  
post

(2) Where at a corner of the claim the nature or conformation of the ground renders the planting or erecting of a post impracticable, the corner may be indicated by planting or erecting at the nearest practicable point a witness post bearing the same marking as that prescribed for the corner post at that corner together with the letters "W.P." and an indication of the direction and distance of the site of the true corner from the witness post.

(3) Every post shall stand not less than four feet above the ground, and shall be squared or faced on four sides for at least one foot from the top, and each side shall measure at least four inches across where squared or faced, but a standing stump or tree may be used as a post if cut off and squared and faced to such height and size, and when the survey is made, the centre of the tree or stump where it enters the ground shall be taken as the point to or from which the measurement shall be made.

(4) Every post shall be a post, standing stump or tree not before used as a post for a mining claim.

(5) The following diagrams are intended to illustrate the method of staking out a claim as mentioned in sub-sections 1 and 2:

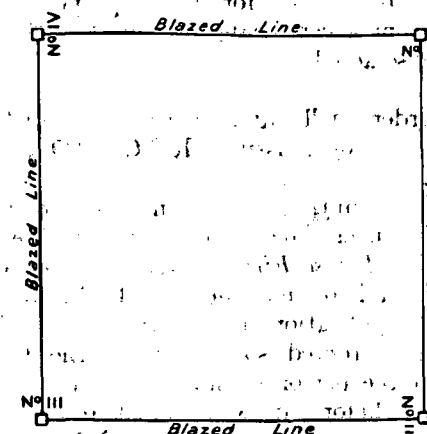


Diagram illustrating s. 56 (1).

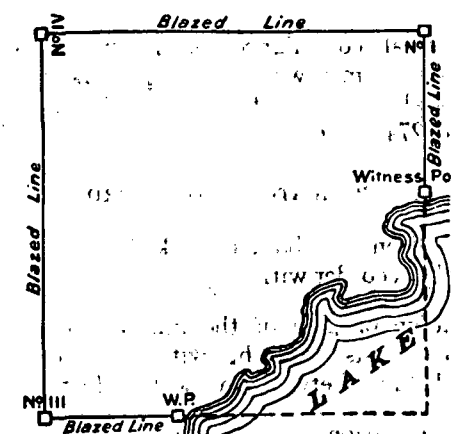


Diagram illustrating s. 56 (2).

R.S.O. 1970, c. 274, s. 56 (1-5), amended.

(6) REPEALED: 1972, c. 116, s. 14.

Forfeiture  
of right  
to further  
staking

**57.**—(1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any land open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, is not thereafter entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the recorder in writing of such staking out, partial staking out, or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and procures from him a certificate stating that the recorder is satisfied that he so acted.

Entry

(2) The recorder shall enter every such certificate in his books with the date of its issue. R.S.O. 1970, c. 274, s. 57.

Staking out  
claims in  
closed fire  
district  
R.S.O. 1970,  
c. 179

**58.** Where a mining claim is in a fire district and it is staked out during the time that the fire district is closed under *The Forest Fires Prevention Act*, such staking out is invalid and of no effect and the recorder shall not accept an application to record the staking out of the claim unless ordered so to do by the Commissioner upon proof that the person so staking out the claim entered the fire district before it was closed, or pursuant to a special authorization of the Minister. R.S.O. 1970, c. 274, s. 58.

Substantial  
compliance  
with Act  
sufficient

**59.** Substantial compliance as nearly as circumstances will reasonably permit with the requirements of this Act as to the staking out of mining claims is sufficient. R.S.O. 1970, c. 274, s. 59.

#### APPLICATIONS TO RECORD

Plan and  
application  
to be  
furnished  
to recorder

**60.**—(1) A licensee who has staked out a mining claim shall furnish the recorder with,

- (a) a sketch or plan of the mining claim showing the corner posts and the witness posts, if any, and the distance between the posts in feet;
- (b) an application in the prescribed form setting forth,
  - (i) in the case of unsurveyed territory, its locality by such general description and other

information as will enable the recorder to indicate the claim on his office map,

- (ii) in the case of a surveyed township, the lot, quarter section or subdivision of a section and the part thereof comprising the claim,
- (iii) the day and hour when the claim was staked out,
- (iv) the date of the application, and
- (v) where metal tags have been affixed to the corner posts under section 64, the letters and numbers on the tags so affixed; and

(c) the prescribed fee.

(2) A licensee shall comply with subsection 1 not later than thirty-one days from the date of staking.

Time limit  
for com-  
pliance

(3) The licensee shall submit with his application and sketch or plan a certificate in the prescribed form stating,

Certificate  
to  
accompany  
application

- (a) that he has staked out the claim in accordance with this Act;
- (b) that the distances given in his application and sketch or plan are as accurate as they could reasonably be ascertained;
- (c) that all other statements and particulars set forth in the application and shown on the sketch or plan are true and correct;
- (d) that at the time of staking there was nothing upon the lands to indicate that they were not open to be staked and that he believes they were so open;
- (e) that the staking is valid and should be recorded; and

(f) that there are upon the lands staked no buildings, clearings or improvements for farming or other purposes, except as set forth in the certificate.

(4) The recorder or the Commissioner may, after a hearing, cancel the recording of the claim of a licensee who knowingly makes a false statement in his application under subsection 1 or in his certificate under subsection 3.

Cancellation  
of recording

Misdescription, when not to invalidate claim

(5) Where it appears that there has been an attempt made in good faith to comply with this Act, the inclusion of more or less than the prescribed area in a mining claim or the failure of the licensee to describe or set out in the application, sketch or plan furnished to the recorder the actual area or parcel of land staked out does not invalidate the claim. R.S.O. 1970, c. 274, s. 60.

Endorsement by recorder

61. A licensee at the time of making application to record a mining claim shall produce his licence to the recorder and the recorder shall endorse and sign upon the back of the licence a note in writing of the record of the claim, and no such record is complete or effective until such endorsement is made unless upon application to or in any case coming before the Commissioner he considers it just that compliance with the requirements of this section should be waived. R.S.O. 1970, c. 274, s. 61.

Licensee recording in another division by error

62. If by error a licensee records a mining claim in a division other than that in which the claim is situate, the error does not affect his title to the claim, but he shall within fifteen days from the discovery of the error record the claim in the division in which it is situate, and the new record shall bear the date of the former record, and a note shall be made thereon of the error and of the date of rectification. R.S.O. 1970, c. 274, s. 62.

What to be recorded

63.—(1) The recorder shall forthwith enter in the proper book in his office the particulars of every application to record a mining claim that he considers to be in accordance with this Act, unless a prior application is already recorded and subsisting for the same, or for any substantial part of the same lands or mining rights, and he shall file the application, sketch or plan and affidavit with the records of his office, and every application proper to be recorded shall be deemed to be recorded when it is received in the recorder's office, if all requirements for recording have been complied with, notwithstanding that the application may not have been immediately entered in the record book.

Procedure when refused

(2) If an application is presented that the recorder considers to be not in accordance with this Act or that is for lands or mining rights which or any substantial part of which are included in a subsisting recorded claim, he shall not record the application, but shall, if desired by the applicant, upon receiving the prescribed fee, receive and file the application, and any question involved may be adjudicated as provided in this Act, but such filing

shall not be deemed a dispute of the recorded claim nor shall it be noted or dealt with as such unless a dispute verified by affidavit is filed with the recorder by the applicant or by another licensee on his behalf as provided in section 65.

(3) An application received and filed under subsection 2 is invalid and of no effect sixty days after the receiving and filing unless in the meantime an action is commenced before the recorder or the Commissioner or unless in the meantime the recorder or the Commissioner orders a continuation of the application. Cancellation of "filed only" applications

(4) As soon as an application is invalid and of no effect under subsection 3, the recorder shall mark the application cancelled and by registered letter shall notify the applicant at his last known address in the recorder's office of his action and the reason therefor. Notice to applicant

(5) As soon as is reasonably possible after the recording of the mining claim and not later than six months thereafter, the holder of the claim shall affix or cause to be affixed securely to each of the corresponding corner posts of the claim a metal tag, plainly marked or impressed with the recorded number of the claim, and the recorder shall supply such numbered tags free of charge. Tagging of claim posts after recording

(6) Subsection 5 does not apply to mining claims on which the metal tags have been affixed to the corner posts at the time of staking under section 64. Application of subs. 5

(7) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed within the prescribed time or such further time as is authorized by the Commissioner under section 95, or the recorder under section 89, the recorder shall cancel the claim and shall by registered letter, mailed not later than the next day, notify the holder thereof of his action and the reason therefor. Cancellation of claim where metal tags not affixed

(8) Notwithstanding subsection 4 of section 99, where the metal tags have not been affixed as required by subsection 5, any licensee may stake the claim but the recorder shall not record his application therefor until cancellation has been effected under subsection 7. Staking out pending cancellation

(9) At the time of recording, the recorder shall add to each claim number the prefix allotted to his division and such prefix shall form part of the claim number. Division prefix to form part of claim number  
R.S.O. 1970, c. 274, s. 63.

Issuing of  
claim tags  
before  
staking

64.—(1) A licensee may purchase from any mining recorder sets of metal tags for the number of mining claims that he is entitled to stake, and the purchase of such tags and the date thereof shall be endorsed by the mining recorder on the licence of the purchaser.

Fees

(2) The fee for metal tags purchased under subsection 1 is \$1 per set, which shall be deducted by the mining recorder from the fee prescribed in item 4 or item 25 of the Schedule of Fees when the licensee presents an application to record a mining claim on which he has used a set of metal tags so purchased.

Affixing  
of claim  
tags

(3) A licensee purchasing metal tags under this section shall affix the metal tags to the corresponding corner posts at the time of staking out a mining claim and otherwise the staking out and recording shall be in the manner provided in this Act.

Idem

(4) Metal tags purchased under this section shall be used in staking out claims only by the licensee who purchased them and they shall not be used in staking out claims after the expiry of the licence year in which they were purchased and there shall be no refund of the fee paid for any unused metal tags.

Tags may  
be used in  
any division

(5) Metal tags purchased under this section may be used for staking out mining claims in any mining division.

Affixing of  
claim tags  
to be stated  
in applica-  
tion to  
record

(6) Where metal tags are affixed to the corner posts at the time of staking as provided in subsection 3, the licensee who stakes out the claim shall so state in his application to record the mining claim.

Cancellation  
of claim  
where metal  
tags not  
affixed

(7) Upon receipt of a written report by an inspector or other officer appointed under this Act that the metal tags have not been affixed at the time of staking as required by subsection 3, the recorder shall cancel the claim, and shall by registered letter mailed not later than the next day notify the holder thereof of his action and the reason therefor.

Staking out  
pending  
application

(8) Notwithstanding subsection 4 of section 99, where the metal tags have not been affixed as required by subsection 3, any licensee may stake the claim but the recorder shall not record his application until cancellation has been effected under subsection 7.

Licensee  
staking out  
contiguous  
claims may  
use common  
posts at  
common  
corners

(9) Where metal tags purchased under this section are used in staking out mining claims and the licensee stakes

out a group of two or more contiguous claims as part of a continuous action and presents the claims to the recorder for recording at the same time, he may plant or erect and use common posts at common corners if,

- (a) the metal tag and the writing pertaining to each claim are placed on that side of the common post facing the next post for that claim in a clockwise manner; and
- (b) the sketch furnished under subsection 1 of section 60 indicates any common posts so planted or erected,

and otherwise the staking out and recording shall be in the manner provided in this Act. R.S.O. 1970, c. 274, s. 64.

# DISPUTING APPLICATIONS

65.—(1) A dispute in the prescribed form, verified by affidavit in the prescribed form, may be filed with the recorder by a licensee alleging that a recorded claim is illegal or invalid in whole or in part and, if the disputant or the licensee in whose behalf he is acting claims to be entitled to be recorded for or to be entitled to any right or interest in the lands or mining rights, or in any part thereof, comprised in the disputed claim, the dispute shall so state, giving particulars, and the recorder shall, upon payment of the prescribed fee, receive and file such dispute, and shall enter a note thereof upon the record of the disputed claim.

(2) A copy of the dispute and affidavit shall be left by the disputant with the recorder who shall not later than the next day after the filing of the dispute transmit the copy by registered mail to the recorded holder or holders of the mining claim affected thereby, and if the copy is not left, the recorder may refuse to file or note the dispute or may collect from the disputant 10 cents per folio for making the copy.

(3) The dispute shall contain or have endorsed upon it an address in Ontario at which the disputant may be served with any notice or document relating to the dispute, and any such notice or document is sufficiently served upon the disputant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered mail addressed to the disputant at such address.

Idem

(4) If no address for service is given as required by subsection 3, any notice or document referred to therein may be served upon the disputant by posting up a copy thereof in the recorder's office.

Not to be received after certificate issued

(5) A dispute shall not be received or entered against a claim after a certificate of record thereof has been granted, nor, except by leave of the Commissioner, after the validity of the claim has been adjudicated upon by the recorder or by the Commissioner, or after it has been on record for sixty days and has already had a dispute entered against it.

Fee includes fee for filing order

(6) Where the prescribed fee has been paid for filing a dispute under subsection 1, such fee shall be deemed to include the fee for filing any order or orders settling the dispute. R.S.O. 1970, c. 274, s. 65.

# CERTIFICATE OF RECORD

Certificate of record

66.—(1) Where a claim has been on record for sixty or more days and,

- (a) if no dispute is standing against the claim; and
- (b) if the recorder is satisfied that the requirements of this Act have been met; and
- (c) if the surface rights compensation, if any, has been paid or secured; and

(d) if the plan of survey is filed and approved where required under section 117 or 118; and

(e) upon payment of the prescribed fee,

the recorder shall issue a certificate of record in the prescribed form. R.S.O. 1970, c. 274, s. 66 (1).

Idem

(1a) Notwithstanding clause d of subsection 1, where a plan of survey has not been filed, the recorder may issue a certificate of record if he is satisfied that clauses a, b, c and e of subsection 1 have been complied with and upon payment of a fee at the rate of \$25 a claim. 1972, c. 116, s. 15.

Certificate of record where claim included in perimeter survey

(2) Where a claim forms part of a group of claims that have been included in a perimeter survey as provided in subsection 3 of section 117, the recorder shall not issue a

certificate of record unless application is made for patent or lease and the price or rental has been paid. R.S.O. 1970, c. 274, s. 66 (2).

67. The certificate of record, in the absence of mistake or fraud, is final and conclusive evidence of the performance of all the requirements of this Act, except working conditions, in respect of the mining claim up to the date of the certificate, and thereafter the mining claim is not, in the absence of mistake or fraud, liable to impeachment or forfeiture except as expressly provided by this Act. R.S.O. 1970, c. 274, s. 67.

Effect of issue and delivery of certificate of record

68. Where the certificate of record has been issued in mistake or has been obtained by fraud, the Commissioner has power to revoke and cancel it on the application of the Crown or an officer of the Ministry, or of any person interested. R.S.O. 1970, c. 274, s. 68; 1972, c. 1, s. 1.

Cancelling certificate of record issued by mistake, etc.

# RIGHTS OF LICENSEE

69.—(1) The staking out or the filing of an application for or the recording of a mining claim, or all or any of such acts, does not confer upon a licensee any right, title, interest or claim in or to the mining claim other than the right to proceed as in this Act provided to obtain a certificate of record and a patent from the Crown, and prior to the issue of a certificate of record the licensee is merely a licensee of the Crown, and after the issue of the certificate and until he obtains a patent he is a tenant at will of the Crown in respect of the mining claim.

Rights in claim

(2) The staking out or filing of an application for or the recording of a mining claim, or all or any of such acts, does not confer upon a licensee any right to take, remove, or otherwise dispose of any minerals, sand, gravel, stone or any other material found in, upon or under the mining claim.

Rights in claim

(3) The Minister may reserve for the Crown the sand and gravel located on an unpatented mining claim.

Reservations

(4) The reservation authorized by subsection 3 shall be deemed to have been made on all unpatented mining claims unless such reservation is waived by the Minister.

Reservation may be waived

(5) The holder of a mining claim does not have any right, title or claim to the surface rights of the claim other than the right to enter upon, use and occupy such

Surface rights

part or parts thereof as are necessary for the purpose of prospecting and the efficient exploration, development and operation of the mines, minerals and mining rights therein.

**Taxation** (6) The holder of an unpatented mining claim is not liable to assessment or taxation for municipal or school purposes in respect of such unpatented mining claim.

**Taxation** (7) The holder of a licence of occupation or quarry permit issued under this Act or any predecessor thereof is not liable to assessment or taxation for municipal or school purposes in respect of such licence of occupation or quarry permit except with respect to improvements for which he would be liable to assessment or taxation if the lands were held under a patent. R.S.O. 1970, c. 274, s. 69.

**Surface rights on unpatented mining claim** **70.**—(1) Except as in this Act otherwise provided, the holder of an unpatented mining claim has the right prior to any subsequent right to the user of the surface rights for prospecting and the efficient exploration, development and operation of the mines, minerals and mining rights.

**Disposition of surface rights** (2) Where the holder of an unpatented mining claim consents to the disposition of surface rights under *The Public Lands Act*, the recorder shall make an entry on the record of the claim respecting the consent, and thereupon the surface rights may be dealt with as provided in *The Public Lands Act*. R.S.O. 1970, c. 380

**Survey of surface rights** (3) Where the holder of an unpatented mining claim consents to the disposition of surface rights under subsection 2, the Minister may require a survey of such surface rights, and the survey shall be provided at the expense of the person who has acquired the surface rights.

**Where holder does not consent to disposition of surface rights** (4) Where an application is made for disposition under *The Public Lands Act* of surface rights on an unpatented mining claim and the holder of the unpatented mining claim does not consent to the disposition and provision for the reservation or exclusion of the surface rights is not otherwise provided for in this Act or any other Act, the Minister may refer the application to the Commissioner.

**Where application referred to Commissioner** (5) Where an application under subsection 4 is referred to the Commissioner, he shall, upon giving all interested persons at least ninety days notice and after hearing such interested persons as appear, make an order based on the merits of the application.

(6) Where surface rights on an unpatented mining claim are required for the use of the Crown or other public use, this section applies *mutatis mutandis*. R.S.O. 1970, c. 274, s. 70. Where surface rights required for public use

**71.**—(1) The Minister may permit the mining, milling and refining of ore on an unpatented mining claim for the purpose of testing mineral content and may prescribe the conditions for so doing. Permission to test ore

(2) Permission granted under subsection 1 shall be in writing, shall be for a given period of time and shall cover a given quantity of ore. Conditions

(3) The end product of such mining, milling and refining, except as provided in subsection 4, shall not be sold or otherwise disposed of until the mining claim or mining claims from which the ore was taken are leased or patented under this Act. Sale of ore

(4) The Minister may, in writing, prescribe the disposition of the proceeds from the sale of any end product and may require that the proceeds be held by the Crown until title has been granted for the mining claim or claims or he may direct that the proceeds be escheated to the Crown in whole or in part. R.S.O. 1970, c. 274, s. 71. Disposition of proceeds from sale of ore

**72.**—(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Director, Laboratory and Research Branch, Ministry of Natural Resources, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year. R.S.O. 1970, c. 274, s. 72 (1); 1972, c. 4, s. 12. Free assays

(2) Every free assay coupon is valid only for a period of two years after the date of its issue. R.S.O. 1970, c. 274, s. 72 (2). Validity of coupons

**73.**—(1) Where the holder, licensee, lessee or owner of a mining claim, mining lands or mining rights abandons or surrenders the claim, lands or rights or where the mining claim, mining lands or mining rights are cancelled or forfeited under this Act or any other Act or the regulations thereunder, he may take from the claim, lands or rights Where claim, lands or rights abandoned, etc.



any buildings, structures, machinery, chattels, personal property and, except in the case of an unpatented mining claim, any ore or mineral he has extracted therefrom belonging to him and any slimes or tailings not otherwise owned, within six months after the abandonment, surrender, cancellation or forfeiture or within such further time as is fixed by the Commissioner, and, in default of so doing, all such buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings belong to the Crown and may be sold or otherwise disposed of by the Minister upon such terms and conditions as he considers expedient.

Licensee has no rights in buildings, etc., acquired by Crown

(2) The staking or recording of a mining claim does not confer upon the licensee any right respecting buildings, structures, machinery, chattels, personal property, ore, mineral, slimes and tailings acquired by the Crown under subsection 1. R.S.O. 1970, c. 274, s. 73.

Improper use of land

74.—(1) Where land is staked out and applied for as a mining claim and it appears that the land is being used other than as mining land or for a purpose other than that of the mineral industry, the Minister may direct the Commissioner to hold a hearing.

Cancellation of claim

(2) Where, upon notice to all persons interested and after hearing such of them as appear, the Commissioner is satisfied that the land is being used other than as mining land or for a purpose other than that of the mineral industry, he may make an order cancelling the claim, and, on the filing of the order with the recorder for the mining division in which the land is situate, the claim is cancelled and annulled, and the land may be dealt with as provided in this Act. R.S.O. 1970, c. 274, s. 74.

Townsites on unpatented claims

75.—(1) Where the Minister recommends the establishment or extension of a townsite on an unpatented mining claim, the Lieutenant Governor in Council may reserve the surface rights on any such claim or parts of any such claim as may be necessary for townsite purposes.

Regulations

(2) The Lieutenant Governor in Council may make such regulations as he considers necessary for the better carrying out of this section. R.S.O. 1970, c. 274, s. 75.

#### ADDRESS FOR SERVICE

Address for service to be on application for claim, etc.

76.—(1) Every application for a mining claim and every other application and every transfer or assignment of a mining claim or of a right or interest acquired under

this Act shall contain or have endorsed thereon the place of residence and post office address of the applicant, transferee or assignee, and also, when he is not resident in Ontario, the name, residence and post office address of a person resident in Ontario upon whom service may be made.

(2) No such application, transfer or assignment shall be filed or recorded unless it conforms with subsection 1. Irregular documents not to be filed

(3) Another person resident in Ontario may be substituted as the person upon whom service may be made by filing, in the office in which such an application, transfer or assignment is filed or recorded, a memorandum setting forth the name, residence and post office address of such other person, and such a substitution may be made from time to time as occasion requires. Substituting new agent for service

(4) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under subsection 3 and in case of such substitution upon the person substituted, has the same effect as service upon the person whom he represents. Service upon agent to be sufficient

(5) Subsection 4 applies to every notice, demand or proceeding in any way relating to a mining claim or to mining rights or to any other right or interest that may be acquired under this Act. R.S.O. 1970, c. 274, s. 76. Application of subs. 4

#### TRUSTS, AGREEMENTS AND TRANSFERS

77.—(1) Notice of a trust, express, implied or constructive, relating to an unpatented mining claim shall not be entered on the record or be received by a recorder. Claim "in trust"

(2) Describing the holder of the mining claim as a trustee, whether the beneficiary or object of the trust is mentioned or not, does not impose upon any person dealing with such holder the duty of making any inquiry as to his power to deal therewith, but the holder may deal with the claim as if such description had not been inserted. Describing licensee as trustee, etc., effect of

(3) Nothing in this section relieves the holder of the mining claim who is in fact a trustee thereof or of any part or share thereof or interest therein from liability as between himself and any person, mining partnership or company for whom he is a trustee, but such liability continues as if this section had not been enacted, nor shall any provision in this Act relieve the holder from any personal liability or obligation. R.S.O. 1970, c. 274, s. 77. Saving of rights of others



Agreements  
and  
transfers,  
evidence of

**78.**—(1) No person is entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done by another person unless the fact that the first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom the staking out or recording was done or the evidence of the first-mentioned person is corroborated by some other material evidence, and, where a right or interest is so made to appear, *The Statute of Frauds* does not apply.

R.S.O. 1970,  
c. 444

Sales or  
transfers  
after  
staking out

(2) No person is entitled to enforce any contract, made after the staking out, for sale or transfer of a mining claim or any mining lands or mining rights, or any interest in or concerning the same, unless the agreement or some note or memorandum thereof is in writing signed by the person against whom it is sought to enforce the contract or by his agent, thereunto by him lawfully authorized. R.S.O. 1970, c. 274, s. 78.

Transfer,  
form of

**79.** A transfer of an unpatented mining claim or of an interest therein may be in the prescribed form and shall be signed by the transferor or by his agent authorized by instrument in writing. R.S.O. 1970, c. 274, s. 79.

#### RECORDING DOCUMENTS

Recording  
instruments

**80.** Except as in this Act otherwise expressly provided, no transfer or assignment of or agreement or other instrument affecting a mining claim or a recorded right or interest acquired under this Act shall be entered on the record or received by a recorder unless it purports to be signed by the recorded holder of the claim or right or interest affected or by his agent authorized by recorded instrument in writing, nor shall any such instrument be recorded without an affidavit in the prescribed form, attached to or endorsed thereon, made by a subscribing witness to the instrument. R.S.O. 1970, c. 274, s. 80.

Priority

**81.** After a mining claim or other right or interest acquired under this Act has been recorded, every instrument other than a will affecting the claim or an interest therein is void as against a subsequent purchaser or transferee for valuable consideration without actual notice unless the instrument is recorded before the recording of the instrument under which the subsequent purchaser or transferee claims. R.S.O. 1970, c. 274, s. 81.

**82.** The recording of an instrument under this Act constitutes notice of the instrument to all persons claiming an interest in the claim subsequent to such recording, notwithstanding any defect in the proof for recording, but nevertheless it is the duty of the recorder not to record except upon the proof required by this Act. R.S.O. 1970, c. 274, s. 82.

Recording  
to be notice

**83.**—(1) Priority of recording prevails unless before the prior recording there has been actual notice of the prior instrument by the party claiming under the prior recording.

Where  
actual notice  
prevails

(2) Any transfer or other instrument proper to be recorded shall, if all requirements for recording have been met, be deemed to have been recorded at the time that it was received in the office of the recorder, notwithstanding that such transfer or other instrument may not have been immediately entered in the record book.

Transfer,  
etc., deemed  
to be  
recorded  
when  
received in  
office of  
recorder

(3) Where a document is required to be filed with or a fee is required to be paid to a recorder and the document or fee is sent by mail and is received in the office of the recorder after the prescribed time, the recorder may accept the document or fee upon evidence that it was mailed within the prescribed time and that there is no adverse interest. R.S.O. 1970, c. 274, s. 83.

Filing  
after the  
prescribed  
time

**84.**—(1) The recorder shall enter upon the record of any unpatented mining claim or other recorded right or interest a note of any order or decision made by him affecting the same, giving its date and effect and the date of the entry, and he shall, upon receiving with the prescribed fee an order or decision of the Commissioner, or an order, judgment or certificate in an appeal from him, or a certified or sworn copy thereof, file the same and enter a note thereof upon the record of the claim or right or interest affected thereby.

Recording  
orders and  
judgments

(2) In a proceeding calling in question an interest in an unpatented mining claim or other recorded right or interest, the Commissioner or recorder may issue a certificate in the prescribed form and, upon receipt thereof and payment of the prescribed fee, the recorder shall file and note it as above directed.

Recording  
certificate of  
his pendens

(3) The filing of a certificate is actual notice to all persons of the proceeding.

Filing  
certificate  
to be notice

(4) The certificate and the filing and noting thereof are of no effect for any purpose whatever after the expiration of ten days from the date of filing unless within

Duration of  
certificate of  
his pendens

that time an order continuing the certificate is obtained from the Commissioner or the recorder, and any person interested may at any time apply to the Commissioner for an order vacating the certificate.

Notification  
of continu-  
ance or  
vacating of  
his pendens

(5) On receipt by the recorder of such order, he shall forthwith transmit by registered mail a copy of the order to every recorded holder of an interest in the mining claim.

Execution  
against  
claims, etc.

(6) A copy of a writ of execution, certified by the sheriff of the county or district or a bailiff of a small claims court therein to be a true copy of a writ in his hands, may be filed with the recorder, and the recorder, upon receiving the prescribed fee and being given the number or description of the claim, shall enter a note of such execution upon the record of each claim of which the execution debtor is the recorded holder or in which he has a recorded interest, and from and after, but not before, such entry, the execution binds all the right or interest of the execution debtor in the claim, and after such entry the sheriff or bailiff has power to sell and realize upon such right or interest in the same way as goods and chattels may be sold and realized upon under execution, and a transfer from the sheriff or bailiff to the purchaser may, upon the latter becoming, if he is not before, a licensee, be recorded in like manner and with the same effect as a transfer from the execution debtor.

Certified  
copy, fee  
therefor

(7) Such certified copy of the writ of execution may be obtained from the sheriff or bailiff on payment of a fee of \$1, which fee, together with the fee paid for recording the execution, shall be added to the execution debt.

Keeping  
claim in  
good stand-  
ing after  
entry of  
execution

(8) After entry of such an execution upon the record of the claim, the sheriff, bailiff or the execution creditor may do anything that the execution debtor could do to keep the claim or interest in or restore it to good standing, and he is entitled to add the necessary expense thereof to the execution debt.

Discharge of  
execution

(9) Such an execution may be discharged by recording a certificate from the sheriff or bailiff that it has been satisfied or by recording a release from the execution creditor or by obtaining and filing an order of the Commissioner directing its removal.

Fee for  
filing  
certificate  
includes fee  
for filing  
order

(10) Where the prescribed fee has been paid for filing a certificate under subsection 2, the fee shall be deemed to include the fee for filing any order or orders made by the Commissioner in the proceeding. R.S.O. 1970, c. 274, s. 84.

# WORKING CONDITIONS

85.—(1) The recorded holder of a mining claim shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work consisting of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of 200 days work, which work shall be performed as follows:

Working  
conditions  
on mining  
claims

1. First period of at least twenty days, not later than one year immediately following the recording of the claim.
2. Second period of at least forty days, not later than two years after date of recording.
3. Third period of at least forty days, not later than three years after date of recording.
4. Fourth period of at least forty days, not later than four years after date of recording.
5. Fifth period of at least sixty days, not later than five years after date of recording.

(2) The work may be completed, in a less period of time than herein specified and, if more work is performed by or on behalf of the recorded holder than is herein required during the first year or in a subsequent year, the excess, upon proof of the work having been performed, shall be credited by the recorder upon the work required to be done during a subsequent year.

Work done  
within earlier  
period and  
allowance  
for excess

(3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by certificate in the prescribed form, and the report shall show in detail,

Work  
reports

- (a) the location, nature and extent of the work;
- (b) the names and addresses of the men who performed the work; and
- (c) the dates upon which each man worked in its performance,

and, in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and

the angle and direction of the drill hole, and by a sketch or plan in duplicate fixing the location of the drill hole in relation to the corner posts of the claim. R.S.O. 1970, c. 274, s. 85 (1-3).

Certificate  
of perform-  
ance

(4) The recorder, if satisfied that the prescribed work has been duly performed, may grant a certificate in the prescribed form, but he may first, if he considers it proper, inspect or order the inspection of the work or otherwise investigate the question of its sufficiency, and such certificate, in the absence of fraud or mistake, is final and conclusive evidence of the due performance of the work therein certified, but where it has been issued in mistake or obtained by fraud the Commissioner has power to revoke and cancel it upon the application of the Crown or an officer of the Ministry or any person interested. R.S.O. 1970, c. 274, s. 85 (4); 1972, c. 1, s. 1.

Decision  
final

(5) The decision of the Commissioner as to the due performance of work is final. R.S.O. 1970, c. 274, s. 85 (5).

Work to be  
performed  
on claims

(6) A licensee may perform or cause to be performed on one or more unpatented claims any of the work required to be performed in respect of contiguous unpatented claims recorded in his name or of which he is the optionee of record, and the reports of work and the certificates to be filed in respect of the work shall indicate the claim or claims on which the work was performed and the claim or claims upon which it is to be applied, but in no case, except for work required under subsection 17 of section 104, shall more than 4,000 days work be performed on a claim for application on other claims. R.S.O. 1970, c. 274, s. 85 (6); 1971, c. 102, s. 2.

Grouping of  
claims for  
filing

(7) A recorded holder or an optionee of record may vary the claims grouped under subsection 6 for successive filings of work but the grouping for each filing must meet the requirements of subsection 6.

Work  
applied to  
other claims

(8) The total amount of work performed on an unpatented claim and applied on other claims is the work assignment.

When work  
assignment  
voided

(9) The work assignment charged to a claim is voided when the claim is transferred to another licensee or when an option is filed in favour of another licensee, and the new holder or new optionee is entitled to a full work assignment of not more than 4,000 days work with respect to that claim, provided that the requirements of subsection 6 are met.

(10) If a previous recorded holder again becomes the recorded holder of a claim, the work assignment charged to the claim is the work assignment that was charged to it at the time that he disposed of the claim. Claim reverting to original holder

(11) If an option ceases to have effect by virtue of an entry on the record of a claim, the work assignment charged to the claim is the work assignment that was charged to it at the time that the option was filed. R.S.O. 1970, c. 274, s. 85 (7-11). Lapse of option

(12) Notwithstanding subsection 6, if the work is diamond drilling and the length of the drill hole is greater than 4,000 feet, the maximum number of days work permitted under that subsection to be performed on a claim for application on other claims is increased by, Increase of work assignment

(a) one and one-half days for each foot of boring that is more than 4,000 feet and not more than 5,000 feet; and

(b) two days for each foot of boring that is more than 5,000 feet. 1972, c. 116, s. 16.

(13) The construction of houses or roads or other like improvements does not constitute "actual mining operations" within the meaning of this section. R.S.O. 1970, c. 274, s. 85 (13). Certain works not regarded

**86.**—(1) When the plan and field notes of a survey of a mining claim made under section 117 or 118 are filed with the mining recorder within the prescribed time, the survey counts as forty days work on the surveyed claim. Survey to count as work

(2) On receipt of an affidavit by an Ontario land surveyor that he has made a survey of a mining claim within the period during which work is required by this Act to be done on such claim and his undertaking that he will forward or cause to be forwarded to the recorder, not later than two months after the close of the period for doing the work, plans and field notes of the survey, the recorder may enter upon the record of the claim forty days work and he may cancel the entry in default of receipt of the plans and field notes within such period of two months. before plans filed

(3) Where work has been recorded with the mining recorder under subsection 1 or 2 and the survey of the mining claim does not comply with section 117 or 118 or Cancellation of work

the regulations, the Minister may direct the mining recorder to cancel the work and thereupon the mining recorder shall cancel the entry on the record.

Where  
s. 85 (6), not  
to apply

(4) Subsection 6 of section 85 does not apply to work recorded under subsection 1 or 2. R.S.O. 1970, c. 274, s. 86 (1-4).

Diamond or  
other core  
drills

(5) Where the length of the drill hole is more than 25 feet, boring by diamond or other core drill counts as work,

(a) where the core from the drill is less than  $\frac{7}{8}$  of an inch in diameter or the length of the drill hole is 100 feet or less, at the rate of one day's work for each 4 feet of boring; and

(b) where the core from the drill is  $\frac{7}{8}$  of an inch or more in diameter and the length of the drill hole is greater than 100 feet, at the rate of one day's work for each foot of boring,

and, where it is impossible to take core with a core drill through overburden and core is subsequently taken after passage through the overburden, work may be counted as though core was taken for the full length of the drill hole, including the overburden. R.S.O. 1970, c. 274, s. 86 (5); 1972, c. 116, s. 17 (1).

Core  
specimens

(6) Where core specimens are submitted with the report and core log for the core drilling referred to in subsection 5, and the core specimens,

(a) are representative of rock types encountered for the drill hole;

(b) are not less than 3 inches in length;

(c) are taken at intervals of not less than 25 feet throughout the length of the hole and are clearly labelled as to the footage; and

(d) are taken at intervals of less than 25 feet where structural changes in the rock type occur,

each specimen counts as one day's work, but in the case of the specimens referred to in clause d the work credit shall not exceed in number of days the total footage of the hole drilled divided by 25. 1971, c. 102, s. 3 (1).

(7) Boring by other than core drill where the length of the bore hole is greater than 200 feet may be counted as work at the rate of one day's work for each 2 feet of boring, <sup>Boring by other than core drill</sup>

(a) if the recorded holder files logs of the type and in the manner prescribed for core drilling; and

(b) if the bore hole is lengthened by core drilling which is reported to the recorder at the same time as the boring by other than core drill.

(8) Work done by mechanical equipment of a type approved by the Minister counts as work at the rate of one day's work in respect of each man necessarily employed in operating such equipment for each three hours of his employment, but credit shall not be given for more than two operators for each of such equipment without the consent of the Minister, and credit shall not be given for more than twelve hours in any day in respect of any operator. <sup>Mechanical equipment</sup>

(9) A geophysical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim, subject to, <sup>Surveys</sup>

(a) ground surveys, at the rate of one day's work in respect of each man necessarily employed in line-cutting or chaining for each eight hours of his employment, and at the rate of seven days work in respect of each man necessarily employed in work relating to the geophysical survey for each eight hours of his employment, but no credit shall be given for more than twelve hours in any day in respect of any man; and

(b) airborne geophysical surveys at the rate of forty days work in respect of each mile of continuous recordings,

but not more than a total of eighty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

(10) Notwithstanding subsections 9, 11 and 12, but subject to the maximum credits permitted therein, if a ground geophysical or a geological or a geochemical survey meets <sup>Credits for performance and coverage</sup>

the requirements of the Minister, he may authorize the approval of work credits on the basis of performance and coverage, subject to the limitations prescribed in the requirements, but credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

Geological survey to count as work

(11) A geological survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment, and at the rate of seven days work in respect of each man necessarily employed in work relating to the geological survey for each eight hours of his employment, not exceeding a total of forty days work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

Geochemical survey to count as work

(12) A geochemical survey, satisfactory to the Minister, of a mining claim may be recorded as work on the claim at the rate of one day's work in respect of each man necessarily employed in linecutting or chaining for each eight hours of his employment and at the rate of seven days work in respect of each man necessarily employed in work relating to the geochemical survey for each eight hours of his employment, not exceeding a total of forty days work in respect of each claim, but no credit shall be given for more than twelve hours in any day in respect of any man, and credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

Radiometric surveys

(13) A radiometric survey shall be deemed to be a geophysical survey for the purposes of this section.

Stripping

(14) The actual cost of stripping by other than manual labour may be recorded as work on a mining claim at the rate of one day's work for each \$10 so spent not exceeding 100 days work in respect of each claim, but credit for the work shall be cancelled unless proof of the actual cost is submitted to and accepted by the recorder within thirty days of the recording of the work. R.S.O. 1970, c. 274, s. 86 (7-14).

(15) Subsection 6 of section 85 does not apply to geological, geochemical and geophysical work, but for the purposes of this Act, in the application to record the work credits for such work performed on two or more claims, the recorded holder of the mining claims shall identify the claims on which the work was performed and the total number of work credits claimed and shall apply to record such number in equal parts to each of the claims and the recorder shall record the work credits accordingly and in no other way.

Certain work excepted from s. 85 (6)

(15a) In approving work credits applied for under subsection 15, the Minister may apply the approved work credits to the claims in such manner as he determines. 1972, c. 116, s. 17 (2).

Application of work credits by Minister

(16) Subject to subsection 2 of section 172, shaft sinking, drifting or other lateral work that is at least 10 feet below the surface and the opening of which is at least 5 feet by 7 feet counts as work at the rate of four days work in respect of each man employed in the work for each six hours of the employment, but no credit shall be given for more than twelve hours in any day in respect of any man.

Shaft sinking, drifting, etc.

(17) Manual work as prescribed in section 85 and not otherwise provided for in this section counts as work at the rate of one day's work for each six hours of each man's employment, but no credit shall be given for more than twelve hours in any day in respect of any man. R.S.O. 1970, c. 274, s. 86 (16, 17).

Manual work

(18) Beneficiation studies, analyses, assays, microscopic studies and other types of exploration or development work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day's work for each \$15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved. 1972, c. 116, s. 17 (3).

Beneficiation studies, etc., to count as work

(19) Where work submitted under subsection 18 has been paid for with a coupon or coupons obtained under section 72, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Ministry of Natural Resources. 1971, c. 102, s. 3 (2), *part*; 1972, c. 4, s. 12.

Expenditure where coupons used

Work credits (20) Where the approval of the Minister is required for work credits, approval by him of the amount of work is final. 1971, c. 102, s. 3 (2), *part*.

Extensions (21) Notwithstanding subsections 9, 10, 11, 12 and 18 and section 87, the Minister may allow an extension of the time required to file thereunder reports and plans with the Minister for any time not exceeding sixty days. 1972, c. 116, s. 17 (4).

Airborne geophysical certificate **87.**—(1) The Minister may issue to the holder of a mining claim or mining claims an airborne geophysical certificate for the mining claim or mining claims, if,

- (a) the claim or claims lie within the area covered by an airborne geophysical survey that was not previously filed with the Ministry and that was conducted prior to the staking of the claim or claims;
- (b) the survey covers an area at least four times the area of the claim or claims;
- (c) full reports and plans in duplicate with respect to the whole area covered by the survey are submitted to the Minister, within six months after the recording of the claim or claims, in the same form and in the same manner as though submitted under subsection 9 of section 86; and
- (d) the flight lines are not more than one-quarter mile apart and approximately parallel. R.S.O. 1970, c. 274, s. 87 (1); 1972, c. 1, s. 1.

Extension of time for performance of work (2) Notwithstanding subsection 1 of section 85, if the claim holder files an airborne geophysical certificate issued under subsection 1 with the recorder of the mining division in which the claim or claims are situate not later than sixty days after the date of issue of the certificate, the recorder shall so indicate on his records, and the time for performing the first and all subsequent periods of work for the claim or claims listed in the certificate shall fall due one year later than the times prescribed in subsection 1 of section 85. R.S.O. 1970, c. 274, s. 87 (2).

Computing time for performance of work conditions **88.**—(1) In computing the time within which work upon a mining claim is required to be performed,

- (a) all time which by an order in council or regulation is excluded;

(b) if a permit under *The Forest Fires Prevention Act* R.S.O. 1970, c. 179 that is necessary for the beginning or carrying on of the work under this Act is refused or the performance of such work is prohibited under that Act, the time during which such refusal or prohibition subsists, if the holder provides the recorder with satisfactory evidence of such prohibition; and

(c) time during which proceedings concerning the claim are pending, where the Commissioner or recorder is satisfied that any delay in settling the matter is not the fault of the holder,

shall be excluded.

(2) Where time is excluded under subsection 1, the Commissioner may make an order prescribing the date or dates by which the next or any subsequent periods of work shall be performed and reported. R.S.O. 1970, c. 274, s. 88. Order by Commissioner

**89.**—(1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim the work is not performed or the metal tags have not been affixed or the money required for patent or lease is not paid within the prescribed time, the recorder may extend the time for the performance of the work or the affixing of the metal tags or the payment of the money for periods not exceeding six months. Extension of time for work

(2) Where the work has not been performed or the metal tags have not been affixed or payment for patent or lease has not been made because of the incapacity from illness of the holder of the claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that the holder has by reason of illness been rendered incapable of performing the work or affixing the metal tags or paying the money. Medical certificate

(3) Work performed within any such extended period shall be deemed to have been duly performed under section 85. R.S.O. 1970, c. 274, s. 89. Work done during extension

**90.** Where two or more persons are the holders of an unpatented mining claim, each of them shall contribute proportionately to his interest, or as they otherwise agree between themselves, to the work required to be done thereon or to a survey, patent or the first year's rental of a lease, and, in case of default by any holder, the Proportionate contribution by co-owners

Commissioner, upon the application of any other holder and upon notice to and after hearing all persons interested or such of them as appear, may make an order vesting the interest of the defaulter in the other co-owners or in any of them upon such terms and conditions and in such proportions as he considers just. R.S.O. 1970, c. 274, s. 90.

Charge of person doing work on mining claim

**91.** Where the holder of an interest in a mining claim has made default in payment for work performed thereon by a person not the holder of an interest in the mining claim, the Commissioner, upon the application of such person and upon notice to and after hearing all persons interested or such of them as appear, may make an order vesting the interest in the mining claim of the holder in default, or any part of such interest, in the applicant. R.S.O. 1970, c. 274, s. 91.

#### ABANDONMENT

Right of licensee to abandon

**92.**—(1) A licensee may abandon a mining claim at any time by giving notice in writing in the prescribed form to the recorder of his intention so to do.

Entry of note of abandonment

(2) The recorder shall enter a note of the abandonment upon the record of the claim with the date of the receipt of the notice and shall forthwith post up in his office a notice of the abandonment, marked with the date of the posting up thereof, and thereupon all interest of the licensee in the claim ceases and determines, and the claim is, on and after, but not before, the eleventh day after such posting up, inclusive of the day of posting up, open for prospecting and staking out. R.S.O. 1970, c. 274, s. 92.

Effect of non-compliance with Act or direction of recorder as to abandonment

**93.** Non-compliance by the licensee with any requirement of this Act as to the time or manner of the staking out and recording of a mining claim or with a direction of the recorder in regard thereto, within the time limited therefor, shall be deemed to be an abandonment, and the claim shall, without any declaration, entry or act on the part of the Crown or by any officer, unless otherwise ordered by the Commissioner, be forthwith opened to prospecting and staking out. R.S.O. 1970, c. 274, s. 93.

#### FORFEITURE

Forfeiture of mining claim

**94.**—(1) Except as provided by section 95, all the interest of the holder of a mining claim before its patent has issued ceases without any declaration, entry or act

on the part of the Crown or by any officer, and the claim is open for prospecting and staking out,

- (a) if the licence of the holder has expired and has not been renewed;
- (b) if, without the consent in writing of the recorder or Commissioner, or for any purpose of fraud or deception or other improper purpose the holder removes or causes or procures to be removed any stake or post forming part of the staking out of such mining claim, or for any such purpose changes or effaces or causes to be changed or effaced any writing or marking upon any such stake or post;
- (c) if the prescribed work is not duly performed;
- (d) if any report under subsection 3 of section 85 is not made and deposited with the recorder as therein required;
- (e) if the application and payment for the lease required by section 104 are not made within the prescribed time. R.S.O. 1970, c. 274, s. 94 (1).

(2) No person, other than the Minister or an officer of the Ministry or a licensee interested in the property affected, is entitled to raise any question of forfeiture except by leave of the Commissioner, and proceedings raising questions of forfeiture shall not be deemed to be or be entered as disputes under section 65. R.S.O. 1970, c. 274, s. 94 (2); 1972, c. 1, s. 1.

**95.**—(1) Where forfeiture or loss of rights occurs under subsection 7 of section 63 or subsection 1 of section 94 and,

- (a) where the licence of the claim holder has expired, the Commissioner may make an order upon such terms as he considers just relieving the claim from forfeiture and authorizing a special renewal of the licence on payment of twice the prescribed fee, except as provided under subsection 5 of section 28; or
- (b) where the prescribed work is not performed within the time stipulated in subsection 1 of section 85, the Commissioner, within six months of the forfeiture, may make an order or orders upon such terms as he considers just relieving the claim

from forfeiture and extending the time for performing the work; or

- (c) where the report of work is not filed within the time prescribed in subsection 3 of section 85, the Commissioner, within six months of the forfeiture, may make an order upon such terms as he considers just relieving the claim from forfeiture and authorizing the filing of a proper report of work; or
- (d) where application and payment for the lease are not made within the time prescribed in subsection 2 of section 104, the Commissioner, within six months of the forfeiture, may make an order, upon such terms as he considers just, relieving the claim from forfeiture and extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 2 of section 104; or
- (e) where the metal tags have not been affixed to the corner posts of the claim within the time prescribed in subsection 5 of section 63, the Commissioner may make an order, upon such terms as he considers just, relieving the claim from forfeiture and granting an extension of the time for affixing the metal tags to the corner posts, but only one such extension shall be granted, and, where the Commissioner extends the time for affixing metal tags beyond the first anniversary of the date of recording of the claim, the holder of the claim shall pay to the recorder, in addition to the fee prescribed in the Schedule, a fee of \$5 a claim for each year or part of a year of the extension beyond the anniversary date. R.S.O. 1970, c. 274, s. 95 (1); 1971, c. 102, s. 4 (1).

Extension  
of time

(2) If application is made to the Commissioner within thirty days before the time forfeiture or loss of rights would occur, he may make an order or orders granting an extension of time in respect of one or both of the following:

1. For affixing the metal tag to the corner posts of the claim.
2. For performing any work required to be performed.

(3) Paragraph 1 of subsection 2 does not apply to <sup>Tags under section 64</sup> metal tags required to have been affixed under section 64.

(4) Within thirty days before forfeiture or loss of rights <sup>Idem</sup> would occur, the Commissioner may make an order extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 2 of section 104.

(5) Where the Commissioner extends the time for per- <sup>Filing of report</sup> forming work, the report of its performance shall be filed within such extended time.

(6) Where forfeiture or loss of rights has occurred, the <sup>Restaking</sup> lands, mining rights or mining claims concerned are not open for staking until 7 o'clock in the forenoon of the day immediately following that upon which forfeiture or loss of rights occurred.

(7) No order made by the Commissioner under this <sup>Filing of orders</sup> section comes into effect until it is filed in the office of the mining recorder for the mining division in which the claims are situate and until the prescribed fees are paid.

(8) The recorder, upon a forfeiture or abandonment of or <sup>Cancellation of record</sup> loss of rights in a mining claim, shall forthwith enter a note thereof, with the date of entry, upon the record of the claim and mark the record of the claim "Cancelled", and shall post up forthwith in his office a notice of cancellation.

(9) Notwithstanding subsection 7, an order made by <sup>Filing of relief from forfeiture order</sup> the Commissioner under clause a of subsection 1 may be filed in the office of any recorder, but such order does not come into force until it is so filed and until the prescribed fees are paid. R.S.O. 1970, c. 274, s. 95 (2-9).

(10) REPEALED: 1971, c. 102, s. 4 (2).

(11) Where the licence of the claim holder has expired <sup>Relief against forfeiture</sup> and there is no adverse interest, a recorder may, within three months of the expiry, make an order relieving the claim from forfeiture and authorizing special renewal of the licence on payment of twice the prescribed fee, and such order has the same effect as though issued under clause a of subsection 1. R.S.O. 1970, c. 274, s. 95 (11).

**96.** Where the interest of a joint holder has ceased by <sup>Interest of joint holder on expiry of his licence</sup> reason of the expiration of his licence, such interest, if



the Commissioner so directs, passes to and vests in the other holders in proportion to their interests in the claim. R.S.O. 1970, c. 274, s. 96.

Death of  
licensee  
or holder

**97.** Where a licensee in whose name a mining claim has been staked out dies before the claim is recorded or where the holder of a claim dies before issue of the patent or lease for the claim, no other person is, without leave of the Commissioner, entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Commissioner may at any time make such order as he considers just for vesting the claim in the representative of such holder and extending the time for performing the work and applying for patent or lease, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act. R.S.O. 1970, c. 274, s. 97.

#### INSPECTION OF CLAIMS

Inspection  
by Commis-  
sioner,  
recorder or  
inspector

**98.**—(1) The Commissioner or the recorder may inspect or order an inspection of, and an inspector or other officer appointed by the Minister may inspect, a mining claim at any time with or without notice to the holder for the purpose of ascertaining whether this Act has been complied with, but after the granting of the certificate of record no such inspection shall, except by order of the Commissioner, be made for the purpose of ascertaining whether the claim has been staked out in the prescribed manner.

Application  
for re-  
inspection

(2) Unless notice of the inspection has been given to the holder of the claim at least seven clear days prior thereto, either personally or by registered mail addressed to him at his address appearing on record in the recorder's books, he may apply to the Commissioner or to the recorder for a reinspection and it shall be granted if it appears that the holder of the claim has been prejudiced by the want of notice and every such application for reinspection shall be made to the Commissioner or to the recorder within fifteen days of the entry of the decision on the books of the recorder or within such further period not exceeding fifteen days as the Commissioner allows.

View or  
inspection  
in disputes,  
appeals, etc.

(3) The Commissioner or recorder may in any dispute, appeal or other proceeding before him make or order, with or without notice, a view or inspection of any mining claim or of any lands or other property. R.S.O. 1970, c. 274, s. 98.

**99.**—(1) A report of each inspection, except when made merely for the purpose of a dispute, appeal or other proceeding, shall be made in writing by the inspecting officer and shall be filed in the office of the recorder, who shall forthwith enter upon the record of the claim a note stating the effect of the report and the date of the entry. Filing and entry of report of inspection

(2) If the recorder is of opinion that upon the report the claim should be cancelled, he shall mark the record of the claim "Cancelled" and affix his signature or initials and shall by registered letter mailed not later than the next day notify the holder of the claim and the disputant and other interested parties, if any, of the receipt and effect of the report, and where the claim is cancelled in consequence of the report, the notice shall so state. R.S.O. 1970, c. 274, s. 99 (1, 2). Cancelling claim upon report

(3) An appeal from the cancellation of the claim may be taken to the Commissioner by the holder of the claim or by the disputant or other interested party, within the time and in the manner provided by section 144a. R.S.O. 1970, c. 274, s. 99 (3); 1971, c. 50, s. 58 (4). Appeal from cancellation

(4) Upon the cancellation of a claim under this section, the recorder shall forthwith post up in his office a notice of the cancellation, and the land or mining rights comprised in such claim are thereupon, unless withdrawn from prospecting and staking out, again open to prospecting and staking out, but such staking out is subject to the result of an appeal by a licensee whose claim has been cancelled. R.S.O. 1970, c. 274, s. 99 (4). Effect of cancellation

**100.** The holder of a mining claim or the disputant or other person interested is entitled on payment of the prescribed fee to receive from the recorder a certified copy of any report of inspection of the claim filed with him. R.S.O. 1970, c. 274, s. 100. Right of holder to copy of report

#### SURFACE RIGHTS COMPENSATION

**101.**—(1) Where the surface rights of land have been granted, sold, leased or located with reservation of mines, minerals or mining rights to the Crown, or where land is occupied by a person who has made improvements thereon that in the opinion of the Minister entitles him to compensation, a licensee who prospects for mineral or stakes out a mining claim or an area of land for a boring permit or carries on mining operations upon such land shall compensate the owner, lessee, locatee or occupant Right of owner of surface rights to compensation

for all injury or damage that is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner and time of payment of compensation shall be determined by the Commissioner after a hearing, and, subject to appeal to the Supreme Court where the amount awarded exceeds \$1,000, his order is final. 1971, c. 50, s. 58 (5).

Prohibiting  
work pending  
settlement

(2) The Commissioner may order the giving of security for payment of the compensation and may prohibit, pending the determination of the proceeding or until the compensation is paid or secured, further prospecting, staking out or working by such licensee or any person claiming under him.

Other  
licensees not  
to prospect,  
etc., pending  
proceedings

(3) Where an order is made prohibiting the prospecting, staking out or working of a mining claim under subsection 2, no other licensee has the right to prospect or stake out a mining claim to the prejudice of the prohibited licensee while the proceeding is pending.

Lien for  
compensation

(4) The compensation is a special lien upon any mining claim or other right or interest acquired by the licensee or any person claiming under him in the land so prospected, staked out or worked, and no further prospecting, staking out or working, except by leave of the Commissioner, shall be done by the licensee or any person claiming under him after the time fixed for the payment or securing of the compensation unless the compensation has been paid or secured as directed. R.S.O. 1970, c. 274, s. 101 (2-4).

Reduction in  
area of claim

**102.**—(1) The Commissioner or the recorder may reduce the area of a mining claim staked out where the surface rights have been granted, sold, leased or located, if in his opinion an area less than the prescribed area is sufficient for working the mines and minerals therein.

Exclusion  
of part of  
surface rights

(2) The Commissioner or the recorder may exclude from any mining claim such part of the surface rights as may be necessary for the occupation and utilization of buildings or improvements erected or made thereon prior to the time the claim was staked out. R.S.O. 1970, c. 274, s. 102.

#### ISSUE OF PATENT OR LEASE FOR MINING CLAIM

**103.** REPEALED: 1972, c. 116, s. 18.

Right to  
lease of  
claim

**104.**—(1) Upon compliance with this Act and upon payment of the rent for the first year, the holder of a mining claim is entitled to a lease of the claim.

(2) The application and payment for a lease shall be made to the recorder within one year from the date upon which all work on a mining claim is required to be performed, and the application shall be accompanied by a certificate of record as provided in section 66 and a certificate of the complete performance of working conditions as provided in subsection 4 of section 85.

Application  
for lease

(3) A lease under this section shall be for a term of twenty-one years at a rental payable in advance of \$1 an acre for the first year and 25 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$5 for each subsequent year.

Term  
of lease

(4) The holder of a mining claim may elect to apply for a lease of the mining rights only.

Lease of  
mining  
rights

(5) Where a lease under this section is for the mining rights only, the rental is \$1 an acre for the first year and 10 cents an acre for each subsequent year, the minimum rental being \$10 for the first year and \$4 for each subsequent year.

Rental

(6) Where the surface rights on part of a claim are excluded in a lease under this section, the rental prescribed in subsection 3 applies to the part of the claim including the surface rights, and the rental prescribed in subsection 5 applies to the part of the claim excluding the surface rights, but the total rental shall not be less than the minimum rental prescribed in subsection 3.

Rental where  
surface  
rights on  
part of  
claim  
excluded

(7) Subject to subsections 9, 10 and 11, every lease under this section may be renewed for further terms of twenty-one years, and the renewal shall be dated from the day following the expiration of the lease or the last renewal thereof, but application for renewal shall be made within ninety days of the expiry of the lease or, last renewal thereof, or within such further period as the Minister, in the circumstances of the case, considers proper.

Lease  
renewable

(8) The annual rental for a renewal lease, payable in advance, is \$1 an acre for both surface and mining rights and 50 cents an acre for mining rights only, but the minimum annual rental shall be \$10.

Rental for  
renewal  
of lease

(9) The Minister may refuse to renew a lease issued under this section or may require the applicant to show cause why a renewal should be granted.

Minister  
may refuse  
to renew  
lease

Application referred to Commissioner

(10) The Minister may refer an application for renewal of a lease to the Commissioner, who shall, upon notice to all interested persons and after hearing such of them as appear, report to the Minister thereon with his recommendations.

Termination of lease for arrears of rent

(11) Where payment of the rental under any such lease is in arrears for two years or more, the lease may be terminated by an instrument in writing.

Notice of termination of lease

(12) Where application for renewal of a lease is not made within the time prescribed by subsection 7 or where a renewal of a lease is refused under subsection 9 or where a lease has been terminated under subsection 11, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators and assigns shall be deemed to have ceased and determined, and the lands included in such lease are revested in the Crown freed and discharged from every claim.

Registration of notice of termination R.S.O. 1970, c. 234, 409

(13) Upon registration of the notice in the proper land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the master of titles or the registrar of the registration division shall note that fact in his register in red ink. R.S.O. 1970, c. 274, s. 104 (1-13).

Lands vested in Crown on termination of lease

(14) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*. R.S.O. 1970, c. 274, s. 104 (14); 1972, c. 116, s. 19.

Transfer of lease or renewal

(15) A lease or renewal thereof or the term or terms thereby created is not transferable without the written consent of the Minister or an officer duly authorized by him.

Disposition of surface rights reserved in a lease or renewal R.S.O. 1970, c. 380

(16) Any surface rights reserved in a lease or renewal thereof may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder.

(17) Where the area of the mining claim exceeds by more than five acres the area prescribed for a mining claim in section 50 and the claim is not reduced in size under section 119, the rental per acre of the area in excess of the area so prescribed is twice the rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area. Rental where area of mining claim exceeds prescribed area

(18) Where there is a group of contiguous claims held by the same licensee and their average area does not exceed by more than five acres the area prescribed for a mining claim in section 50, the Minister may direct that subsection 17 does not apply. Contiguous claims held by the same licensee

(19) Subsection 17 of this section and subsection 6 of section 117 do not apply to the rental for renewal leases. Exceptions

(20) Where additional work is required under subsection 17, the Minister may prescribe the time within which such work is to be performed and recorded, and application and payment for lease shall be made within the time so prescribed. R.S.O. 1970, c. 274, s. 104 (15-20). Where additional work is required

**104a.**—(1) In this section, "lease" means a lease of surface and mining rights or of mining rights issued under section 47, 52 or 100 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, and includes a renewal of such a lease. Interpretation

(2) Subject to subsection 3; notwithstanding the provisions of a lease, the annual rental for a lease is \$1 an acre, but the minimum annual rental shall be \$10 and shall be payable in advance. Rate

(3) Subsection 2 does not affect the rental payable under a lease for the balance of the term in effect on the day this section comes into force. Application

(4) A lease is renewable in perpetuity for periods of ten years and every renewal shall date from the day following the expiry of the lease if application therefor is made within ninety days of the expiration of the lease or within such further period as the Minister, in the circumstances of the case, considers proper. Renewal of lease

(5) Where payment of the rental under a lease is in arrears for two years or more, the lease may be terminated by an instrument in writing. Termination of lease for arrears of rent

Notice of  
termination  
of lease

(6) Where a lease has not been renewed under subsection 4 or has been terminated under subsection 5, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the master of titles or registrar of the registry division, as the case may be, shall, upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators, successors and assigns shall be deemed to have ceased and determined, and the land included in such lease is revested in the Crown, freed and discharged from every claim.

R.S.O. 1970,  
cc. 234, 409  
not to  
apply to  
forfeited  
lands

(7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the master of titles or the registrar shall note that fact in his register in red ink.

Lands  
vested in  
Crown on  
termination  
of lease

(8) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*.

Lessee may  
be issued  
lease under  
s. 104

(9) The holder of a lease, upon application in writing therefor and upon the surrender of his lease, may be issued a lease under section 104 for a term of twenty-one years, and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section. 1972, c. 116, s. 20.

Right to  
patent

**105.**—(1) Subject to subsection 3, where a holder of a lease issued under section 46, 103 or 104 produces evidence, satisfactory to the Minister, that he is producing mineral in substantial quantities and production has been continuous for more than one year, he is entitled, upon application in writing therefor and upon the surrender of his lease, to a patent of the lands or mining rights held under lease.

Application  
for patent

(2) Application for a patent shall be in the prescribed form and shall be accompanied by the purchase price at the rate of \$10 an acre for both surface and mining rights or \$5 an acre for the mining rights only, as the case may be.

(3) Where land consists of land under navigable water, a patent shall not be granted, but, upon application therefor in writing and upon the surrender of his lease, the lessee is entitled to a new lease renewable in perpetuity for periods of twenty-one years, and every renewal shall date from the day following the expiration of the lease or last renewal thereof if application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or within such further period as the Minister, in the circumstances of the case, considers proper.

(4) The rental for a lease or renewal lease under subsection 3 shall be as prescribed in subsection 8 of section 104.

(5) Subsections 11, 12, 13, 14 and 15 of section 104 apply *mutatis mutandis* to leases and renewals thereof under this section. R.S.O. 1970, c. 274, s. 105.

**106.**—(1) Where the lessee or owner of mining rights, or the holder of a mining licence of occupation, requires the use of surface rights lying within or outside the limits of lands for which he has a lease, patent or licence of occupation for the mining rights for the disposal of tailings or waste material or for the erection of a shaft or buildings for mining or mining purposes, or for any other purpose essential to mining or mining exploration, the Minister may lease to him any available surface rights.

(2) Application for a lease of surface rights shall be made in writing to the Minister in the prescribed form, and the applicant shall furnish such particulars as the Minister requires, including,

- (a) a statement of the particular purposes for which the surface rights are to be used;
- (b) an adequate description and plan or sketch of the area applied for;
- (c) the first year's rental; and
- (d) proof of ownership, or, in the case of a licence of occupation, proof that the applicant is the holder of the licence of occupation, of the mining lands or mining rights that are the basis of the application.

58 Chap. MINING Sec. 106 (3)

**Survey** (3) The Minister may require the applicant to furnish a survey by an Ontario land surveyor, and the cost of the survey shall be borne by the applicant.

**Rental** (4) The annual rental of a lease or renewal under this section is \$1 an acre, payable in advance.

**Term of lease** (5) A lease issued under this section shall be for a term of twenty-one years, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the term shall be coterminous with the mining lease. R.S.O. 1970, c. 274, s. 106 (1-5).

**Application of s. 104 (7, 9-15)** (6) Subsections 7, 9, 10, 11, 12, 13, 14 and 15 of section 104 apply *mutatis mutandis* to leases issued under this section, but, where the mining lands or mining rights that are the basis of the application are held under a mining lease, the renewal term shall be coterminous with the mining lease. R.S.O. 1970, c. 274, s. 106 (6); 1972, c. 116, s. 21.

**Termination of lease where lands forfeited** (7) Where the mining lands or mining rights that are the basis for a lease issued under this section are reverted in or are forfeited or revert to the Crown, the lease is forfeited, and subsections 12, 13 and 14 of section 104 apply.

**Holder of lease and holder of land to be same person** (8) Where the holder of a lease issued under this section ceases to be the holder of the lands or mining rights in respect of which the lease was issued, the lease is forfeited, and subsections 12, 13 and 14 of section 104 apply. R.S.O. 1970, c. 274, s. 106 (7, 8).

**Lease void where lands used other than for mining industry** **107.** The lands, surface rights or mining rights held under a lease that has been or will be issued under this Act shall be used solely for the purposes of the mining industry, and, in default thereof and on the recommendation of the Commissioner, the Lieutenant Governor in Council may declare the lease void, and subsections 12, 13 and 14 of section 104 apply. R.S.O. 1970, c. 274, s. 107.

**Reservations, etc., in leases** **108.—(1)** Every lease issued under this Act shall contain the following reservations or provisions:

**Reservation for roads** 1. Provided that nothing whatsoever herein contained shall prevent or interfere with the free user of any public or travelled road or highway crossing the hereinbefore described premises.

Sec. 108 (1) ¶6 MINING Chap. 59

2. Reserving unto Us, Our Heirs and Successors such use of the land hereby demised for all such works as may be necessary for the development of water power and the development, transmission and distribution of electrical power, natural gas, petroleum and petroleum products, including the construction, maintenance and operation of roads, railroads, transmission lines and stations, flumes, pipelines, dams, power houses and other works and structures without any liability by Us to the Lessee. Reservation for power, petroleum, etc.

3. Reserving the right to grant without compensation to any person or corporation the right-of-way necessary for the construction and operation of one or more railways over or across the lands herein leased without let or hindrance from the Lessee where such railway or railways shall not manifestly or materially interfere with the mining operations carried on upon the said premises. Reservation for railways

4. Saving, Excepting and Reserving unto Us, Our Heirs and Successors the free use, passage and enjoyment of, in, over and upon all navigable waters which shall or may hereafter be found on or under or to be flowing through or upon any part of the said parcel or tract of land hereby demised as aforesaid and reserving also right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, together with the right to use so much of the banks thereof not exceeding one chain in depth from the high-water mark as may be necessary for fishery or public purposes. Reservation for navigable waters

Provided that, should the premises herein described or any part thereof be covered by navigable waters, this lease shall be subject to the provisions of the *Navigable Waters Protection Act* (Canada), *The Beds of Navigable Waters Act* and *The Lakes and Rivers Improvement Act*. R.S.C. 1970, c. N-19  
R.S.O. 1970, c. 41, 233

5. Provided that nothing herein contained shall in any manner restrict fishing or fishing rights in any navigable waters covering the premises hereby demised and that the said Lessee shall not do any act resulting in damage to fishing or the fishing industry in the said waters or to nets or other appliances used in fishing in such waters. Reservation for fishing

6. Provided that these presents shall not vest in the Lessee any right, claim or title to the land under Reservation for land under navigable waters

navigable waters which may be included within the limits of the herein described premises, but the Lessee shall have the exclusive right to extract the minerals therefrom during the term of these presents.

Where item 2 does not apply

(2) Item 2 of subsection 1 does not apply to a lease of the mining rights only.

Other reservations

(3) The Minister may direct the inclusion of other reservations or provisions provided for in this Act or not inconsistent with the intent of this Act.

Omission of reservations, etc.

(4) The Minister may omit reservations or provisions contained in subsection 1 from a lease issued under section 106 where such reservations or provisions are contrary to the purpose of the lease. R.S.O. 1970, c. 274, s. 108.

Reservation for roads

**109.**—(1) Every patent or lease issued under this Act shall contain a reservation for road purposes of 10 per cent of the surface rights of the land granted or leased, as the case may be, and the Crown or its officers or agents may lay out and construct roads where considered proper on the lands so granted or leased.

Reservation of surface rights

(2) Every patent or lease issued under this Act shall contain a reservation of the surface rights on and over any public or colonization road or any highway crossing the land granted or leased at the date of issue of the patent or lease.

Subss. 1, 2, not to apply to mining rights

(3) Subsections 1 and 2 do not apply to patents or leases of the mining rights only.

Reservation of land to read as reservation of surface rights

(4) Where a patent or lease has been issued under this Act, or any predecessor thereof containing a reservation for road purposes of 5 per cent or of 10 per cent of the lands granted, and the Crown or its officers or agents did not occupy lands under such reservation, prior to the 1st day of May, 1963, for laying out and constructing roads, such reservation shall now read as a reservation of 5 per cent of the surface rights or 10 per cent of the surface rights, as the case may be. R.S.O. 1970, c. 274, s. 109.

Form of patent

**110.** Every patent of Crown lands or mining rights by which it is intended to vest in the patentee the mines and minerals therein or a part thereof or any rights in connection therewith shall state that it was issued under this Act or the former Act under which it was issued. R.S.O. 1970, c. 274, s. 110.

**111.**—(1) In a patent or lease of a mining claim, the Minister shall reserve all surface rights and other rights excluded by or withdrawn under this Act, or that have otherwise been alienated by the Crown. Disposal of surface rights

(2) Any surface rights reserved under this section may be dealt with under Part VII or under *The Public Lands Act* or the regulations made thereunder. R.S.O. 1970, c. 274, s. 111. Idem R.S.O. 1970, c. 380

**112.**—(1) Every patent of Crown lands that purports to be issued under this Act, unless it is otherwise expressly stated, vests in the patentee of the estate thereby granted all title of the Crown in such lands and all mines and minerals therein. Patents issued under this Act to vest minerals

(2) Notwithstanding section 19 of *The Conveyancing and Law of Property Act*, where a patent or lease of a mining claim was or is issued under this Act on or after the 1st day of July, 1914, and the patent or lease reserves the surface rights, section 16 of *The Conveyancing and Law of Property Act* applies if the surface rights were the property of the Crown and were not applied for or occupied at the time that the mining claim was staked out and recorded. R.S.O. 1970, c. 274, s. 112. Application of R.S.O. 1970, c. 85

**113.**—(1) All lands, claims or mining rights patented, leased or otherwise disposed of under this or any other Act or by any authority whatsoever are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the Lieutenant Governor in Council may declare the lease, patent or other form of title of such lands, claims or mining rights to be void, and the order in council so declaring shall be registered in the office of the proper master of titles or registry office, as the case may be, or in the case of a licence of occupation, filed in the Minister's office, whereupon such lands, claims or mining rights revert to and become vested in Her Majesty, Her heirs and successors, freed and discharged of any interest or claim of any other person. Condition of patent ores to be treated in Canada

(2) For the purposes of subsection 1, the Minister may determine the stage of refinement at which any mineral substance is refined metal or other product suitable for direct use in the arts without further treatment. Idem

(3) The Lieutenant Governor in Council may exempt any lands, claims or mining rights from the operation of this section for such period of time as seems proper. Exemptions

Where  
conflict,  
section  
prevails

(4) Where there is any conflict between the provisions of this section and the provisions of any general or special Act, the provisions of this section prevail. R.S.O. 1970, c. 274, s. 113.

Reservation  
of trees and  
right of  
entry

**114.**—(1) Every patent or lease of Crown lands issued under this Act shall contain a reservation to the Crown of all timber and trees standing, being or hereafter found growing upon the lands thereby granted or leased, and of the right to enter upon such lands to carry on forestry, to cut and remove any timber or trees thereon, and to make necessary roads for such purposes.

Exercise of  
rights  
reserved

(2) The rights reserved in subsection 1 may be exercised by any person holding a licence or permit from the Crown when authorized to do so by the Minister.

Ownership  
of trees  
remains in  
Crown

(3) All timber and trees on Crown lands that have been staked out and recorded under this Act remain the property of the Crown, and the Crown may enter upon such lands to carry on forestry, to cut and remove any timber or trees thereon, and to make necessary roads for such purpose.

Conditions  
under which  
holder,  
owner or  
lessee may  
cut trees

(4) Notwithstanding subsections 1 and 3 and subject to subsections 5 and 6, the recorded holder of a mining claim staked on Crown lands or the owner or lessee of lands acquired under this Act may cut such trees on the lands so staked or acquired as may be necessary for building, fencing or fuel purposes or for any other purpose necessary for the development or working of the minerals thereon.

Idem

(5) Where a licence or permit from the Crown to cut timber on the land has not been granted, the recorded holder, owner or lessee may, on application to the Minister, be granted permission to cut and use the trees for the purposes mentioned in subsection 4 either without payment or on such terms and conditions as the Minister imposes.

Idem

(6) Where a licence or permit from the Crown to cut timber on the lands has been granted, the recorded holder, owner or lessee shall compensate the timber licensee or permittee for the trees cut or used by him.

Determina-  
tion of  
disputes

(7) Where a dispute arises between the recorded holder, owner or lessee and the timber licensee or permittee as to the value or quantity of the trees cut or used under subsection 6, the Minister shall determine the dispute and his decision is final.

(8) This section does not confer upon the recorded holder, owner or lessee of the mining rights any right to cut trees upon the lands on which he has staked or acquired only the mining rights. R.S.O. 1970, c. 274, s. 114.

Holder, etc.,  
of mining  
rights not  
to cut trees

**115.** Where letters patent, leases, licences or other instruments of title have been issued to or in the name of the wrong person through mistake, or contain any clerical error or misnomer, or a wrong description of the land intended to be granted, the Deputy Minister, if there is no adverse claim and whether or not the land has been registered under *The Land Titles Act* or *The Registry Act*, may direct the defective instrument to be cancelled and a correct one to be issued in its stead and the corrected instrument shall relate back to the date of the one so cancelled and has the same effect as if issued on the date of the cancelled instrument. R.S.O. 1970, c. 274, s. 115.

Cancellation  
of erroneous  
patents

**116.** Where patents, leases, licences or other instruments of title have been issued under this Act for any land or mining rights affected by an annulment under subsection 1 of section 11 of *The Public Lands Act*, the Deputy Minister, whether or not the land has been registered under *The Land Titles Act* or *The Registry Act*, may cause such instrument of title to be cancelled and an instrument containing a revised description of the land or mining rights to be issued in its stead, and the corrected instrument shall relate back to the date of the one so cancelled and has the same effect as if issued on the date of the cancelled instrument. R.S.O. 1970, c. 274, s. 116.

Surveys  
under  
annulments  
R.S.O. 1970,  
cc. 380, 234,  
409

#### SURVEY OF CLAIM BEFORE ISSUE OF PATENT

**117.**—(1) Before a patent, lease or licence of occupation of a mining claim in unsurveyed territory is applied for, the claim shall be surveyed by an Ontario land surveyor at the expense of the applicant, but no survey of a mining claim, except a perimeter survey consented to by the Minister under subsection 3, shall be made without the written consent of the recorder.

When  
survey  
required in  
unsurveyed  
territory

(2) The Lieutenant Governor in Council may make regulations prescribing the method and procedure to be followed in surveying mining claims.

Regulations  
for surveying

(3) Where two or more mining claims in unsurveyed territory are contiguous and are recorded in the same name, the Minister may, in special circumstances and upon application therefor, consent to a perimeter survey being made of the circumference of the contiguous claims in lieu of a survey under subsection 1.

Perimeter  
survey



Minister to issue written instructions (4) Where the Minister consents to a perimeter survey being made under subsection 3, he shall issue written instructions prescribing its conduct and filing.

Application of s. 86 (1-4) (5) Subsections 1, 2, 3 and 4 of section 86 apply *mutatis mutandis* in the case of a perimeter survey except that a perimeter survey counts as ten days work on each claim in the group.

Price or rental where area exceeds prescribed area (6) Where a perimeter survey is made under subsection 3, the price or rental shall be computed on the total area of the claims within the perimeter survey, and, where the average area of the claims within the perimeter survey exceeds by more than five acres the area prescribed for a mining claim in section 50, the price or rental for the area in excess of that so prescribed is twice the price or rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area.

Where additional work is required (7) Where additional work is required under subsection 6, the Minister may prescribe the time within which such work is to be performed and recorded, and application for patent or lease shall be made within the time so prescribed. R.S.O. 1970, c. 274, s. 117 (1-7).

Mining claims to be inspected before perimeter survey made (8) Before a perimeter survey is made, the mining claims proposed to be included in the perimeter survey shall be inspected by an inspector or other officer of the Ministry who shall prepare and submit to the Minister a report and plan showing the claim posts, legible markings, metal tags, claim lines and any other data useful in determining whether the claims have been properly staked out on the ground, and the survey shall not be directed to be made unless the Minister is satisfied that the requirements of this Act have been complied with. R.S.O. 1970, c. 274, s. 117 (8); 1972, c. 1, s. 1.

Fee (9) The fee for an inspection under subsection 8 is \$5 per claim, payable in advance, and the Minister may require the applicant to provide the inspector with suitable transportation to the location of the claims.

Cancellation of work (10) Where, after a perimeter survey has been made, one or more of the claims within the perimeter survey is cancelled for any reason or where the holder of a recorded interest ceases to be the holder of an undivided interest in the whole, the survey is void, and thereupon the recorder shall cancel the entry on the record and he shall also cancel the work recorded on account of the survey. R.S.O. 1970, c. 274, s. 117 (9, 10).

118.—(1) Where, upon an application for a patent, lease or licence of occupation of a mining claim in surveyed territory, the Minister is of opinion that a survey is necessary, he may direct that a survey thereof be made at the expense of the applicant, and the survey, unless otherwise ordered, shall comply with the same requirements as a survey of a mining claim in unsurveyed territory.   
 Minister may direct survey of claim in surveyed territory

(2) Where a survey is required under subsection 1, the Minister may specify the time within which such work is to be performed and recorded, and the application and payment for a patent, lease or licence of occupation shall be made within the time so specified. R.S.O. 1970, c. 274, s. 118.   
 Time limits

119.—(1) If it is found upon a survey required or authorized by this Act that the area of a mining claim exceeds the prescribed acreage, the Minister may reduce the area to the prescribed acreage or thereabouts in any way he sees fit.   
 Reduction of area of claim

(2) Where two or more mining claims in unsurveyed territory are contiguous and constitute a group recorded in the name of one licensee and it was the manifest intention of the applicant or applicants, as shown by the sketch or sketches accompanying his or their application or applications for the same, to include as part of such mining claims all lands and lands under water within the limits of such group, and a survey shows that certain of the lands or lands under water are not so included, such lands or lands under water shall nevertheless be deemed to be part and parcel of the claim or claims in which it was the manifest intention that they should be included, and where two or more mining claims are contiguous and are recorded in the name or names of more than one licensee, any fraction or gore shown or created by a survey is not open for staking out until the Minister so directs, and the Minister, on the report of the Surveyor General, may award such fraction or gore, or part thereof, to the recorded holder or holders of either or both of the contiguous claims, or may sell, lease, or otherwise dispose of the same as he sees fit without requiring such fraction or gore to be staked out as a mining claim. R.S.O. 1970, c. 274, s. 119.   
 Lands accidentally omitted, disposition of gores and fractions

### PART III

#### PLACER MINING

120. A licensee who makes a discovery of a natural stratum, bed or deposit of sand, earth, clay, gravel or cement carrying gold, platinum or precious stones that is probably of such size and character as to be likely to be   
 Placer mining claims



workable at a profit may stake out and record a mining claim to be called a Placer Mining Claim thereon, and the provisions of this Act as to the staking out and recording of a mining claim upon the discovery of valuable mineral in place thereon, as far as practicable, apply to the staking out of a placer mining claim as if the words "a natural stratum, bed or deposit of sand, earth, clay, gravel or cement carrying gold, platinum or precious stones that is probably of such size and character as to be likely to be workable at a profit" were used instead of "valuable mineral in place", and the other provisions of this Act as to mining claims, as far as practicable, apply to a placer mining claim, and "mining claim" wherever used in this Act shall, unless repugnant to the context, be read as including placer mining claim. R.S.O. 1970, c. 274, s. 120.

#### PART IV

##### PETROLEUM, GAS, COAL AND SALT

Boring permits to explore for oil, gas, coal or salt

**121.**—(1) A licensee may obtain from the Minister a boring permit in the prescribed form granting him the exclusive right for a period of one year to prospect for petroleum or natural gas upon an area of land open for prospecting and staking out in those parts of Ontario lying north and west of the River Mattawa, Lake Nipissing, and the French River,

(a) by staking out such area by planting or erecting a post at each corner thereof in the manner and with the numbering provided by section 56, and writing or placing upon each post,

(i) the words "Boring Permit Applied For",

(ii) his name and the letter and number of his licence,

(iii) the date of the staking out, and

(iv) a statement of the area to be included in the application;

(b) by furnishing the recorder with an application in duplicate verified by affidavit in the prescribed form not later than thirty-one days from the date of staking;

(c) by forwarding to the Minister not more than ninety days thereafter a plan or diagram showing as nearly as possible the situation of the lands, and a

written description of the lands, including, if the area is in surveyed territory, the number of the lots and concessions or sections or quarter sections or other subdivisions, together with a fee of \$100; and

(d) by proving to the satisfaction of the Minister that he has paid or secured to the owner of the surface rights, if any, the compensation agreed upon or determined as provided in section 101 for any injury or damage that is or may be caused to the surface rights, or, in default of agreement, that he has paid or secured such compensation, as determined in the manner provided by section 101.

(2) One duplicate of the application shall be forthwith posted up by the recorder in his office and the other forwarded by him to the Minister. <sup>Posting applications</sup>

(3) The area of land included in a boring permit, if, in unsurveyed territory, shall be rectangular in form and shall not exceed 640 acres in extent, the boundary lines thereof being due north and south and due east and west astronomically, and if in surveyed territory, need not be rectangular in form but may consist of any number of contiguous lots, quarter sections or subdivisions of a section containing in all not more than 640 acres. <sup>Form of area to be included in permit</sup>

(4) The holder of a boring permit shall enter upon the area described therein within two months from the granting of the permit, and during the term of the permit shall expend thereon in actual boring, sinking, driving or otherwise searching for petroleum or natural gas a sum amounting to not less than \$2 per acre. <sup>Working conditions</sup>

(5) Upon proof being furnished to the Minister that such expenditure has been made and that all other terms and conditions of the permit have been complied with, the Minister, at the expiration of the boring permit, may grant one renewal of the permit for one year upon payment of a fee of \$100, and the renewal is subject to the like conditions as to expenditure and otherwise as the original permit. <sup>Renewal of permit</sup>

(6) The holder of a boring permit may, with the consent of the Minister endorsed thereon, transfer, in the prescribed form, all his rights in the permit or the land included therein, and, upon the consent being given, the licensee to whom the permit is transferred is entitled to the unexpired term of the permit, with any right of renewal thereof. <sup>Transfer of permit</sup>

Limitation

(7) A licensee shall not in any one licence year stake out more than three areas or apply for or obtain more than three boring permits. R.S.O. 1970, c. 274, s. 121.

Lease may  
issue on  
discovery

**122.**—(1) Upon the holder of a boring permit proving to the satisfaction of the Minister that he has discovered petroleum or natural gas or any one or more of such substances in commercial quantities upon the land included therein, the Minister may direct the issue to the holder of the permit of a lease of the land or a part of it for a term of ten years at an annual rental of \$1 per acre, payable in advance and subject to the expenditure of not less than \$2 per acre per annum, in obtaining petroleum or natural gas or any one or more of such substances therefrom or in actual *bona fide* operations or works undertaken or made for the purpose of obtaining the same, and the lessee has the right of renewal of the lease at the expiration of the first term of ten years for a further term of ten years at the same rental, and at the expiration of the second term for a term of twenty years at such renewal rental as is then agreed upon or provided by statute or regulation.

Regulations  
as to leases

(2) Every such lease shall contain such other conditions, stipulations and provisos as the Lieutenant Governor in Council prescribes, and is forfeit and void if the rental payable thereunder is not paid when due or upon failure to expend the money required by subsection 1 to be laid out or upon failure to comply with any of the terms and conditions of the lease, but relief from forfeiture for failure to pay rent when due may be had by the payment of all arrears within ninety days after the rent became payable. R.S.O. 1970, c. 274, s. 122 (1, 2).

Rights  
of lessee

(3) The right conferred by such a lease upon the lessee is to enter upon the land described, and to dig, bore, sink, drive or otherwise search for and obtain, raise and remove petroleum and natural gas or any one or more of such substances, and all other valuable minerals are reserved to the Crown, and a holder of a prospector's licence may at all times go upon the land and prospect the land and stake out a mining claim thereon, but subject to compensating the lessee for any injury or damage to his interest in the land at the time and in the manner provided in section 101, and may obtain a patent therefor, but the patent shall reserve the petroleum and natural gas in, on or under the land. R.S.O. 1970, c. 274, s. 122 (3); 1972, c. 116, s. 22.

Survey  
required in  
unsurveyed  
territory

(4) No such lease shall issue for land in unsurveyed territory until a plan of survey made by an Ontario land surveyor is filed in the Ministry, and such survey shall be in conformity with this Act and to the satisfaction of the Minister. R.S.O. 1970, c. 274, s. 122 (4); 1972, c. 1, s. 1.

(5) The holder of a boring permit or of a lease for petroleum or natural gas is not entitled to the timber upon the land included in the permit or lease but, if the land is not covered by timber licence and has not been located, sold or patented under *The Public Lands Act*, may, with the permission of the Minister and upon payment of such rates as are fixed, cut and use such timber as is necessary for boring and working the land. R.S.O. 1970, c. 274, s. 122 (5).

Timber to  
be reserved

R.S.O. 1970,  
c. 380

**123.** Notwithstanding anything in sections 121 and 122, the Minister, with the approval of the Lieutenant Governor in Council, may make such regulations as he thinks fit respecting the issue of boring permits authorizing the holders thereof to prospect for petroleum or natural gas in that part of Ontario lying north of the fifty-first parallel of latitude and predominately underlain with paleozoic rock formations and for the issue of leases upon such terms as the Minister sees fit. R.S.O. 1970, c. 274, s. 123.

Regulations  
for boring  
permits

**124.** The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore for and leases to produce natural gas and petroleum from Crown lands lying south and east of the River Mattawa, Lake Nipissing, and the French River, including,

Regulations

- (a) fees, rents and royalties payable in respect thereof; and
- (b) the bonding of licensees and the conditions of forfeiture of bonds. R.S.O. 1970, c. 274, s. 124.

## PART V

### EXPLORATORY LICENCES AND DREDGING LEASES

**125.** The Lieutenant Governor in Council may make regulations respecting the issue of licences to explore and leases to dredge or work in any river, stream or lake or lands not covered by water for the purpose of recovering therefrom alluvial gold, platinum, precious stones or any other valuable mineral not in place. R.S.O. 1970, c. 274, s. 125.

Regulations

## PART VI

### EXPLORATORY LICENCES AND PRODUCTION LEASES IN PALEOZOIC ROCK FORMATIONS

**126.** The Minister, with the approval of the Lieutenant Governor in Council, may make regulations respecting licences to explore for and leases to mine minerals in

Regulations  
for map  
staking

designated areas in that part of Ontario lying north of the fifty-first parallel of latitude and predominately underlain with paleozoic rock formations. R.S.O. 1970, c. 274, s. 126.

## PART VII.

### QUARRY PERMITS

Quarry permit

**127.**—(1) No person shall take or remove or cause to be taken or removed any stone or rock quarried for any industrial or commercial purpose, limestone, marble, granite, quartz, feldspar, fluorspar, gypsum, diatomaceous earth, clay, marl, peat, sand or gravel that is the property of the Crown unless he is the holder of a quarry permit. R.S.O. 1970, c. 274, s. 127 (1).

Application

(2) Application for a quarry permit may be made in the prescribed form to the Minister, Deputy Minister or a recorder. 1971, c. 102, s. 5 (1).

Issue

(3) The Minister, the Deputy Minister or a recorder may issue quarry permits upon application therefor and upon payment of the prescribed fees. R.S.O. 1970, c. 274, s. 127 (3).

Issue free of charge

(4) Notwithstanding subsection 3, a quarry permit may be issued free of charge to any municipality, or to any resident of Ontario if the material to be taken or removed is for his own use and not for sale or for use for any commercial or industrial purpose, but, where more than 500 cubic yards of material is to be taken or removed, the permit shall not be issued free of charge without the approval of the Minister. R.S.O. 1970, c. 274, s. 127 (4); 1971, c. 102, s. 5 (2).

Term

(5) A quarry permit shall expire on the first anniversary date of its issue, unless otherwise stated in the permit. 1971, c. 102, s. 5 (3).

Transfer

(6) No quarry permit shall be transferred without the written consent of the Minister or the Deputy Minister. R.S.O. 1970, c. 274, s. 127 (6).

(7) REPEALED: 1971, c. 50, s. 58 (6).

Plan

(8) The Minister may require an applicant for a quarry permit to file a plan of the area in which he desires to operate, indicating the extent and nature of the deposit and the location of any buildings or improvements adjacent to the deposit. R.S.O. 1970, c. 274, s. 127 (8).

**127a.**—(1) The Minister may refuse to renew or may suspend or revoke a quarry permit on the grounds that, <sup>Suspension, etc., of permit</sup>

- (a) the permittee has contravened any provision of this Part;
- (b) no operations have been carried on under the permit for a continuous period of more than six months;
- (c) the permittee is not employing equipment that in the opinion of the Minister is proper and suitable for the operations pursuant to the permit; or
- (d) the Minister considers the continuation of operations under the permit to be contrary to the public interest.

but, subject to subsection 8, before so doing he shall give the permittee notice of his intention to refuse to renew or to suspend or revoke the permit, together with written reasons therefor.

(2) A notice under subsection 1 shall inform the permittee that he is entitled to a hearing by the Commissioner if he mails or delivers a notice in writing requiring such hearing to the Minister within fifteen days after the notice under subsection 1 is served on him, and the Minister, on receipt of a notice requiring a hearing, shall refer the matter to the Commissioner for a hearing. <sup>Notice requiring hearing</sup>

(3) Where a permittee does not require a hearing by the Commissioner in accordance with subsection 2, the Minister may carry out the intention stated in his notice under subsection 1. <sup>Powers of Minister where no hearing</sup>

(4) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates should be renewed or should be suspended or revoked, as the case may be, and the permittee and such other persons as the Commissioner may specify are parties to the hearing. <sup>Hearing</sup>

(5) Sections 6 to 16 and sections 21. to 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section. <sup>Application of 1971, c. 47</sup>

(6) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister setting out his findings of fact and any information or knowledge <sup>Report to Minister</sup>

used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the permittee to whom it relates.

Decision of Minister

(7) After considering the report of the Commissioner under this section, the Minister may thereupon renew or refuse to renew, or suspend or revoke or refrain from suspending or revoking the permit to which the report relates and shall give notice of his decision to the permittee specifying the reasons therefor.

Provisional suspension, etc., of permit

(8) Notwithstanding anything in this section, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of or suspend the permittee's permit, where in the Minister's opinion the continuation of operations under the permit is in contravention of this Act, will cause damage to property, or is an immediate threat to the public interest, and the Minister so states in the notice, giving his reasons therefor, and thereafter the Minister shall refer the matter to the Commissioner and subsections 3 to 6 apply and the provisional refusal or suspension terminates when the Minister's decision under subsection 6 becomes effective unless sooner terminated by the Minister. 1971, c. 50, s. 58 (7).

Amount to be paid for material removed

128.—(1) The holder of a quarry permit, other than the holder of a quarry permit issued free of charge, shall pay the Crown for the material taken or removed such amount as the Minister may determine.

How determined

(2) In determining the amount to be paid under subsection 1, the Minister shall have regard to the location, type and accessibility of the deposit and the amount of the material taken or removed.

Security

(3) The Minister may require the holder of a quarry permit to give security by bond or otherwise for the payment of such amounts. R.S.O. 1970, c. 274, s. 128.

Records

129. The holder of a quarry permit shall keep a detailed record of his operations and shall retain copies of all documents relating to sales and shipments, and all accounts, records and documents relating to his operations shall be kept available for inspection by any person authorized by the Minister to inspect such accounts, records and documents. R.S.O. 1970, c. 274, s. 129.

130. Any person authorized by the Minister, Deputy Minister or a recorder may enter any premises covered by a quarry permit and shall have access to all accounts, records and documents kept in relation to the operation of the quarry. R.S.O. 1970, c. 274, s. 130; 1971, c. 102, s. 6.

131. The holder of a quarry permit shall make a return on the prescribed form on or before the tenth day of each month showing the quantity and destination of the material taken or removed during the next preceding month. R.S.O. 1970, c. 274, s. 131.

132. A quarry permit does not affect the right of a licensee to stake out a mining claim on the lands covered by the permit and any question of property damage shall be determined in the manner provided in section 101. R.S.O. 1970, c. 274, s. 132.

133. Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not more than \$1,000. 1971, c. 102, s. 7.

## PART VIII

### MINING AND LANDS COMMISSIONER

134. REPEALED: 1973, c. 106, s. 2.

135. Except as provided by section 641, no action lies and no other proceeding shall be taken in any court as to any matter or thing concerning any right, privilege or interest conferred by or under the authority of this Act, but, except as in this Act otherwise provided, every claim, question and dispute in respect of such matter or thing shall be determined by the Commissioner, and in the exercise of the power conferred by this section the Commissioner may make such order or give such directions as he considers necessary to make effectual and enforce compliance with his decision. R.S.O. 1970, c. 274, s. 135.

136. REPEALED: 1973, c. 106, s. 3.

137. REPEALED: 1971, c. 50, s. 58 (9).

138.—(1) The Commissioner has no power or authority to declare forfeited or void or to cancel or annul any Crown patent issued for lands, mining lands, mining claims or mining rights, but every action and every proceeding to declare forfeited or void or to cancel or annul any such Crown patent may be brought or taken in the Supreme Court.

Where cancellations permitted

(2) Subsection 1 does not apply to cancellations or forfeitures provided for in this Act or in the patent. R.S.O. 1970, c. 274, s. 138.

Transfer of proceeding to Supreme Court

**139.** A party to a proceeding under this Act brought before the Commissioner and involving any right, privilege or interest or in connection with any patented lands, mining lands, mining claims or mining rights, may, at any stage of the proceeding, apply to the Supreme Court for an order transferring the proceeding to the Supreme Court. R.S.O. 1970, c. 274, s. 139.

Reference from court to Commissioner

**140.** Where in the opinion of the court in which an action is brought the proceeding may be more conveniently dealt with or disposed of by the Commissioner, the court may, upon the application of a party or otherwise and at any stage of the proceeding, refer the action or any question therein to the Commissioner as an official referee on such terms as to the court seems just and the Commissioner shall thereafter give directions for the continuance of the proceeding before him, and, subject to the order of reference, all costs are in his discretion. R.S.O. 1970, c. 274, s. 140.

Transfer from court to Commissioner

**141.** Where a proceeding that should have been taken before the Commissioner is brought in a court, the court may, upon the application of a party or otherwise and at any stage of the proceeding, transfer it to the Commissioner. R.S.O. 1970, c. 274, s. 141.

**142.** REPEALED: 1973, c. 106, s. 4.

Recorder may determine disputes

**143.** (1) Subject to the right of appeal provided in section 144a, a recorder has power to hear and determine disputes between licensees as to unpatented mining claims situate in his mining division. R.S.O. 1970, c. 274, s. 143 (1); 1971, c. 50, s. 58 (11).

When recorder to decide matter in first instance

(2) Any question arising before the issue of a certificate of record of a mining claim as to whether the provisions of this Act regarding a mining claim have been complied with, unless the Commissioner otherwise orders or unless the recorder with the consent of the Commissioner transfers the question to the Commissioner for his decision, shall in the first instance be decided by the recorder.

Note and notice of recorder's decision

(3) The recorder shall enter forthwith in the book of his office a full note of every decision made by him, and shall notify the persons affected thereby of the decision by registered letter mailed not later than the next day after the entry of the note.

(4) Every person affected by the decision is entitled upon payment of the prescribed fee to receive from the recorder a certificate thereof which shall contain the date of the entry of the decision in the books of the recorder. R.S.O. 1970, c. 274, s. 143 (2-4).

Certificate of decision

(5) The decision of the recorder is final and binding unless appealed from as provided in section 144a. R.S.O. 1970, c. 274, s. 143 (5); 1971, c. 50, s. 58 (12).

Finality of decision

(6) Where he is satisfied that there is substantial compliance with the provisions of this Act, the recorder may make an order directing a holder,

Recorder may order the removal of witness posts, etc.

- (a) to move, remove or alter corner posts and witness posts and the writing or inscribing thereon;
- (b) to move or alter claim lines;
- (c) to replace metal tags that have been removed or destroyed after having been affixed to the corner posts; or
- (d) to replace missing corner posts and witness posts and to affix tags to such posts,

and the recorder shall set out in the order the time within which the work shall be completed and reported to him.

(7) Where the work prescribed in an order under subsection 6 has not been completed within the time set out in the order, the recorder may cancel the claim or claims on which the work was to have been done and shall, by registered letter, mailed not later than the next day after the cancellation, notify the holder of his action and the reason therefor.

Recorder may cancel claim

(8) This section applies to the manner in which the metal tags have been affixed to the corner posts, notwithstanding that the period prescribed in subsection 5 of section 63 has not fully expired. R.S.O. 1970, c. 274, s. 143 (6-8).

Application

**144.** (1) The recorder may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the cheapest and simplest methods of determining the questions arising before him that afford to all interested parties an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf.

Directions as to conduct of proceedings

Reasons for decision

(2) The recorder shall give reasons for any decision made by him in proceedings before him.

Enforcement of decision

(3) A copy of the final decision of a recorder may be filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto.

1971, c. 47

Application of 1971, c. 47

(4) Except as provided in subsection 3, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the recorder. 1971, c. 50, s. 58 (13), *part.*

Appeal to Commissioner

**144a.**—(1) A person affected by a decision of or by any act or thing, whether ministerial, administrative or judicial, done, or refused or neglected to be done by a recorder may appeal to the Commissioner.

Appeal by Director

(2) An appeal under subsection 1 may be taken by the Director or the Supervisor on his behalf where, in the opinion of the Minister, the public interest is affected, and, no fee prescribed in the Schedule in respect of the appeal is payable by the Director or Supervisor.

How appeal instituted

(3) An appeal to the Commissioner shall be by notice in writing in the prescribed form, filed in the office of the recorder from whom the appeal is being taken and served upon all parties interested within fifteen days from the entry of the decision on the books of the recorder or the doing by the recorder of the act or thing appealed from, or within such further period of not more than fifteen days as the Commissioner may allow, but if the notice of appeal has been filed with the recorder within such time and the Commissioner is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within such time, the Commissioner may extend the time for appealing and make such order for substitutional or other service as he considers just, or if a person affected has not been notified as provided in sections 99 and 143, and appears to have suffered substantial injustice and has not been guilty of undue delay, the Commissioner may allow such person to appeal.

Service of notice of appeal

(4) The notice of appeal shall contain or have endorsed upon it an address in Ontario at which the appellant may be served with any notice or document relating to the appeal, and any such notice or document is sufficiently served upon the appellant if it is left with a grown-up person at such address or, where no such person can there be found, if sent by registered mail addressed to the appellant at such address.

(5) If no address for service is given as provided in subsection 4, any such notice or document may be served upon the appellant by posting it up in the recorder's office. 1971, c. 50, s. 58 (13), *part.*

Where no address for service

**145.** The Commissioner shall determine,

Hearing

(a) an appeal from a recorder, after a hearing by way of a hearing *de novo*; and

(b) a dispute referred to in section 65 or a claim, question, dispute or other matter within his jurisdiction after a hearing,

pursuant to an appointment fixing the time and place for the hearing. 1971, c. 50, s. 58 (13), *part.*

**146.**—(1) Application to the Commissioner for an appointment for a hearing may be made by any party to the proceeding and may be verbal or written or may be *ex parte* or upon such notice to such persons as the Commissioner may direct.

Application for appointment for hearing

(2) The Commissioner may fix such time for a hearing as will permit the matter to be disposed of as promptly as possible, allowing adequate time to the parties to prepare their cases but, unless all parties consent thereto, the hearing shall be held not less than ten days after service of the appointment for the hearing on the parties.

Time for hearing

(3) The Commissioner shall select as the place for a hearing such place as he considers most convenient for the parties in the county or district or one of the counties or districts in which the lands or mining rights affected are situate unless it appears to him desirable that the hearing should be in some other county or district.

Place for hearing

(4) In any matter or proceeding other than an appeal, the Commissioner may, if a certificate of record has been issued, require the applicant for an appointment to satisfy him that there is reasonable ground for the application or, in any such case or in any case where leave to take the proceeding is necessary, may give the appointment or leave only upon such terms as to security for costs or otherwise as he considers just. 1971, c. 50, s. 58 (13), *part.*

Leave for hearing

**147.**—(1) The Commissioner shall cause a copy of an appointment for a hearing before him to be served upon all parties, which shall, except in the case of an appeal

Service of appointment for hearing

or a dispute under section 65, state briefly the particulars of the right or question in issue or of the dispute.

Hearing  
may proceed  
in absence  
of party

(2) The appointment shall state that if a person has been served and does not attend the hearing, the Commissioner may proceed in his absence and he is not entitled to notice of any further proceedings.

Service  
deemed  
compliance  
with  
1971, c. 47

(3) Service by registered mail of the appointment and of the notice, if any, required under subsection 1 shall be a sufficient compliance with section 6 of *The Statutory Powers Procedure Act, 1971*. 1971, c. 50, s. 58 (13), *part*.

Directions  
of Commis-  
sioner re  
proceedings

**148.**—(1) Sections 146 and 147 apply notwithstanding *The Statutory Powers Procedure Act, 1971* and, subject to that Act, the Commissioner may,

- (a) give directions for having any matter or proceeding heard and decided without unnecessary formality;
- (b) order the filing or serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments;
- (c) give such other directions respecting the procedure and hearing as he considers proper;
- (d) make any appointment, notice or other proceeding returnable forthwith or at such time as he considers proper; and
- (e) order or allow such substituted or other service as he considers proper.

Taking of  
evidence

(2) The Commissioner may take or order the evidence of any witness to be taken at any place in or out of Ontario. 1971, c. 50, s. 58 (13), *part*.

Decision  
of Commis-  
sioner

**149.** Notwithstanding *The Statutory Powers Procedure Act, 1971*, the Commissioner may hear and dispose of any application not involving the final determination of the matter or proceeding, either *ex parte* or on notice, at any place he considers convenient, and his decision upon any such application is final and is not subject to appeal but, where the Commissioner makes his decision *ex parte*, he may subsequently reconsider and amend such decision. 1971, c. 50, s. 58 (13), *part*.

**150.** The Commissioner may obtain the assistance of <sup>Expert assistance</sup> engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in giving his decision he may give such weight to their opinion or report as he considers proper. R.S.O. 1970, c. 274, s. 150.

**151.**—(1) The Commissioner, in addition to hearing the evidence adduced by the parties, may require, and receive <sup>Commissioner may call for evidence and view property</sup> such other evidence as he considers proper, and may view and examine the property in question and give his decision upon such evidence or view and examination, or may appoint a person to make an inspection of the property, and may receive as evidence and act upon the report of the person so appointed.

(2) Where the Commissioner proceeds partly on a view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to enable a judgment to be formed of the weight that should be given thereto. <sup>Statement of view or special knowledge</sup>

(3) Where the parties consent in writing, the Commis- <sup>View only</sup> sioner may proceed wholly upon a view, and in such case his decision is final and is not subject to appeal. R.S.O. 1970, c. 274, s. 151.

**151a.** Where the Commissioner receives any opinion, report or evidence under section 150 or 151 in any proceeding before him, the opinion, report or evidence shall be disclosed to the parties to the proceeding who, if they so request, shall be afforded an opportunity of cross-examining the person expressing the opinion, making the report or giving the evidence. 1971, c. 50, s. 58 (14). <sup>Disclosure of evidence to parties</sup>

**152.** The Commissioner shall give his decision upon the real merits and substantial justice of the case. <sup>Decision on the merits</sup> R.S.O. 1970, c. 274, s. 152.

**153.** Where the Commissioner considers the matter or proceeding vexatious or, where it is brought by a person residing out of Ontario, he may order that such security for costs as he considers proper be given and that, in default of such security being given within the time limited or in default of speedy prosecution the matter or proceeding be dismissed. R.S.O. 1970, c. 274, s. 153. <sup>Security for costs</sup>

**154.** Where the hearing is to be held at a place where a court house is situate, the Commissioner has the right to use the court room, and where the hearing is to take <sup>Use of court rooms, etc.</sup>



place in a municipality in which there is a hall belonging to the municipality, but no court room, he has the right to use the hall. R.S.O. 1970, c. 274, s. 154.

Sheriffs, etc.,  
to assist

**155.** Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Commissioner in the exercise of the powers conferred on him by this Act whenever required so to do and shall upon the certificate of the Commissioner be paid the same fees as for similar services in carrying out the orders of a judge of the Supreme Court. R.S.O. 1970, c. 274, s. 155.

Recording of  
evidence

**156.** The evidence taken before the Commissioner shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. 1971, c. 50, s. 58 (15).

Costs

**157.** The Commissioner may in his discretion award costs to any party, and may direct that such costs be taxed by the clerk of the county or district court or by a local taxing officer or by one of the taxing officers at Toronto, or may order that a lump sum be paid in lieu of taxed costs. R.S.O. 1970, c. 274, s. 157.

Scale of  
costs

**158.**—(1) The costs and disbursements payable upon proceedings before the Commissioner as to any matter in which the amount or value of the property in question does not in the opinion of the Commissioner exceed \$400 shall be according to the tariff of the county court and as to any matter in which the amount or value of the property in question in his opinion exceeds \$400 shall be according to the tariff of the Supreme Court.

Idem

(2) The Commissioner shall in his order or award direct the tariff upon which the costs and disbursements shall be taxed.

Counsel  
fees

(3) The Commissioner has the same powers as a judge of a county court or a taxing officer of the Supreme Court with respect to counsel fees. R.S.O. 1970, c. 274, s. 158.

Witness  
fees

**159.** The fee and conduct money to be paid to a witness before the Commissioner or recorder shall be according to the county court scale. R.S.O. 1970, c. 274, s. 159.

Form of  
decision

**160.**—(1) Except where inapplicable, the decision of the Commissioner shall be in the form of an order or judgment, but need not show upon its face that any proceeding or notice was had or given or that any circumstance existed necessary to give jurisdiction to make the order or judgment. R.S.O. 1970, c. 274, s. 160 (1).

(2) The order or judgment of the Commissioner, with the evidence, exhibits, the statement, if any, of, view or of special knowledge or skill, and the reasons for his decision shall be filed in the office of the recorder of the division in which the property in question or part of it is situate or, where section 22 applies, with the Deputy Minister, and the recorder or Deputy Minister shall forthwith give notice in writing of the filing by registered mail or otherwise to the solicitors of the parties appearing by solicitor and to parties not represented by a solicitor. 1971, c. 50, s. 58 (16).

(3) Where the order or judgment is not filed with the recorder of the division in which the property affected is, situate, the Commissioner shall transmit a duplicate thereof to such recorder. R.S.O. 1970, c. 274, s. 160 (3).

**161.**—(1) The Commissioner shall make in the books of his office a full note of every decision given by him.

(2) Where a decision of the Commissioner finally disposes of the matter in question so far as he is concerned, he shall give notice of the purport of his decision to the parties by registered mail addressed to them at their addresses as entered in his books. R.S.O. 1970, c. 274, s. 161.

**162.** Any party to a proceeding is entitled on payment of the prescribed fee to a certified copy of any order or judgment, and the copy shall show the date of the entry of the order or judgment in the books of the Commissioner. R.S.O. 1970, c. 274, s. 162.

**162a.** Where a certified copy of a final decision of a recorder has been filed in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, the Commissioner or the court or a judge thereof may stay proceedings therein if an appeal from the decision is brought until final disposition of the appeal. 1971, c. 50, s. 58 (17).

**163.** Where not otherwise provided, an appeal lies to the Court of Appeal from any decision of the Commissioner, including an order dismissing a matter or proceeding under section 153. R.S.O. 1970, c. 274, s. 163.

**164.**—(1) Except in the case of a reference under section 140 or *The Arbitrations Act*, the order or judgment of the Commissioner is final and conclusive unless, where



an appeal lies, it is appealed from within fifteen days after the filing thereof in accordance with section 160, or within such further period of not more than fifteen days as the Commissioner or a judge of the Supreme Court may allow.

Notice of appeal

(2) The appeal shall be begun by filing a notice of appeal with the recorder with whom the order or judgment appealed from is filed under section 160 or, where section 22 applies, with the Deputy Minister, paying to him the prescribed fee and filing the notice of appeal with the Registrar of the Supreme Court and, unless the notice of appeal is filed with the Registrar of the Supreme Court and a certificate of such filing is lodged with the recorder or Deputy Minister within five days after the expiration of such fifteen days, or any further time allowed under subsection 1, the appeal shall be deemed to be abandoned.

Transmission of documents

(3) The recorder or, where section 22 applies, the Deputy Minister shall, forthwith after the filing of the notice of appeal and payment of the prescribed fee, transmit by registered mail or by express to the office of the Registrar of the Supreme Court, Toronto, the order or judgment appealed from and all the exhibits, papers and documents filed therewith.

Extension order

(4) Where the time for appealing is extended under subsection 1, the appellant shall forthwith transmit the order for the extension or a duplicate thereof by registered mail to the recorder, or where section 22 applies, to the Deputy Minister.

Practice

(5) The practice and procedure on an appeal including the form of notice of appeal, service of the notice of appeal on the parties, and the disposition of costs on an appeal, shall be governed by the rules of court. 1971, c. 50, s. 58 (18).

Judicial review 1971, c. 48

165.—(1) No proceedings by way of an application for judicial review under *The Judicial Review Procedure Act, 1971*, or, except in proceedings provided for under this Act, by way of other proceedings whatsoever, may be brought to call into question,

(a) any decision made or purporting to have been made by a recorder under this Act, more than thirty days after entry of the decision by the recorder in the books of his office;

- (b) any order or judgment given or made or purporting to have been given or made by the Commissioner under this Act, more than thirty days after filing of the order or judgment of the Commissioner in accordance with section 160; or
- (c) the validity of any act or thing done or purporting to have been done under this Act by the recorder or by any other officer appointed under this Act, more than thirty days after the time when such act or thing was done.

(2) Notwithstanding anything in *The Judicial Review Procedure Act, 1971*, no court may extend any limitation of time fixed in subsection 1. 1971, c. 50, s. 58 (19). No extension of time 1971, c. 48

166. Where the validity of a proceeding before the Commissioner or a recorder is called into question in any court on the ground of any defect of form or substance or failure to comply with this Act or the regulations, notwithstanding that such defect or failure is established, the court shall not, if no substantial wrong or injustice has been thereby done or occasioned, invalidate the proceeding by reason thereof, but shall confirm the proceeding, and, upon such confirmation, the proceeding shall be and be deemed to have been valid and effective from the time when it would otherwise have been effective but for such defect or failure. 1971, c. 50, s. 58 (20). Defects in form

167. Where power is conferred by this Act to extend the time for doing an act or taking a proceeding, unless otherwise expressly provided, the power may be exercised as well after as before the expiration of the time allowed, or prescribed for doing the act or taking the proceeding. R.S.O. 1970, c. 274, s. 167. Power to extend time

168. Where the time limited for any proceeding or for the doing of anything in an office of a mining recorder or an office of the Commissioner or an office of the Minister or Deputy Minister expires or falls upon a Saturday, the time so limited extends to and the thing may be done on the day next following that is not a holiday. R.S.O. 1970, c. 274, s. 168. Time expiring on a Saturday

## PART IX

### OPERATION OF MINES

169-175. REPEALED: 1978, c. 83, s. 42, par. 5, part.

REHABILITATION OF TAILINGS DISPOSAL AND PLANT  
AREAS

Stabilization  
of tailings  
areas

**176.**—(1) The mine manager shall plant and maintain vegetation, or otherwise stabilize the tailings areas which will not be required for future impoundment of tailings to the satisfaction of the district engineer of mines.

Idem

(2) At least one year prior to cessation of operation, the mine manager shall submit to the district engineer of mines, two copies of a plan showing,

(a) the extent of the tailings area on which planting of vegetation or stabilization must still be completed; and

(b) the rehabilitation that is to be done in the mine or plant area, together with descriptive information.

Idem

(3) The rehabilitation work mentioned in subsection 2 shall be completed to the satisfaction of the chief engineer of mines. R.S.O. 1970, c. 274, s. 176 (1-3).

Bond

(4) A bond or security deposit, in an amount considered necessary by the chief engineer of mines to complete the rehabilitation mentioned in subsection 2, shall be deposited, with the Ministry of Labour. R.S.O. 1970, c. 274, s. 176 (4); 1976, c. 79, s. 12 (1).

Protection  
of unused  
workings

(5) Where a mine has been abandoned or where the work in it has been discontinued, the owner or lessee or any other person interested in the mineral of the mine shall cause the top of any shaft or raise opening to the surface to be solidly bulkheaded with reinforced concrete at bedrock or on top of the concrete collar of such opening, except that where in the opinion of the district mining engineer this is impracticable, the requirements of subsection 2 apply.

All other  
openings  
and pits

(6) All other openings and pits, dangerous by reason of their depth or other conditions, shall be and shall be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the district mining engineer, but where in his opinion the mine or workings present no greater hazard than the natural topographic features of the area, this provision need not be complied with.

Failure to  
erect fence  
after notice

(7) Every such person who, after notice in writing from the district mining engineer, fails to comply with his direc-

tions as to such fencing or protection within the time specified in the notice is guilty of an offence against this Act. R.S.O. 1970, c. 274, s. 176 (5-7).

(8) Where the district mining engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs with interest thereon is a lien upon the mine or mining work of which notice in such form as the Minister of Labour may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid. R.S.O. 1970, c. 274, s. 176 (8); 1976, c. 79, s. 12 (1).

(9) The amount of such costs with interest thereon is due from the owner or lessee to the Crown and is recoverable at the suit of the district mining engineer in any court of competent jurisdiction. R.S.O. 1970, c. 274, s. 176 (9).

(10) Notwithstanding subsections 8 and 9, the Minister of Labour, either without payment or on such terms and conditions as he considers proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien registered under subsection 8 is void and of no effect. R.S.O. 1970, c. 274, s. 176 (10); 1976, c. 79, s. 12 (1).

**177-610. REPEALED:** 1978, c. 83, s. 42, par. 5, *part.*

BRINE WELLS

**611.**—(1) In this section,

Interpre-  
tation

(a) "brine well" means a hole or opening in the ground for use in brining;

(b) "brining" means the extraction of salt in solution by any method.

(2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the chief engineer upon application therefor in the prescribed form.

Permit to  
bore or drill  
a brine well

(3) A permit shall not be issued,

Permits  
not issued

(a) to authorize a person to drill or bore a brine well on property in which he does not own, hold or lease, or is not otherwise entitled to, the mining rights; or

(b) where the proposed brine well is nearer the boundary of such property than 500 feet.

Location of brine well

(4) The chief engineer may reduce or extend the distance referred to in clause (b) of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed.

Condition of permit

(5) A permit is subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit.

Time for issuance of permit

(6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the chief engineer under subsection 4, the permit shall be issued upon the receipt by the chief engineer of the applicant's consent thereto.

Log of drilling operations

(7) Where a person drills or bores a brine well, he shall forward a log of the drilling or boring in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the drilling or boring operations, and, upon his request in writing, the log shall be confidential for a period of six months.

Protection of water horizons

(8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations.

Protection of deposits

(9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water.

Standard of casing and equipment

(10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected.

Plugging of abandoned wells

(11) Where practicable, all brine wells shall be plugged by the person operating them, before being abandoned, in a manner that will

(a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and

(b) retain water and brine in their original formations.

(12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the chief engineer in the prescribed form. <sup>Report of proposed plugging</sup>

(13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the plugging operations. <sup>Record of plugging operations</sup> R.S.O. 1970, c. 274, s. 611.

**612-615. REPEALED:** 1978, c. 83, s. 42, par. 5, *part.*

#### STATISTICAL RETURNS

**616.**—(1) For the purpose of their tabulation, under the instruction of the Minister, the owner, agent or manager of every mine, plant, pit, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Ministry on the forms supplied a correct return for the year that ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed and of the undressed mineral that has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister by regulation prescribes. <sup>Statistical returns</sup> R.S.O. 1970, c. 274, s. 616 (1); 1972, c. 1, s. 1.

(2) The owner, agent or manager of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year. <sup>Monthly or quarterly returns</sup>

(3) Every owner, agent or manager of a mine, plant, pit, quarry or other works who fails to comply with this section, or makes a return that is to his knowledge false in any particular, is guilty of an offence against this Act. <sup>Offence</sup> R.S.O. 1970, c. 274, s. 616 (2, 3).

**617-620. REPEALED:** 1978, c. 83, s. 42, par. 5, *part.*

PART X

REFINERY PROVISIONS

Interpre-  
tation

**621.** In this Part, "refinery" means apparatus or equipment that may be used for the refining, retorting, smelting, assaying or treating by any other method of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1970, c. 274, s. 621.

Refinery  
licence

**622.** No person shall own, operate, use or have a refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery licence has been granted in respect of such refinery, except that no refinery licence shall be required in respect of a refinery for which a certificate of exemption has been issued. R.S.O. 1970, c. 274, s. 622.

Powers of  
Minister as  
to refinery  
licences

**623.—(1)** The Minister may,

- (a) issue and renew refinery licences and certificates of exemption;
- (b) refuse to issue or renew a refinery licence or certificate of exemption, or suspend, cancel or revoke a refinery licence or certificate of exemption for any reason that he considers sufficient in the public interest;
- (c) prescribe the forms of refinery licences, certificates of exemption, applications therefor and renewals thereof; and
- (d) prescribe the fee payable upon the issue and renewal of refinery licences and certificates of exemption.

Term of  
licence and  
certificate of  
exemption

(2) Every refinery licence and certificate of exemption expires on the 31st day of March next following the issue thereof and every renewal of a refinery licence or certificate of exemption expires on the 31st day of March next following the expiration of the refinery licence or certificate of exemption or the last renewal thereof. R.S.O. 1970, c. 274, s. 623.

Reference  
for hearing  
and report

**623a.—(1)** Before refusing to renew, or suspending, cancelling or revoking a refinery licence or certificate of exemption under section 623, the Minister shall refer the matter to a person appointed by him for a hearing and report.

(2) Where a matter is referred by the Minister under subsection 1, the person appointed shall hold a hearing as to whether the refinery licence or certificate of exemption to which the hearing relates should be renewed or should be suspended, cancelled or revoked, as the case may be, and the licensee or certificate holder and such other persons as the person holding the hearing may specify are parties to the hearing.

(3) Sections 6 to 16 and sections 21, 22 and 23 of *The Statutory Powers Procedure Act, 1971* apply in respect of a hearing under this section. <sup>Application of 1971, c. 47</sup>

(4) The person holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to these recommendations, and his recommendations as to the renewal, suspension, cancellation or revocation of the refinery licence or certificate of exemption, as the case may be, and shall send a copy of his report to the licensee or certificate holder to whom it relates. <sup>Report</sup>

(5) After considering a report made under this section, the Minister shall thereupon decide whether or not to refuse to renew or to suspend, cancel or revoke the refinery licence or certificate of exemption to which the report relates, and shall give notice of his decision to the licensee or certificate holder specifying the reasons therefor. <sup>Decision of Minister</sup> 1971, c. 50, s. 58 (21).

**624.—(1)** A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that the refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes. <sup>Certificate of exemption</sup>

(2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit the refinery to be operated or used nor shall he or any other person operate or use the refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. R.S.O. 1970, c. 274, s. 624. <sup>Use of refinery</sup>

Offence

**625.** Every person who contravenes any of the provisions of this Part is guilty of an offence and is liable to a fine of not less than \$10 and not more than \$500 or to imprisonment for a term of not more than one year, or to both fine and imprisonment. R.S.O. 1970, c. 274, s. 625.

Application of Part

**626.** This Part applies notwithstanding that the owner or operator of a refinery is the holder of a licence issued under any Act. R.S.O. 1970, c. 274, s. 626.

Inquiry of complaints

**627.** The Minister may appoint any person to conduct an inquiry into any charge or complaint that a person has contravened any of the provisions of this Part or into any matter or thing connected with or arising out of the operation of this Part, and such person, for the purposes of the inquiry, has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 50, s. 58.(22)

1971, c. 49

## PART XI

### OFFENCES, PENALTIES AND PROSECUTIONS

Offences

**628.—(1)** Every person who,

(a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with this Act;

(b) performs or causes to be performed on any Crown lands, or on any lands where the mining rights are in the Crown, any boring by diamond or other core drill for the purpose of locating valuable mineral in place, except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act;

(c) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act;

(d) wilfully pulls down, injures or defaces any rules or notices posted up by the owner, agent or manager of a mine or plant;

(e) wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty;

(f) being the owner or agent of a mine, refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to a mine under this Act, other than Part IX;

(g) unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim, or an area for a boring permit;

(h) wilfully acts in contravention of this Act, other than Part IX or Part X, in any particular not hereinbefore set forth;

(i) wilfully contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided;

(j) wilfully makes any material change in the wording or numbering of a prospector's licence after its issue; or

(k) attempts to do any of the acts mentioned in the foregoing clauses;

is guilty of an offence against this Act and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. R.S.O. 1970, c. 274, s. 628 (1); 1972, c. 116, s. 23.

(2) Every person who knowingly makes a false statement <sup>False statements</sup> in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 274, s. 628 (2).

**629.—(1)** No person shall construct or cause to be <sup>Smelters</sup> constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant Governor in Council.

(2) Every person who constructs or causes to be <sup>Offence</sup> constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals without the approval

"of the Lieutenant Governor in Council and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and is liable to a fine of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air. R.S.O. 1970, c. 274, s. 629.

Disobeying order or award of Commissioner

**630.** Every person who wilfully neglects or refuses to obey any order or award of the Commissioner, except for the payment of money, is, in addition to any other liability, liable to a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid. R.S.O. 1970, c. 274, s. 630.

Use of word "Bureau" prohibited

**631.**—(1) No person who,

(a) carries on the business of, mining, or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or

(b) acts as broker or agent in or for the disposal of mines, mining claims, mining lands, or mining rights, or of any such shares, stocks or bonds; or

(c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights;

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

Offence

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. R.S.O. 1970, c. 274, s. 631.

Interpretation

**632.**—(1) In this section, the noun "mine" includes "plant" as defined in Part IX.

Penalty for offence against Part IX

(2) An owner, agent or other person who contravenes any provision of Part IX is guilty of an offence and is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 274, s. 632 (1, 2).

Additional penalty for continuing offence

(3) Where the Deputy Minister of Labour or an engineer has given written notice to an owner or agent or a person

engaged or employed in or about a mine that an offence has been committed against Part IX, such owner or agent or other person is liable to a further fine of not more than \$100 for every day upon which the offence continues after such notice. R.S.O. 1970, c. 274, s. 632 (3); 1976, c. 79, s. 12 (2).

(4) An owner, agent or other person is, upon conviction, liable to imprisonment for a term of not more than three months unless the fine and costs are sooner paid.

(5) Where the offence is one that might have endangered the safety of those employed in or about the mine or caused serious personal injury or a dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX is, in addition to or in substitution for any fine that may be imposed, liable to imprisonment for a term of not more than three months. R.S.O. 1970, c. 274, s. 632 (4, 5).

**633.**—(1) No prosecution shall be instituted for an offence against Part IX or Part X or any regulation made in pursuance thereof except,

(a) by an engineer;

(b) by direction of the county or district Crown attorney; or

(c) by the leave in writing of the Attorney General;

or for an offence against any other provision of this Act or of any regulation made in pursuance thereof except,

(d) by or by leave of the Commissioner or a recorder;

(e) by direction of the county or district Crown attorney; or

(f) by leave of the Attorney General. R.S.O. 1970, c. 274, s. 633 (1); 1972, c. 1, s. 9 (7).

(2) No person not being the actual offender is liable in respect of such offence if he proves that he did not participate in the contravention of the provision for a breach of which he is charged and that he was not to blame for the breach and that according to his position and authority he took all reasonable means in his power to prevent the breach and to secure compliance with Part IX or Part X.

Onus of proof

(3) The burden of proving that the provisions of sections 180 to 604 have been suspended is upon the person charged with a contravention thereof and any such suspension may be proved by the evidence or certificate of an engineer. R.S.O. 1970, c. 274, s. 633 (2, 3).

Procedure on prosecutions

**634.** Except as to offences against section 15, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a provincial judge or before the Commissioner, and, save as herein otherwise provided, *The Summary Convictions Act* applies to every such prosecution. R.S.O. 1970, c. 274, s. 634.

R.S.O. 1970, c. 450

## PART XII

### ENLISTMENT FOR ACTIVE SERVICE

Application of Part

**635.** All other provisions of this Act are subject to the provisions of this Part. R.S.O. 1970, c. 274, s. 635.

Prospector's licence of enlisted licensee

**636.** The prospector's licence of a person who has enlisted or enrolled for active service at home or abroad against the Queen's enemies shall be deemed to be subsisting and in force until six months after the date of his discharge from such service, or the 31st day of March following such date of discharge, whichever is the later date. R.S.O. 1970, c. 274, s. 636; 1972, c. 116, s. 24.

Effect of enlistment on forfeiture

**637.**—(1) Subject to subsections 2, 3 and 4, forfeiture or loss of rights under subsection 1 of section 94, except clauses *a* and *b*, is avoided if the recorded holder of an interest in a mining claim has enlisted or enrolled for active service at home or abroad against the Queen's enemies.

Performance of work

(2) In the case of non-performance of work, the period currently to be performed at the date of enlistment shall be performed not later than one year from the date of discharge from active service, two years from such date in the case of the next succeeding period, three years from such date in the case of a second succeeding period, four years from such date in the case of a third succeeding period and five years from such date in the case of a fourth succeeding period.

Application for patent

(3) Where all the work required to be performed upon a claim has been performed prior to the date of enlistment, application for a patent or lease shall be applied for not later than one year from the date of discharge from active service.

(4) The report required by subsection 3 of section 85 shall be made not later than ten days after the expiration of the time permitted for the performance of the work by this section.

(5) Where the recorded holder has enlisted or enrolled for active service and subsequently transfers his interest, subsections 2, 3 and 4 apply *mutatis mutandis* to the transferee, but the time for performing work and making application for patent or lease shall be computed from the date of such transfer. R.S.O. 1970, c. 274, s. 637.

**638.**—(1) Where the applicant for a patent or lease of a mining claim is a person who enlisted or enrolled for active service at home or abroad against the Queen's enemies, he shall not be required to pay the purchase money or the first year's rental, as the case may be, but, where he is not the sole applicant, this exemption applies only to a part of the purchase money or the first year's rental, as the case may be, that is in proportion to his interest in the claim.

(2) In the case of each person who has enlisted or enrolled for active service this section applies to not more than three claims whether or not he is the sole owner thereof, and the area of each claim shall not exceed the area prescribed in section 50.

(3) The exemptions provided by this section apply to the personal representatives or beneficiaries of a person coming under subsection 1. R.S.O. 1970, c. 274, s. 638.

**639.** Sections 636 to 638 apply only,

- (a) where the ownership or interest in a mining claim of a person on war service was acquired prior to the time such person enlisted or enrolled for active service; and
- (b) where the recorder of the mining division in which the claims are situate has notice that the holder of such claims or of an interest therein has enlisted or enrolled for active service. R.S.O. 1970, c. 274, s. 639.

**640.** In this Part, "active service" means active service as determined under the *National Defence Act* (Canada). R.S.O. 1970, c. 274, s. 640.

PART XIII

GENERAL PROVISIONS

LIEN FOR WAGES

Application  
of R.S.O.  
1970, c. 287

**641.**—(1) Except as provided in this Act, *The Mechanics' Lien Act* applies to mines, mining claims, mining lands and works connected therewith.

Registration  
of lien

(2) Where the lands and mining rights have not been patented, the registration provided for in *The Mechanics' Lien Act* shall be in the office of the recorder.

Lien  
where claim  
for wages

(3) When the claim is for wages in connection with a mine, mining claim, mining lands or works connected therewith, in addition to the rights and remedies afforded by *The Mechanics' Lien Act*, the claimant has a lien upon any other property of the owner in or on such mine, mining claim, mining land or works for a sum not exceeding thirty days wages, and this claim may be enforced under such Act.

Cancellation  
of claim

(4) When the Commissioner is satisfied that a claim for lien recorded as provided in this section is not made in good faith or is made for some improper purpose or where the owner is unduly embarrassed thereby, he may make an order cancelling the lien upon such terms as to security or otherwise as he deems proper.

Lien on  
unpatented  
lands

(5) A lien upon unpatented lands does not affect the rights of the Crown. R.S.O. 1970, c. 274, s. 641.

PRESERVATION OF PEACE

Powers of  
Lieutenant  
Governor in  
Council  
R.S.O. 1914,  
c. 36

**642.** The Lieutenant Governor in Council may declare by proclamation that *The Public Works Peace Preservation Act*, being chapter 36 of the Revised Statutes of Ontario, 1914, to be in force in any mining division or in any defined locality therein, and upon and after the date named in the proclamation section 1 and sections 3 to 9 of that Act take effect within the mining division or locality designated in the proclamation, and that Act applies to all persons employed in any mine or in mining within the limits of such mining division or locality in the same manner and to the same extent as nearly as may be as if the persons so employed had been specially mentioned and referred to in such Act. R.S.O. 1970, c. 274, s. 642.

EXPLORATORY DRILLING

**643.** The Minister may, out of the moneys that are appropriated by the Legislature for the purpose, purchase such diamond drills as he considers necessary for use in prospecting for ore or minerals under regulations made by the Lieutenant Governor in Council, which may provide,

Purchase  
of drills for  
prospecting  
purposes

- (a) for the control and working of the drills under the direction of a person employed for the purpose by the Ministry;
- (b) for the payment of freight charges where the drills are used upon mines or land other than those owned by the Crown;
- (c) as to applications for use of the drills and the method of dealing therewith;
- (d) as to charges for use of the drills and for damages thereto, or wear and tear connected therewith,

and otherwise as the Lieutenant Governor in Council considers proper. R.S.O. 1970, c. 274, s. 643; 1972, c. 1, s. 1.

**644.** The Minister, out of the moneys that are appropriated by the Legislature for the purpose, may establish, maintain and operate assaying and testing laboratories for sampling, assaying, testing, analysing or determining rocks, ores, minerals and other substances. R.S.O. 1970, c. 274, s. 644.

Assaying  
and testing  
laboratories

RIGHTS AND EASEMENTS

**645.**—(1) Where required for or in connection with the proper working of a mine, mill for treating ore or quarry, the owner, lessee or holder of it or the person entitled to work it may, subject as hereinafter provided, obtain and have vested in him by order of the Commissioner, made after hearing such parties interested as appear or on appeal from him,

Rights over  
other lands  
that may be  
conferred by  
Commissioner

- (a) the right to open, construct, put in, maintain and use ditches, tunnels, adits, pipes, conduits, flumes and other works through, over or upon any land for the drainage, conveyance or passage of water;
- (b) the right to discharge water upon any land or by, through or into any existing means of drainage whether natural or artificial;



- (c) the right to drain off, lower or divert the water of any lake, pond, river, stream or watercourse, or any other water, notwithstanding that the water or part thereof may be on the land of or owned by any other person or that any other person may have rights or interests in or to such water or the use thereof;
- (d) the right to collect and dam back water, notwithstanding that it may overflow other land;
- (e) the right to take or divert and use for or in connection with the working of his own mine or quarry and bring thereto for such use any specified water, and to construct and maintain dams and other works and do all other things necessary or convenient therefor;
- (f) rights of way or passage through or over any land or water, and the right to construct, improve, maintain and use suitable roads, tramways, aerial tramways, channels, waterways, passages and other means of transit and transportation upon, through or over any land or water, together with such other rights of entry upon and use of land and water as may be necessary or convenient therefor;
- (g) the right to transmit electricity or any other kind of power, or have it transmitted, through or over any land or water in any form or manner and to do everything necessary or convenient therefor;
- (h) the right to enter upon and use for or in connection with the working of his own mine or quarry a specified area of other land;
- (i) the right to deposit tailings, slimes or other waste products upon any land, or to discharge the same into any water, the effects of such deposit or discharge, not being injurious to life or health.

Compensation

(2) No such right shall be granted unless any injury or damage caused to any other person thereby can be adequately compensated for, nor unless in all the circumstances it seems reasonable and fitting to grant the right, nor until, in the case where injury or damage has already been suffered, compensation has been determined by the Commissioner, and the amount thereof paid, and in the exercise of any right so granted no unnecessary injury or damage shall be done to the land, property, rights or interests of

other persons, and all injury and damage that may be caused to any person by the granting and exercise of any right obtained under this section shall be fully compensated for.

(3) The order granting the right shall fix such compensation, or shall provide for the ascertainment thereof, and shall contain any provisions that are considered proper for securing the same and for protecting the rights and interests of any person whose land, property, rights or interests are affected, or endangered, and, if considered proper, may require the applicant to make grants or concessions to or construct works or do any other thing for or for the benefit of, any such person or his land or property, and such order may in all cases be upon such terms, and may grant the right upon such conditions and for such time as are considered proper.

(4) In every application for such an order, the applicant, in addition to anything else required or directed, shall file in duplicate with the Commissioner a clear and precise statement of the right or rights being applied for, of the land or property affected and the owner or owners thereof so far as they can be ascertained, a map or plan of the locality showing the land and water involved, and definite and detailed plans and specifications of the works or things proposed to be constructed or done and, for the purpose of preparing the same, the Commissioner may authorize the applicant, his engineers and assistants to enter upon the land of any other person and make such examinations and measurements as may be necessary, and such statement, map or plan and plans and specifications may, by order, be amended or altered or modified at any stage of the proceedings and the Commissioner may give directions as to the notice to be given to the parties interested, the time and manner of service and the particulars to be furnished to such parties respectively.

(5) This section applies to and against all patented and unpatented lands and the word "lands" in this section includes any right or interest in lands.

(6) Subject to any change therein or rescission thereof by subsequent order of the Commissioner, all rights and benefits created by any order of the Commissioner heretofore or hereafter made under this section run with and are appurtenant and incident to the lands thereby benefitted and all burdens and obligations created or imposed by any such order run with and are binding on all lands in respect of which they were created or imposed and such

order continues valid and binding in respect of all lands thereby affected notwithstanding forfeiture thereof by the Crown or sale thereof because of unpaid taxes, it being expressly declared that the Crown or any municipality or any person acquiring such land is bound by such order in the same manner and to the same extent as the owner thereof at the time such order was made.

Idem (7) Every such order shall contain proper descriptions of the lands thereby benefitted and of all other lands thereby affected sufficient for purposes of registration, and there shall be attached thereto a plan or plans showing clearly the lands thereby benefitted and all other lands thereby affected.

Notice (8) Notice of hearing of all applications under this section shall be given to the Minister in the same manner as notice to any other interested person.

Copy to be filed with Minister (9) A copy of every order made under this section, certified to be a true copy under the hand and seal of the Commissioner, shall be immediately filed by the applicant with the Minister and in the office of the recorder of the division in which the lands affected are situate, and, if any patented lands are thereby affected, a copy of such order so certified shall be filed in the land titles office or registry office for the district in which the lands are situate.

Particulars to be entered (10) The recorder or master of titles or registrar, as the case may be, shall enter particulars of such order against the titles of the lands thereby affected. R.S.O. 1970, c. 274, s. 645 (1-10).

Where Ministry to send copy (11) Where, unpatented mining claims, affected by any such order are subsequently patented or leased, a copy of such order so certified shall be sent to the land titles office by the Ministry with the grant or lease. R.S.O. 1970, c. 274, s. 645 (11); 1972, c. 1, s. 1.

Failure to file (12) Unless such order is so filed in the land titles office or registry office for the district in which the lands are situate, a purchaser for value without notice of patented lands affected by any such order is not bound thereby.

Commissioner may change order or award (13) The Commissioner, for good cause shown and on such terms as seem just, may by subsequent order or award at any time change, supplement, alter, vary or rescind any order made under the authority of this section.

(14) Rights granted under this section shall not be exercised until the time for appealing from the order granting the rights has expired or, where an appeal is entered, until the appeal is disposed of; but from and after such time, subject to any restriction or postponement provided for in the order, the person to whom any such right is granted may enter upon any land or property and exercise the right so granted, and any person who after such time obstructs the exercise of any such right or wilfully neglects or refuses to obey any order made under this section is guilty of an offence against this Act and, in addition to any other liability, is liable to a fine of not more than \$250 for each day such obstruction, neglect or refusal continues. R.S.O. 1970, c. 274, s. 645 (12-14).

# REGULATIONS

646.—(1) The Lieutenant Governor in Council may make Regulations regulations for,

- (a) the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or land for the conveying and passage of water for mining purposes;
- (b) to meet cases that may arise for which no provision is made in this Act, or when he considers the provision made to be ambiguous or doubtful;
- (c) the imposition of penalties of not more than \$200 or of not more than three months imprisonment for the contravention of any such regulations. R.S.O. 1970, c. 274, s. 646 (1); 1971, c. 50, s. 58 (23).

(2) Notwithstanding anything in this Act, in special circumstances the Minister may, subject to the approval of the Lieutenant Governor in Council, issue a licence of occupation, lease or patent of any mining lands or mining rights on such terms and conditions as he considers expedient. R.S.O. 1970, c. 274, s. 646 (2).

647. With the consent of the Lieutenant Governor in Council and on such terms as he sees fit, any company authorized to supply electrical power or energy or compressed

Rights not to be exercised until after expiration of time for appeal

Minister may issue licence, lease or patent

Transmission of electricity in mining division and entering on lands without consent of owner

air, or both, may from time to time construct, maintain and operate transmission lines, air pipe lines, substations and other conveniences for the transmission of electrical power or energy or compressed air, or both, in and through any mining division, and for any of such purposes may enter upon, take and use any mining lands or any privilege or easement required by such company for such purposes without the consent of the owner thereof, but subject to the payment of such compensation or annual rent for the privilege or easement required and authorized as is determined by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may from time to time revoke or vary the terms upon which any right conferred under this section may be exercised. R.S.O. 1970, c. 274, s. 647.

#### FEES

Fees

**648.** Fees are payable under this Act in accordance with the tariff in the Schedule and, except as otherwise mentioned, are for the use of the Province of Ontario. R.S.O. 1970, c. 274, s. 648.

No fee to record order upon direction of Commissioner

**649.**—(1) Notwithstanding section 648, where an order is made by the Commissioner or on appeal from his decision, and it is in the public interest that the order be recorded, and where the order would not otherwise be recorded, the Commissioner may direct the mining recorder to record the order without fee.

Exception

(2) Subsection 1 does not apply to an order made under section 95 except an order dismissing an application made under that section. R.S.O. 1970, c. 274, s. 649.

#### CANCELLATION OF PATENTS

Lands and mining rights to be withdrawn from exploration on repeal of patent or lease at instance of Crown

**650.** Where a patent or lease of mining lands or mining rights is by proceedings in the Supreme Court at the instance of the Crown repealed or avoided, such lands and mining rights thereupon become and are withdrawn from exploration; discovery, staking out, lease or sale, and every discovery upon and claim to such lands or mining rights and to the mines or minerals on, in or under such lands made or existing at any time before the repeal or avoidance of the patent or lease become and are void, and such lands, mining rights, mines and minerals are thenceforth vested in the Crown freed and discharged of and from every claim. R.S.O. 1970, c. 274, s. 650.

#### FORFEITURE OF LEASES

**651.** Where lands that include surface rights revert or are surrendered or forfeited under this Act or are declared to be open for disposition under this Act, such lands may be dealt with under *The Public Lands Act* or any other Act administered by the Minister or the regulations made thereunder. R.S.O. 1970, c. 274, s. 651.

#### DEFAULT OF CO-OWNERS, ETC.

**652.**—(1) In this section, "co-owner" includes co-lessee and co-licensee; and a corporation with share capital and a shareholder thereof shall be deemed to be co-owners.

(2) Where lands or mining rights that are subject to rents or expenditures for development work are held by two or more co-owners and all such rents or expenditures have been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the rents or expenditures for a period of four or more consecutive years, the Commissioner, upon the application of any co-owner or co-owners who has or have paid the rents or met the expenditures for the period of four or more consecutive years immediately prior to the date of the application and, upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner may fix, his or their fair proportion of the rents or expenditures to the co-owner or co-owners who has or have paid all the rents or expenditures, together with interest at the rate of 6 per cent per annum compounded yearly, and such costs of the application as are allowed by the Commissioner. R.S.O. 1970, c. 274, s. 652 (1, 2).

(3) An order made under this section shall be served in such manner as the Commissioner directs.

(3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall, after a hearing, determine the dispute and may affirm, amend or rescind the order or make such other order

as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof.

Vesting order

(3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining rights to which the payment relates in the co-owner or co-owners who has or have paid the rents or made the expenditure. 1971, c. 50, s. 58 (24).

Death of delinquent

(4) Where a delinquent co-owner has died either before or after default in respect of his portion and no person has taken out administration of his estate or has obtained probate of his will, any order made under this section may be directed to and served upon his heirs.

Order against corporation

(5) An order made under this section against a corporation shall be directed to the corporation only.

Fee

(6) An application under subsection 2 shall be accompanied by a fee of \$25. R.S.O. 1970, c. 274, s. 652 (4-6).

#### MINERAL RIGHTS UNDER ROADS

Sale or lease of mineral rights under roads

653.—(1) The corporation of any county or township in that part of Ontario lying south of the French River, Lake Nipissing and the River Mattawa, wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon or under any roads over which the township or county has jurisdiction, if considered expedient so to do.

No sale or lease until after notice

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road for at least one month previous to the time fixed for considering the by-law.

Sale or lease not to interfere with public travel

(3) The deed conveyance or lease to the purchaser or lessee under the by-law shall contain a proviso protecting the road for public travel and preventing any user of the granted rights that would interfere with public travel.

(4) In the remaining parts of Ontario, the mines, minerals, and mining rights in, on or under all common and public highways and road allowances are vested in the Crown, and may be sold, leased or otherwise disposed of under this Act. <sup>In northern part of Province</sup>

(5) Where a mining location or any mining lands adjoin a common and public highway or road allowance and the mineral vein or deposit thereon extends into or under the highway or road allowance, its owner has the right to purchase or lease the mines, minerals and mining rights in, on or under the same, subject to this Act, or where there are mining locations or mining lands on both sides of such highway or road allowance, such rights accrue to the owner or owners on both sides thereof as respects the half of such highway or road allowance adjoining his or their lands. <sup>Rights of adjoining landowners</sup>

(6) Subsections 4 and 5 do not apply to highways on lands granted before the 1st day of May, 1904 by the Crown under a predecessor of this Act, or in the grant whereof the mines and minerals were not reserved to the Crown. <sup>Exception</sup>

(7) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights that would interfere with public travel unless a road in lieu thereof has been provided and accepted by the municipal corporation having control of the road. <sup>Patent or lease to protect public travel</sup>

(8) Subsections 4 to 7 do not affect any rights acquired from or any agreement made or entered into with any municipal corporation under this section prior to the 1st day of May, 1904. R.S.O. 1970, c. 274, s. 653. <sup>Previously acquired rights preserved</sup>

#### SURRENDER OF LANDS

654.—(1) The owner, lessee or licensee of any mining lands or mining rights granted under this Act or any other Act, may voluntarily surrender such lands or mining rights to the Crown and thereupon the Minister may cause a notice of determination to be filed in the proper land titles or registry office, as the case may be. <sup>Voluntary surrender of mining lands</sup>

(2) Lands or mining rights surrendered to the Crown under subsection 1 shall not be open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, notice of which shall be published in *The Ontario Gazette* at least two weeks prior thereto. 1971, c. 102, s. 8. <sup>Prospecting, etc., on surrendered lands</sup>

FORFEITED LANDS

Lands  
forfeited  
to Crown  
R.S.O. 1970,  
cc. 89, 53, 280

**655.**—(1) Where mining lands or mining rights are forfeited to the Crown under *The Corporations Act*, *The Business Corporations Act* or *The Mortmain and Charitable Uses Act*, or any predecessor thereof, the Minister may cause to be registered in the proper land titles or registry office a notice stating that forfeiture has been effected under that Act and that by reason of such forfeiture the lands or mining rights and every interest therein are forfeited to and vested in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto, whether existing, arising or accruing before or after such forfeiture, and, subject to subsection 2, such lands shall be dealt with under this Act.

Opening  
forfeited  
lands,  
etc., for  
prospecting

(2) Mining lands or mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*: R.S.O. 1970, c. 274, s. 655.

TECHNICAL PROSPECTING

Licence  
to prospect  
by technical  
methods

**656.**—(1) Where the Minister is satisfied that any terrain, due to the paucity of rock outcrops or for any other reason, cannot be prospected or explored for its mineral possibilities by other than geophysical or other technical methods, he may, notwithstanding anything in this Act but subject to the approval of the Lieutenant Governor in Council, issue a licence to prospect and explore any such area that he designates for base metals and minerals, other than petroleum oil and natural gas, subject to the following:

1. The licence shall be for a term of three years and may contain such conditions as the Minister considers proper.
2. The fee for the licence shall be \$1,000 payable annually during the term of the licence.
3. The area for which a licence may be issued shall be in one parcel and shall not be greater than 64,000 acres.
4. A licensee may surrender his licence at any time upon giving written notice thereof to the Minister at least thirty days before the surrender is to take effect.

5. The Minister may terminate a licence at any time if he is satisfied that the licensee has not complied with this section and the conditions of the licence.

6. Before the issue of a licence the applicant therefor shall furnish to the Minister a deposit of \$25,000 which shall be in cash or in,

(a) bearer bonds of,

(i) the Province of Ontario,

(ii) Ontario Hydro, or

(iii) the Government of Canada; or

(b) the form of a promissory note guaranteed by a chartered bank of Canada, which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of the Minister, the deposit is forfeited to and becomes the property of the Crown.

7. A licensee shall expend annually in geophysical, geological or other exploratory work of a similar nature, or drilling, a sum equal to \$1 per acre, but in no case shall such annual expenditure be less than \$25,000 and,

i. where the licensee has expended an amount in excess of the required annual expenditure, the excess amount so expended may be credited towards the amount required to be expended in the second or following years of the licence,

ii. where the Minister is satisfied that a *bona fide* attempt has been made by the licensee to meet the required annual expenditure, and where due to weather or other conditions beyond his control, the licensee is prevented from carrying out the work requirements, the Minister, by written order issued prior to the anniversary date of the licence, may extend the time for a period of not more than one year, provided bearer bonds acceptable to the Minister or a promissory note guaranteed by

a Canadian chartered bank is deposited with the Minister equal in amount to the amount required to be expended,

iii. upon the required expenditure being made within the time so extended, the bearer bonds or promissory note so deposited shall be returned to the licensee,

iv. where the licensee fails to comply with the required expenditure within the extended time, the deposit is forfeited to and becomes the property of the Crown;

8. A plan detailing the nature of a proposed annual expenditure shall be submitted to the Minister for approval within ninety days of the date of issue or anniversary date of the licence, as the case may be, and if the plan is approved, the exploratory work shall be commenced within six months thereafter.

9. The licensee shall,

i. within thirty days after each anniversary date of the licence, prove to the satisfaction of the Minister that he has expended the amount required in the manner provided in paragraph 7,

ii. within sixty days of completion submit to the Minister full reports and plans of all geological or geophysical examinations, drillings or other exploratory work, including detailed logs of all holes drilled,

iii. correctly label all drill cores and cuttings, and

iv. permit the Minister or his authorized agent to examine all drill cores and cuttings at any time not later than six months after the completion of the drilling. R.S.O. 1970, c. 274, s. 656 (1); 1971, c. 102, s. 9 (1, 2); 1973, c. 57, s. 19.

(1a) The licensee may make application to the Minister within thirty days prior to the anniversary date of the licence for a reduction in the acreage included in the licence and the annual expenditure for the year of the

Reduction  
in acreage

term in which the surrender is made shall be based on the area of the licence at the commencement of that year of the term but the expenditure for ensuing years shall be based on the area being retained, but in no case shall such annual expenditure be less than \$25,000 and the area surrendered shall be in one block.

(1b) Where the required expenditure has been made and a Lease deposit of economic importance has been found to the satisfaction of the Minister, and the area included in the licence is reduced as provided in subsection 1a, the licensee shall be entitled to apply for a lease of 10 per cent of the reduced area and not 10 per cent of the area for which the licence was originally issued and the lease issued shall be in one block. 1971, c. 102, s. 9 (3).

(2) If a deposit of mineral is found by a licensee that Lease in the opinion of the Minister is of economic importance, the licensee is entitled to apply for a lease comprising not more than 10 per cent of the area for which the licence was issued.

(3) The lease shall be for a term of ten years and shall Term contain such conditions as the Minister considers proper.

(4) The annual rental shall be at the rate of not less Rental than 50 cents and not more than \$5 per acre.

(5) The lease may be renewed for terms of ten years at Renewal such rental and subject to such conditions as the Minister considers proper.

(6) The Lieutenant Governor in Council may make such Regulations regulations as he considers expedient for the better carrying out of this section. R.S.O. 1970, c. 274, s. 656 (2-6).

## PART XIV

### ACREAGE TAX

657. In this Part, "municipality" means a city, town, village, township or improvement district. R.S.O. 1970, c. 274, s. 657.

658. (1) There shall be paid to the Crown in right of Amount of tax Ontario in each year an acreage tax of 50 cents an acre on any lands or mining rights to which this Part applies.

(2) The minimum acreage tax is \$1 a year in a municipality and \$4 a year in territory without municipal organization. R.S.O. 1970, c. 274, s. 658.

Date of  
payment  
of tax

**659.** The acreage tax shall be imposed for each calendar year and is payable on or before the 1st day of October in the year for which it is imposed. R.S.O. 1970, c. 274, s. 659.

Lands liable  
for tax

**660.**—(1) Except as provided in this Part,

(a) all lands and mining rights in territory without municipal organization patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes;

(b) all land in territory without municipal organization being held or used for mining purposes howsoever patented or alienated from the Crown;

(c) all mining rights in, upon or under lands in a municipality patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes;

(d) all mining rights in, upon or under land in a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and

(e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

are liable for, and the owner or lessee thereof shall pay the acreage tax.

Exemption  
from tax

(2) No acreage tax is payable in respect of mining lands or mining rights granted by the Crown by lease or renewal of lease. R.S.O. 1970, c. 274, s. 660.

Exemptions  
from tax  
by Minister

**661.**—(1) The Minister may exempt lands or mining rights from the tax under this Part where,

(a) land has been subdivided by a registered plan into lots or parcels for city, town, village or summer resort purposes and there is no severance of the surface and mining rights;

(b) land is being actually used for public park, educational, religious or cemetery purposes and there is no severance of the surface and mining rights;

(c) land is in *bona fide* use for farming or other agricultural purposes and there is no severance of the surface and mining rights; or

(d) the mining rights in, upon or under any land situated south of the French River, Lake Nipissing and the Mattawa River, including the Territorial District of Manitoulin, are being held, used or developed solely for the production of natural gas or petroleum.

(2) The decision of the Minister as to the right of exemption under subsection 1 is final and conclusive. R.S.O. 1970, c. 274, s. 661.

Decision of  
Minister  
final

**662.** Where the Minister is satisfied that the surface rights in respect of a mining claim or mining location are being used for purposes other than that of mining or the mineral industry, this Part applies only to the mining rights. R.S.O. 1970, c. 274, s. 662.

Cases where  
mining rights  
taxable  
only

**663.** The Deputy Minister shall cause to be prepared each year a tax roll of the lands and mining rights and persons liable to the acreage tax. R.S.O. 1970, c. 274, s. 663.

Preparation  
of tax roll

**664.** The Deputy Minister may register in the proper registry or land titles office a notice of liability to taxation and forfeiture, in the prescribed form, in respect of any lands or mining rights subject to the acreage tax. R.S.O. 1970, c. 274, s. 664.

Registration  
of notice of  
liability and  
forfeiture

**665.** Notwithstanding sections 663 and 664, every person and property liable to the acreage tax is liable whether entered in the tax roll or not, and the tax is, without any notice or demand, payable at the time and in the manner provided in this Part. R.S.O. 1970, c. 274, s. 665.

Liability  
for tax  
though not  
on roll

**666.**—(1) Any person claiming an interest in any lands or mining rights entered on the tax roll or whose name has been entered on the tax roll, as being liable to the acreage tax or who disputes the amount of the tax levied on any lands or mining rights in which he has an interest may apply to the Commissioner to determine whether such lands and mining rights are or whether he is liable to the acreage tax and to be entered on the tax roll or the amount of the tax payable, and the Commissioner shall hear and determine such matter.

Com-  
missioner  
may settle  
dispute

(2) The Minister is a party to any proceedings before the Commissioner under this section.

Minister  
to be  
party



Omissions  
from tax  
roll

(3) The Minister may refer to the Commissioner for hearing and adjudication any question or dispute as to whether any mining rights or lands have or any person has been wrongfully omitted from the tax roll. 1971, c. 50, s. 58 (25).

Procedure  
to enforce  
claim for  
payment  
of taxes  
by one  
co-owner  
against  
another

**667.**—(1) Where lands or mining rights liable for acreage tax are held by two or more co-owners and all such tax has been paid by one or more of them and the other or others has or have neglected or refused to pay his or their proportion of the tax for a period of four or more consecutive years; the Commissioner, upon the application of any co-owner or co-owners who has or have paid the tax for the period of four, or more consecutive years immediately prior to the date of the application and upon the receipt of such other information and particulars as he requires, may make an order requiring the delinquent co-owner or co-owners to pay, within three months of the date of the order or such further time as the Commissioner may fix, his or their fair proportion of the tax to the co-owner or co-owners who has or have paid all the tax, together with interest at the rate of 6 per cent per annum, compounded yearly, and such costs of the application as are allowed by the Commissioner.

Fee

(2) An application under subsection 1 shall be accompanied by a fee of \$25. R.S.O. 1970, c. 274, s. 667 (1, 2).

Service of  
order

(3) An order made under this section shall be served in such manner as the Commissioner may direct.

Disputes  
as to  
liability

(3a) If a co-owner, upon whom an order made under subsection 1 has been served, disputes his liability to his co-owner or otherwise to make any payment under the order or the amount thereof, he may, within the time limited by the order for making the payment, apply to the Commissioner for a hearing and the Commissioner shall hear and determine the dispute and may affirm, amend or rescind the order or make such other order as he considers just, and, if the Commissioner orders that a payment be made, he may fix the time for payment thereof.

Vesting  
order

(3b) Where the time for payment fixed by an order made under subsection 1 has expired and no application for determination of a dispute has been made, or where the time fixed by an order made under subsection 3a has expired, and where such additional time, if any, as has been granted by the Commissioner has expired, if it is proved to the satisfaction of the Commissioner that the payment has not been made, he may make an order vesting the interest of the delinquent co-owner or co-owners in the lands or mining

rights to which the payment relates in the co-owner or co-owners who has or have paid the taxes. 1971, c. 50, s. 58 (26).

(4) Any order made against an incorporated company under this section shall be directed to the company only.

Service of  
order on  
company

(5) For the purpose of this section, two or more co-holders or co-lessees shall be deemed to be co-owners, and an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of the company. R.S.O. 1970, c. 274, s. 667 (4, 5).

Interpre-  
tation

**668.**—(1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from that search or inquiry to have an interest therein, at the address or last known address of such person so far as he can reasonably ascertain it, stating that, unless the total amount of tax and penalties due and payable under this Part are paid on or before the 31st day of December next following, the property will be forfeited to, and vested in, the Crown on the 1st day of January next following, and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$10 for each property.

Defaulters  
list and  
notice of  
forfeitures

(2) Not later than the 15th day of July in each year, the Deputy Minister shall cause the list prepared under subsection 1 to be published in one issue of *The Ontario Gazette* and in one issue of a newspaper published in the district or county in which the property is situate, giving notice that, unless the total amount of acreage tax, penalties, and costs shown therein are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following.

Publication  
of list and  
notice

(3) Where the total amount of acreage tax, penalties and costs remain unpaid after the 31st day of December of the year of publication of the notice mentioned in subsection 2, the Minister by certificate, in the prescribed form, may, on or after the 1st day of January next following, declare the lands or mining rights, and every interest therein, forfeited to and vested in the Crown, and thereupon the lands or

Declaration  
of forfeiture



mining rights, and every interest therein, vest in the Crown absolutely freed and discharged from every estate, right, title, interest, claim or demand therein or thereto whether existing, arising or accruing before or after such forfeiture is declared.

Not open  
for staking

(4) Except as provided in subsection 7, lands and mining rights so forfeited are not open for prospecting, staking out, sale or lease under this Act.

Registration  
of certificate

(5) The registrar of the registry division in which any land or right mentioned in a certificate of forfeiture made under subsection 3 is situate, or the master of titles, as the case may be, shall, upon receipt of the certificate, duly register it and it is absolute and conclusive evidence of the forfeiture to the Crown of the land or mining rights so certified to be forfeited and is not open to attack in any court by reason of the omission of any act or thing leading up to the forfeiture.

R.S.O. 1970,  
cc. 409, 234  
not to apply  
to forfeited  
lands

(6) Upon registration of the certificate of forfeiture in the registry or land titles office, *The Registry Act* or *The Land Titles Act*, as the case may be, ceases to apply to the land forfeited, and the registrar or master of titles shall note that fact in his register in red ink.

Opening  
forfeited  
lands, etc.,  
for  
prospecting

(7) The lands and mining rights forfeited to, and vested in the Crown under this Part that are mentioned in a notice published in one issue of *The Ontario Gazette* during May of any year are open for prospecting, staking out, sale or lease under this Act at and after 7 o'clock standard time in the forenoon of the 1st day of June next following. R.S.O. 1970, c. 274, s. 668.

Right to  
search  
registry and  
land titles  
office free  
of charge

669. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners or lessees of land or mining rights liable to taxation under this Part, search and inspect registry books, indexes and documents in registry and land titles offices; and no charge is to be made by and no fee is payable to a registrar or master of titles for any such search or inspection. R.S.O. 1970, c. 274, s. 669.

Annulment  
of forfeiture

670.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office; and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns;

subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding.

(2) Where application is made for an order under subsection 1, the Minister may direct the lands or mining rights described in the application to be withdrawn from prospecting, staking out, sale or lease until the disposition of the application.

Withdrawal  
of lands from  
prospecting,  
etc.

(3) The Minister may direct an application for an order under subsection 1 to be accompanied by a fee of \$25. R.S.O. 1970, c. 274, s. 670.

671.—(1) Where the acreage tax is not paid within the time prescribed, a penalty of 6 per cent compounded yearly shall be added thereto forthwith and in each year thereafter, that the tax remains unpaid, and for all purposes the increased amounts become and are the tax due and payable under this Part.

Six per cent  
to be added  
for default

(2) The Deputy Minister, or such other person as is directed by the Minister, shall keep a record of all arrears of acreage taxes with the increased amounts from time to time entered thereon. R.S.O. 1970, c. 274, s. 671.

Record of  
arrears to  
be kept

672. All taxes, penalties and costs payable under this Part constitute a special lien on the lands or mining rights against which the tax under this Part is levied in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of that person has accrued before, or accrues after, the attaching of the special lien, and its priority is not lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and the special lien may be realized by action for sale of any or all property subject to it. R.S.O. 1970, c. 274, s. 672.

Special  
lien and  
priority  
of the tax

673. If an owner or lessee of lands or mining rights fails to pay the acreage tax on his lands or mining rights when due, the Minister may bring action in any court of competent jurisdiction for the recovery of the tax together with penalties and costs. R.S.O. 1970, c. 274, s. 673.

Right of  
action

674.—(1) Where a doubt arises as to the liability of a person to pay a tax or any part of a tax imposed under this Part, the Minister may, subject to the approval of the Lieutenant Governor in Council, compromise the matter by the acceptance of such amount as he considers proper and, where the tax imposed has been paid under protest, he may refund the tax or any part thereof to the person making the payment under protest.

Compromise  
of acreage  
taxes

Exemption  
from acreage  
tax

(2) Where land that was not subject to tax under this Part becomes subject to tax because the surface rights thereof have been severed from the mining rights for a public road, highway or public utility, the Minister may exempt the mining rights so severed from the tax during such term as he is satisfied that the mining rights are not being used or held for mining purposes. R.S.O. 1970, c. 274, s. 674.

Lands and  
easements  
revert to  
Crown

**675.** Where under this Part or section 113, 654 or 655 a dominant tenement reverts to and becomes vested in the Crown, any easement appurtenant thereto passes to the Crown and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected. R.S.O. 1970, c. 274, s. 675.

**NOTE:** Every forfeiture of lands and mining rights heretofore made under Part XIV of The Mining Act shall be deemed to be valid notwithstanding that such forfeiture would, but for section 10 of The Mining Amendment Act, 1971, be invalid or void. See 1971, c. 102, s. 10.

# SCHEDULE

The Mining Act

## SCHEDULE OF FEES

(Section 648)

1. For a prospector's licence or renewal thereof for an individual:  
(See sections 25, 28) ..... \$ 5.00
2. The fee for a prospector's licence or renewal thereof for a company shall be based on its authorized capital as follows:
  1. Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value ..... 25.00
  2. Where the authorized capital exceeds \$50,000 or 50,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value ..... 50.00
  3. Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no par value ..... 100.00
3. For recording each boring permit staked out by a licensee ..... 10.00
4. For recording each mining claim staked out by a licensee ..... 10.00
5. For examining claim record book, per claim ..... 25
6. For inspecting any document filed with a mining recorder ..... 25
7. For recording a dispute, per claim. (See section 65) ..... 10.00
8. For certificate of record of claim. (See section 66) ..... 1.00
9. For certificate of performance of working conditions. (See section 85) ..... 1.00
10. On filing appeal from recorder's decision. (See section 146) ..... 10.00
11. On filing appeal from Mining and Lands Commissioner's decision.  
(See section 164) ..... 20.00
12. For filing a transfer of the whole of or any interest in a mining claim ..... 5.00
13. For filing an agreement, power of attorney or revocation thereof, copy of writ of execution, discharge of execution or any other instrument affecting a recorded claim, right or interest, per claim ..... 2.00
14. For a substituted prospector's licence. (See section 29) ..... 1.00
15. For special renewal licence under section 95 to save forfeiture, twice the prescribed licence fee
16. For recording an order of the Mining and Lands Commissioner extending the time for performing working conditions, affixing metal tags or making application and payment for patent or lease, per claim ..... 5.00

17. For recording an order of the Mining and Lands Commissioner relieving against forfeiture or loss of rights and extending the time for performing working conditions, affixing metal tags, making application for patent or lease or authorizing the filing of a belated report of work, per claim..... \$10.00
18. For recording an order of the Mining and Lands Commissioner, or made on appeal from him, per claim. (See section 84)..... 1.00
19. For recording a certificate that interest in claim or other recorded right or interest is called in question, per claim. (See section 84)..... 10.00
20. For copies or certified copies of any document, paper or record obtained from any officer, per folio..... 10
21. For a copy or certified copy of an application to record a mining claim or of a report of work, each..... 1.00
22. For every affidavit sworn before a recorder..... 25
23. For abstract or copy of entries in record book respecting a mining claim..... 50
24. For making additional entries on an abstract of a mining claim..... 25
25. For filing an application for a mining claim under subsection 2 of section 63..... 10.00
26. For a quarry permit covering an area of 40 acres or less..... 10.00  
and for each additional acre over 40 or part thereof..... 25
27. For consenting to the transfer of a mining lease or licence, of occupation or any interest in a mining lease or licence of occupation..... 5.00
28. For consenting to or for filing any acceptable document relating to a mining lease or licence, of occupation other than a transfer..... 2.00

R.S.O. 1970, c. 274, Sched.; 1972, c. 116, s. 25; 1973, c. 105, s. 4.

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# BILL 221

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4TH SESSION, 31ST LEGISLATURE, ONTARIO  
29 ELIZABETH II, 1980

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## An Act to amend The Mining Act

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THE HON. J. A. C. AULD  
Minister of Natural Resources

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BILL 221

1980

## An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 69 of *The Mining Act*, being chapter 274 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) The Minister may reserve for the Crown the peat, sand and gravel located on an unpatented mining claim.

s. 69 (3),  
re-enacted
2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Reser-  
vations
3. The short title of this Act is *The Mining Amendment Act, 1980*.

Commence-  
ment
- Short title

# BILL 221

## An Act to amend The Mining Act

*1st Reading*

December 9th, 1980

*2nd Reading*

December 11th, 1980

*3rd Reading*

December 12th, 1980

THE HON. J. A. C. AULD  
Minister of Natural Resources

BILL 221

1980

*An Act to amend The Mining Act*

*The Hon. J. A. C. Auld, Minister of Natural Resources, presented the following Bill to the House of Commons:*

*Bill 221, An Act to amend The Mining Act, presented by the Minister of Natural Resources, J. A. C. Auld, on December 9th, 1980.*

*The Hon. J. A. C. Auld, Minister of Natural Resources, presented the following Bill to the House of Commons:*

hereinafter comprised and described for the benefit of the said Indians in such manner and form and at such price or prices as to His said Majesty, His heirs or successors, shall seem best, have remised, released, surrendered, quitted claim and yielded up, and by these presents do remise, release, surrender, quit claim and yield up unto His said Most Gracious Majesty King William the Fourth, His heirs and successors, all those several lots, pieces or parcels of land situate on Wolfe Lake, in the Township of Bedford, in the Midland District of the said Province (that is to say), lots eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six, in the ninth concession of the said township. Also, lots eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six and twenty-eight in the tenth concession of the same township. And also, lots twenty-two, twenty-three and twenty-four in the eleventh concession of the said township, and containing in the whole two thousand six hundred and eighty acres, or thereabouts, to the end, intent and purpose that the said lands and premises shall and may be granted and disposed of by His said Majesty, His heirs and successors, in trust for the benefit of the said Mississagua Tribe of Indians, of Kingston and the Bay of Quinté, and upon and for no other use, trust, end, intent or purpose whatsoever.

IN WITNESS WHEREOF, we the said Sachems or Principal Chiefs of the said Indians have hereunto set our hands and seals at the Rice Lake this twenty-fifth day of May, in the year of Our Lord one thousand eight hundred and thirty-six.

Signed and sealed in the {  
presence of }  
CHARLES ANDERSON,  
JOHN TURNER,  
THOS. B. BENEDICT.

(totem) [L.S.]  
JOHN SUNDAY (totem) [L.S.]  
(totem) [L.S.]  
(totem) [L.S.]  
(totem) [L.S.]

No. 45.

MY CHILDREN:

Seventy snow seasons have now passed away since we met in Council at the crooked place (Niagara), at which time and place your Great Father, the King, and the Indians of North America tied their hands together by the wampum of friendship.

Since that period various circumstances have occurred to separate from your Great Father many of his red children, and as an unavoidable increase of white population, as well as the progress of cultivation, have had the natural effect of impoverishing your hunting grounds it has become necessary that new arrangements should be entered into for the purpose of protecting you from the encroachments of the whites.

In all parts of the world farmers seek for uncultivated land as eagerly as you, my red children, hunt in your forest for game. If you would cultivate your land it would then be considered your own property, in the same way as your dogs are considered among yourselves to belong to those who have reared them; but uncultivated land is like wild animals, and your Great Father, who has hitherto protected you, has now great difficulty in securing it for you from the whites, who are hunting to cultivate it.

Under these circumstances, I have been obliged to consider what is best to be done for the red children of the forest, and I now tell you my thoughts.

It appears that these islands on which we are now assembled in Council are, as well as all those on the north shore of Lake Huron, alike claimed by the English, the Ottawas and the Chippewas.

I consider that from their facilities and from their being surrounded by innumerable fishing islands, they might be made a most desirable place of residence for many Indians who wish to be civilized, as well as to be totally separated from the whites; and I now tell you that your Great Father will withdraw his claim to these islands and allow them to be applied for that purpose.

Are you, therefore, the Ottawas and Chippewas, willing to relinquish your respective claims to these islands and make them the property (under your Great Father's control) of all Indians whom he shall allow to reside on them; if so, affix your marks to this my proposal.

MANITOWANING, 9th August, 1836.

F. B. HEAD,  
J. B. ASSEKINACK,  
MOKOMMUNISH, (totem)  
TAWACKKUCK,  
KIMEWEN (totem),  
KITCHEMOKOMON (totem),  
PESCIATAWICK (totem),  
PAIMAUSEGAI (totem),  
NAINAWMUTTEBE (totem),  
MOSUNEKO (totem),  
KEWUCKANCE (totem),  
SHAWENAUSEWAY (totem),  
ESPANIOLE (totem),  
SNAKE (totem),  
PAUTUNSEWAY (totem),  
PAIMAUQUEMESTCAM (totem),  
WAGEMAQUIN (totem).

No. 45½.

To the Saukings:

MY CHILDREN,

You have heard the proposal I have just made to the Chippewas and Ottawas, by which it has been agreed between them and your Great Father that these islands (Manatoulin), on which we are now assembled, should be made, in Council, the property (under your Great Father's control) of all Indians whom he shall allow to reside on them.

I now propose to you that you should surrender to your Great Father the Sauking Territory you at present occupy, and that you should repair either to this island or to that part of your territory which lies on the north of Owen Sound, upon which proper houses shall be built for you, and proper assistance given to enable you to become civilized and to cultivate land, which your Great Father engages for ever to protect for you from the encroachments of the whites.

Are you therefore, the Sauking Indians, willing to accede to this arrangement; if so, affix your marks to this my proposal.

MANITOWANING, 9th August, 1836.

Witness:

T. G. ANDERSON, S.I.A.,  
JOSEPH STINSON, *Genl. Supt. of Wesleyan Missions*,  
ADAM ELLIOT,  
JAMES EVANS,  
F. L. INGALL, *Lieut. 15th Regt. Commandg. Detacht.*,  
TALFOURD W. FIELD, *Dist. Agent.*

F. B. HEAD,  
METIEWABE (totem),  
ALEXANDER (totem) KAQUTA BUN-  
VAIREAR,  
KOWGISAWIS (totem),  
METTAWANSH (totem),

No. 46.

AMHERSTBURG, 20th September, 1836.

We the undersigned Chiefs and Warriors, in the name and in behalf of the Wyandot Tribe of Indians inhabiting the tract of hunting ground commonly known  
8\*

Certified xerox copy of document copied  
from the Executive Council Office records  
preserved in the Public Archives of Canada.  
(A.C. 1, 88, volume 79).



Acting Dominion Archivist.

Ottawa, 9 December 1969.

Original As is

before the Commission, on the 11th of  
November 1911, from the Hon. J. A. B. Macdonald,  
the Chief Superintendent of Indian  
Affairs, of the results of his inspection  
to the Great Manitoulin Island  
under authority of Order in Council  
of 12 September last, & submitting  
that the terms of the agreement  
with the Indians, as contemplated  
by that Order, having been modified  
- in so far as to exclude from the  
proposed arrangements that part  
of the Island eastwardly of the  
Manitoulin Gulf & Sturgeon Bay  
Sound, - and other terms being  
deemed necessary to prevent future  
difficulties - these modifications have

been

Original As is

The Government of the Province of Ontario  
by the Chief Justice of the Court of Appeal  
Deputy Superintendent of Indian  
Affairs, & President of the Chiefs  
& Principals then on behalf of the  
Indians - which instrument  
he submits for the ratification  
of Your Excellency in Council.

The Committee advise that  
that the "Articles of Agreement &  
Convention" above referred to  
be approved & ratified by Your  
Excellency & be enrolled in the  
usual manner in Crown Land  
Department & in the office of the  
Provincial Registrar -

*JPM*

*att<sup>d</sup> M*  
*Nov. 14/62*

000897



MINISTRE DE LA JUSTICE

NUMÉRO X11642

Order-In-Council 638

Original As is

I hereby certify that the within document is  
a true and correct copy of the original  
as the same appears in the records of the  
Department of Justice.

☒ 1.2.5.7. 1982 ..... 1 ☐ ☐  
..... 16 ☐ ☐ ..... 16 ☐ ☐  
..... 22 ☐ ☐ ..... X11642 ☐ ☐  
..... 22 ☐ ☐ ..... 22 ☐ ☐  
..... 22 ☐ ☐ ..... 22 ☐ ☐

Quentin Lach

1/

10 000

000898



Now I agree, with both sides, in  
consideration of the sum of seven hundred dollars now in hand paid (the sum is to be hereafter deducted from the  
proceeds of lands sold to soldiers) the simple interest is hereby acknowledged, and in further consideration of such sums as  
may be realized from time to time as interest upon the purchase money of the lands to be sold for their benefit as aforesaid, the  
parties hereto of the second party have, do hereby release, surrender, and give up to her Majesty the Queen, all the  
right, title, interests and claim of the parties or the common last ends of the Ottawa Chippewa and other Indians in and  
about the ash, or in and to the Great Manitowish Island, and also of it, and to the waters adjacent, which have been de-

0

I hereby certify that the undersigned has been duly entered on the  
Roll of the Officers of SOCS St. Andrew's, N. B. Brown, Jan. 23  
 1891.

Handwritten: *Handwritten text, possibly a signature or date, including "1862".*

1771  
Shubh Regada a. p. h. Province



be claimed to be appurtenant or belonging thereto, to have and to hold the same, and every part thereof, to the heirs, executors and assigns forever.

And it is hereby agreed by and between the parties hereto as follows:—

Firstly.—A survey of the said Manitoulin Island shall be made up soon as conveniently may be by or under the authority of the Department of Crown Lands.

Secondly.—The Crown will, as soon as conveniently may be, grant by Deed to the head of each Indian, being the head of a family and residing on the said Island, one hundred acres of land: to each single person over twenty one years of age residing as aboriginals on the land: to each family of orphan children under twenty one years of age containing two or more persons, one hundred acres of land: and to each single orphan child under twenty one years of age, fifty acres of land, to be selected and located under the following rules and conditions:—

Each Indian entitled to land under this agreement may make his own selection of any land on the Great Manitoulin Island. Provided that the lot selected shall be contiguous and adjacent to each other to the Indian settlements on the said Island, as far as possible. That if two or more Indians claim the same lot of land the matter shall be referred to the

Superintendent who shall examine the case and decide between them. That selections for orphan children may be made by their friends subject to the approval of the Resident Superintendent. That should any lot or lots selected as aforesaid be contiguous to any bay or harbour, or any stream of water upon which a mill site shall be found, and should the Government be of opinion that such lot or lots ought to be reserved for the use of the public, or for villages or farms, or that such mill site be sold with a view to the erection of a mill thereon, and should signify such opinion to its proper agents, then the Indian who has selected, or who wishes to select such lot shall receive another selection, and if he has made any improvements thereon he shall be allowed a fair compensation therefor. That all selections made by him shall be made within one year after the completion of the survey, and for that purpose plans of the survey shall be deposited with the Resident Superintendent as soon as they are approved by the Department of Crown Lands, and shall be open to the inspection of all Indians entitled to make selections as aforesaid.

Thirdly.—The interest which may accrue from the investments of the proceeds of sales of lands as aforesaid shall be payable annually and shall be apportioned among the Indians now residing on the said Island and their descendants per capita, but every chief lawfully appointed shall be entitled to his portion.

Fourthly.—As soon as one hundred thousand acres of the said land is sold, such portion of the salary of the Resident Superintendent, and of the expenses of his office, as the Government may deem equitable shall become a charge upon the said funds.

Fifthly.—The Deeds or Patents for the lands to be selected as aforesaid shall contain such conditions for the selection of the land as the Governor in Council may under the law deem requisite.

Sixthly.—All the rights and privileges in respect to the taking of fish in the Lakes, Bays, Straits and waters within and adjacent to the said Island, which may be lawfully exercised and enjoyed by the white settlers thereon, may be exercised and enjoyed by the Indians.

Original As is



Seventhly. — That portion of the Island east of Grey wood Sound and Montauk Sound, and the  
are excepted from the operation of this agreement as respects survey, sale of lots, granting deeds to Indians, and the payment  
of monies derived from sales in other parts of the Island, But the said Indians will remain under the protection of the Government  
as formerly, and the said eastern part or division of the Island will remain open for the occupation of any Indians entitled  
to reside upon the Island, as formerly, subject in case of dispute, to the approval of the Government  
Eightly. — Whenever a majority of the Chiefs and principal men, or a council of the Indians residing east of  
and East, to be called and held for the purpose, shall declare their willingness to accede to the present agreement, or all or any  
the Government shall signify its approval, then that portion of the Island, shall be surveyed and be dealt with in like manner as other  
portions thereof, and the Indians there, shall be entitled to the same privileges in every respect, from and after the date the same are  
by the Government, as those residing in other parts of the Island  
Ninthly. — This agreement shall be obligatory and binding on the contracting parties, as soon as the same shall be approved by the  
Governor in Council.

And witness whereof, the said Superintendent General of Indian Affairs, and  
signed chiefs and principal men of the Ottawa, Chippawa, and other Indians, have hereunto set their hands  
the sixth day of October, in the year first above written.

**Original As is**

Executed in the presence of  
(having been first read & translated  
and explained) . . .

*St. Paul, N. Y.*

*Wm. Lillard*  
*David L. Lillard*

Wm. H. Douglass

F. Assikina

Peter Jacobs, Ch. of Missionary  
Magyaromondi

Original As is

*St. Lawrence*  
*Princeton*

000901



Copy of a Report of a Committee of the Honorable  
the EXECUTIVE COUNCIL, approved by His  
Excellency the Governor General in Council  
in the 1st. November. 1863.

The Committee have had before  
them a Report, dated 3<sup>rd</sup> November 1863,  
from the Hon. the Chief Superintendent  
of Indian Affairs, of the results of  
his Mission to the Great Manitowish  
Island under authority of Order in  
Council of 23<sup>rd</sup> September last &  
submitting that the terms of the  
agreement with the Indians as  
contemplated by that order having  
been modified in so far as to exclude  
from the proposed arrangement that  
part of the Island eastward of  
the Manitowish Gulf & Bearwood  
Sound - and other terms being  
deemed necessary to prevent future  
difficulties, these modifications have  
been embodied in the 'Articles of  
Agreement & Convention' made

To the Honorable  
The Minister of the Interior  
J. B. 30. 30.

000902

Original As is  
in Book (18. 134)  
Page 317.  
The Committee  
of the Hon. the Chief Superintendent  
of Indian Affairs  
dated 3<sup>rd</sup> November 1863.  
The Committee  
of the Hon. the Chief Superintendent  
of Indian Affairs  
dated 3<sup>rd</sup> November 1863.



Original As is

& concluded at Manitowanning on the 6<sup>th</sup> October 1862 between the Government, as represented by the Chief Superintendent & Deputy Superintendent of Indian Affairs, & nineteen of the chiefs & principal men on behalf of the Indians. which instrument he submits for the ratification of Your Excellency in Council.

The Committee advise that that the Articles of Agreement & "Convention" above referred to be approved & ratified by Your Excellency & be enrolled in the usual manner in Crown Land Department & in the Office of the Provincial Registrar.

Certified  
*[Signature]*  
 11/12/62  
 E.C.

CERTIFIED TO BE A TRUE COPY  
 OF A DOCUMENT IN

THE PUBLIC ARCHIVES OF CANADA

ORDER IN  
 COUNCIL

RG10, Vol. 1846 14 NOV 1862

RE TREATY #94

DATED AT OTTAWA 14 FEBRUARY 1974

SIGNATURE *R.D. Hume*

*[Signature]* DOMINION ARCHIVIST

000903

X0 2 2 9 0 5

RECEIVED FOR REGISTRATION  
IN THE SURRENDERED  
LAND REGISTER

FEB 28 8 41 AM '74

ONTARIO GENERAL

INDIAN RESERVE

NO.           

ONTARIO

Articles of Agreement & Convention # 74

NUMBER OF PIECES

4

000904



*Lindernia* ~~alba~~ *lutea* —  
 Collected in Mexico, Alt.  
 J. Sauerlandt — Aug. 81

DOMINIC ARCHIVIST

000905



*Original.*

*File 10324*

200200

1168

**Know all Men by these Presents,**

THAT WE, the undersigned Chief and Principal men of

*The Wewemikong Band  
of Indians*

resident on our Reserve *on the unceded portion*  
*of Manitoulin Island*

in the Province  
of *Ontario* and Dominion of Canada,

for and acting on behalf of the whole people of our said Band in Council  
assembled, Do hereby release, remise, surrender, quit claim and yield up  
unto OUR SOVEREIGN LADY THE QUEEN, her Heirs and Successors forever,  
ALL AND SINGULAR, ~~that certain parcel or tract of land and premises,~~

~~situate, lying and being in the~~  
~~in the County of~~ and Province  
~~of~~ containing by admeasurement

~~be the same more or less and being composed of~~ *the Petroleum*

*oil and gas within the*  
*unceded portion of the*  
*Manitoulin Island, together*  
*with all the mining privileges*  
*necessary for the proper working*  
*and extracting from the ground and*  
*carriage of the said oil and gas*  
*off the shore, and also with*  
*permission to erect and maintain*  
*buildings and other structures -*  
*necessary for the extraction of*  
*mining the said oil and gas.*

Original As is

TO HAVE AND TO HOLD the same unto Her said Majesty THE QUEEN, her Heirs and Successors forever, in trust to *disposal of* the same to such person or persons, and upon such terms as the Government of the Dominion of Canada may deem most conducive to our welfare and that of our people.

AND upon the further condition that all moneys received from the *disposal of land and oil and gas* shall, after deducting the usual proportion for expenses of management, be *paid to* us and our descendants as *to the Department may seem* best in our interest.

AND WE, the said Chief and Principal men of the said *Band of Indians* — do, on behalf of our people and for ourselves, hereby ratify and confirm, and promise to ratify and confirm, whatever the said Government may do, or cause to be lawfully done, in connection with the *disposal of the land oil and gas and of the moneys to be derived therefrom.*



DOMINION OF CANADA,

Personally appeared before me,

Province of *Ontario*  
*John D. [unclear]*  
County of *Algoma*

*Benjamin W. Ross* of

To WIT:

the village of *Maitland*

in the Province of

*Butter's Visiting Superintendent*  
and *William Kinoshamy*

Chief of the said Band of Indians.

*Phantom's Island*

AND the said

*Benjamin W. Ross*

for

himself says:—

That the annexed Release or Surrender was assented to by a majority of the male members of the said Band of Indians of the *hundred part* of the *Maitland's Island* of the full age of twenty-one years then present.

That such assent was given at a meeting or council of the said Band summoned for that purpose and according to their Rules.

That he was present at such meeting or council and heard such assent given.

That he was duly authorized to attend such council or meeting by the Superintendent General of Indian Affairs.

That no Indian was present or voted at said council or meeting who was not a member of the Band or interested in the land mentioned in the said Release or Surrender.

And the said *Chief William Kinoshamy* says:

That the annexed Release or Surrender was assented to by him and a majority of the male members of the said Band of Indians of the full age of twenty-one years then present.

That such assent was given at a meeting or council of the said Band of Indians summoned for that purpose, according to their Rules, and held in the presence of the said *Benjamin W. Ross and myself*

That no Indian was present or voted at such council or meeting who was not an habitual resident on the Reserve of the said Band of Indians or interested in the land mentioned in the said Release or Surrender.

That he is a Chief of the said Band of Indians and entitled to vote at the said meeting or council.

SWORN before me by the

Deponents

at the Town of *South Bay* in

the County of *Algoma* this

*11th* day of *June* - A.D.

1895

*Hedrofulstari*  
*Judge, Algoma*

*B. W. Ross*  
*attest*

*Chief Wm Kinoshamy*



401

Sahar 55  
91401 21155  
21155  
20251  
198 401

Wikwinkoy Indians

To

The Queen

Surrender

J. Petermann 1814  
for the Queen  
Edward

1814 18906.

Account 30<sup>th</sup> July. 1898.  
218:149. 202:529.

W. J. Petermann  
Belonging to the Repetition Bureau, number

000909

1677.

PRIVY COUNCIL



Extract from a Report of the Committee of the  
Honourable the Privy Council, approved by  
His Excellency on the 27th June, 1898.

On a memorandum dated June 23rd, 1898, from  
the Superintendent General of Indian Affairs submitting  
a Surrender in duplicate made by the Wikwemikong Band  
of Indians of the Petroleum oil and Gas within the un-  
ceded portion of Manitoulin Island together with all  
the mining privileges necessary for the proper working  
and extracting from the ground and the carriage of the  
said oil and Gas from the Reserve, etc., with a view  
to the said privileges being disposed of for the bene-  
fit of the Band.

The Minister states that the Surrender has  
been assented to, executed and attested in accordance  
with the provisions of the 39th Section of the Indian  
Act and he recommends that it be accepted by Order of  
Your Excellency in Council and that the original  
Surrender be returned to the Department of Indian Af-  
fairs and the duplicate kept of record in the Privy  
Council Office.

The Minister further recommends that he be  
authorized to dispose of the oil and gas in question  
in whatever way he may consider most advisable in the  
interests

To the Honourable

The Superintendent General of Indian Affairs

000910

1. 247  
for transmission of Surrender  
to S. P. Dept. for signature  
2. 248  
Decy



3

IN WITNESS WHEREOF, we have hereunto set our hands and  
affixed our seals this *Eight* day of *June*  
in the year of Our Lord one thousand eight hundred and *Twenty Eight*

Signed, Sealed and Delivered,

in the presence of

*R. Mass*  
*Notary*

*Charles W. Higgin*

Chief *Wm Kinoshameg* or

Councillor *Joseph Asaninimiki*  
Councillor *Joseph Peltus*

Councillor *Isaac Javara*

Councillor *Wm Kinoshameg Jr*  
*Peter Begonickson*

*Amable X* *Wemiguans*  
*mark*

*John Brophie X* *Wacomik*  
*mark*

*Thomas X* *Sagomaki*  
*mark*

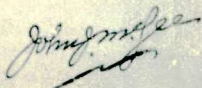
Original As is

000911



interests of the Indians, notwithstanding anything to  
the contrary in the Mineral regulations of the Depart-  
ment of Indian Affairs as adopted by Order of Your  
Excellency in Council on the 15th of September, 1883.

The Committee submit the same for Your  
Excellency's approval.



Clerk of the Privy Council.

X014137

RECEIVED FOR REGISTRATION  
IN THE SURRENDERED  
LAND REGISTER

JAN 9 10 44 AM '73

WIKWEMIKONG UNCEDED

INDIAN RESERVE

NO. 26

ONTARIO

SURRENDER 401 and  
ORDER IN COUNCIL P.C. 1677

000913

11 The Great Northern Oil Company

*P. O. Address.*

**F**

Petroleum & Gas Rights - Park  
Unceded Pt. Manitowlin Isl<sup>o</sup>.

Con.

*Tr.*

Ref. for Pat. No. 15736

For Quimper  
prospect in  
land for a  
letters 3 Dec.  
April 1909.

1909 DATE.		ACREAGE.	RATE PER ACRE.		TOTAL AMOUNT OF SALE.		CHARGE.				DISCHARGE.				REMARKS.
			\$	c.	\$	c.	PRINCIPAL.		INTEREST.		PRINCIPAL.		INTEREST.		
April 14		10,000	\$	c.	\$	c.									
		40,000													
<p>A Royalty of 8% to be collected on gross output as delivered at Well's Mouth -</p> <p>File 110324<sup>2</sup></p> <p>25019<sup>1</sup></p>							\$	c.	\$	c.	\$	c.	\$	c.	

Philomene Poirier

**F**

Sale No.. ..

~~File No.~~ Petroleum & Gas

Highets, on Park

Unrecorded Position

Tr. *Muriltonia Inland*

Ref. for Pat. No. 16737

P. O. Address, Shediac, N. B.

Sole executrix & personal representative of late A. S. Poirier

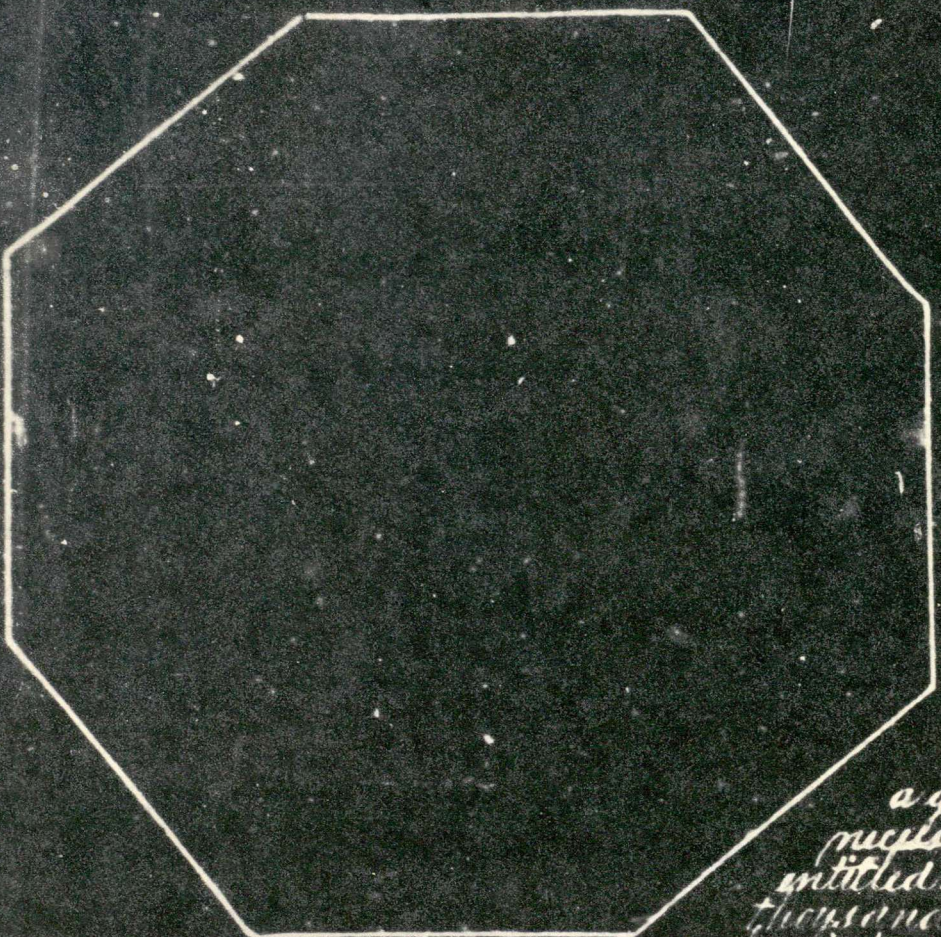
CONDITION:

See Page

ASSIGNED TO	Index No.	Regn. No.	P. O. Address.

1900 DATE.	ACREAGE.	RATE PER ACRE.		TOTAL AMOUNT OF SALE.		CHARGE.				DISCHARGE.				REMARKS.
		\$	c.	\$	c.	PRINCIPAL.		INTEREST.		PRINCIPAL.		INTEREST.		
April 14	10,000.	---	---											
<p>A Royalty of 8% to be collected on gross output as delivered at Wells Mouth.</p> <p>File - 1103242.</p>						\$	c.	\$	c.	\$	c.	\$	c.	





DEPUTY GOVERNOR

CANADA

Edward the Seventh, by the  
Ireland and of the British  
Emperor of India

Whereas petroleum and  
in the Province of Ontario in Our Dominion  
to Us by the Indians of the band occupying  
working extraction from the ground and carrying  
and gas for the benefit of such Indians and

And Whereas  
Company Limited

a grant of the petroleum and gas in or under or upon  
necessary for the proper working and extraction from  
entitled thereto under and by virtue of certain appurtenances  
thousand nine hundred and six and made by  
the first part and the grantee of the second part And  
to be intitled to such a grant in the terms herein embodied

Now Know Ye that We do by these Presents grant conveyance and  
may be found to exist in or under or upon all and singular those tracts  
of Ontario and Dominion of Canada described as follows: To wit: commencing  
Bay with the line between the fourth and fifth concessions of Shegog and a  
tract of land granted to Philomene Poirier thence due east along the south  
166 70 feet thence due north 933 4 feet to the point of commencement contain  
therefrom all land covered by the waters of Lake Huron that may fall within  
secondly All that part of the south end of the unceded portion described as  
portion at a point two miles due north of the line between the said lands and  
or to the water's edge on the east side of the said unceded portion thence south  
south end of the unceded portion to the point of commencement containing  
and privilege of getting and taking such petroleum and gas and of doing  
be reasonably necessary for that purpose including the right of erecting upon the said  
and residences and of having and using the same for the purpose of such petroleum and  
of laying and using pipes for the conveyance of such petroleum and gas over the  
surface and the right and privilege of using a water petroleum or gas which  
connection with the boring for or refining of the said petroleum or gas

To Have And To Hold the same unto the grantee in fee simple  
cent on all petroleum produced upon the said lands except such as is required  
the provision herein contained in that regard such royalty to be levied and collected  
said lands as delivered at the wells mouth

Provided and this grant is made upon and subject to the further conditions  
other than as hereinbefore expressly provided: That in any works involving the  
shall employ Indian labour except where it is found impracticable to do so  
and you use a same or destroy the same or otherwise interfere with the  
of this grant

W.C. Spence  
1873

OTTAWA

Year of Our Reign

fourteenth

April

15736

Under Secretary of State



# CANADA.

**Seventh.** by the Grace of God of the United Kingdom of Great Britain and  
Ireland and of the British Dominions beyond the Seas KING, Defender of the Faith  
Emperor of India

**Read** Whereas and was in or under or upon the unceded portion of the Grand Manitoulin Island  
of Ontario in Our Dominion of Canada such portion being an Indian Reserve have been duly surrendered  
by the band occupying the said reserve together with all the mining privileges necessary for the proper  
exploitation of the ground and carriage from the reserve of such petroleum and gas with a view to the disposal of such petroleum  
and gas by such Indians And Whereas Our Governor in Council has duly accepted such surrender

## Whereas The Great Northern Oil Company Limited

a body politic and corporate hereafter called the grantee has applied for  
and obtained in or under or upon the lands hereinafter mentioned part of the said reserve and of the mining privileges  
from the ground and carriage from the reserve of such petroleum and gas claiming to be  
in pursuance of a certain agreement bearing date the twenty eighth day of December in the year of Our Lord one  
thousand nine hundred and six and made between Ourselves represented by the Superintendent General of Indian Affairs of  
the second part And Whereas its claims having been duly investigated the grantee has been found

entitled to convey unto the grantee its successors and assigns all the petroleum and gas which shall  
and singular those tracts of land situate in the unceded portion of Manitoulin Island in the Province  
of Ontario commencing at a point due south 755 feet from the intersection of the water's edge of Manitoulin  
Island and the shore of the said Bay the said point being the southwest corner of the  
said tract 1170 feet thence due south 935 feet thence  
commencing an area of ten thousand acres or the same more or less excepting thereout and  
therefrom that may fall within the said described limits  
and portion described also commencing at the water's edge of South Bay on the westerly side of the unceded  
portion of the said Island and following the shore of the said Bay thence southerly westerly and northerly following all the sinuosities of the shore of the said  
Island containing an area of forty thousand acres or the same more or less together with the exclusive right  
to mine and gas and of entering upon and using and occupying so much of the said lands and to such extent as may  
be necessary for the purpose of erecting upon the said lands and of removing from time to time any necessary buildings machinery and  
implements of such petroleum and gas or to break or under the said lands and the right and privilege but not the right  
to mine and gas over through or under any other land forming part of the said reserve and port or parts on the  
said petroleum or gas which may or shall be found in upon or under the said lands as is required in  
said petroleum or gas

grantee in fee simple rendering therefor yearly and per year unto Us and Our successors a royalty of eight per  
cent such as is required and used in connection with boring for and recovering the said petroleum and gas and  
royalty to be levied and collected on the gross output of any and all wells subject to the exception aforesaid in and upon the

to the further conditions That these Presents do not convey to the grantee any surface rights in the said land  
nor works involving the exercise of the rights and privileges hereby granted the grantee its successors or assigns  
shall be required to pay for the labour and material required and that the grantee its successors or assigns shall not be  
entitled to mine or gas in the said lands except in connection with the carrying on of operations under the provisions

Witness Our hand at Ottawa this 11th day of December 1906  
Baron Grey of Aldenham  
1 Baron Grey of Aldenham  
11th Dec 1906

in the year of the

nine

ninth

James H. H. H.



Charles J. Jones

DEPUTY GOVERNOR

CA

Edward the Seventh, by the  
Ireland and of the British  
Emperor of India.

Whereas

in the Province of Ontario, Our Do-  
to the Indians of the said and occu-  
working attraction from the ground and ex-  
and gas for the benefit of such Indians the

And Whereas  
Company Limited

a grant of the petroleum and gas in or under  
necessary for the proper working and extraction from  
entitled thereto under and by the said certain  
thousand nine hundred and six and made  
the first part and the grant of the second part

to be entitled to such a grant in the terms herein embodied

Now Know Ye that We do by these Presents grant, convey and assign  
may be found or may exist in or under or upon all and singular those tracts  
of Ontario and Dominion of Canada described as follows, to-wit: commen-  
ing with the line between the fourth and fifth concessions of the said  
tract of land granted to Philomene Poirier thence due east along the section  
line of the said concession due north 93 1/2 feet to the point of commencement of the  
the said land covered by the waters of Lake Huron that may fall within  
the said tract of land and of the said concession and of the said concession  
position at a point two miles due north of the line between the said concession  
of the said concession on the east side of the said concession thence  
southward of the said concession to the point of commencement of the  
and privilege of getting and extracting and taking such petroleum and gas and of ex-  
position at a point two miles due north of the line between the said concession  
and residence and of the said concession and of the said concession  
of laying and using pipes for the conveyance of such petroleum and gas over the  
residence and the said concession and of the said concession and of the said concession  
connection with the bearing for or refining of the said petroleum or gas

To Have And To Hold the same with the grant in fee simple  
on all petroleum product upon the said lands except such as is required  
the provision herein contained in that regard such royalty to be paid and collected  
said lands as delivered at the well mouth

Provided also that this grant is made upon and subject to the further conditions  
other than as hereinbefore expressly provided, that in any works involving the  
shall employ Indian labour except where it is found impracticable to do so  
of the grant

Well-Beloved Cotes  
Baron Grey of How  
a Baronet, Knight  
Etc., Etc., Governor

At OTTAWA, this

day of

, in the year of Our

year of Our Reign.

Ref. No.

BY COMMAND,

Sale No.

75736

P. J. J. J.

ACTING

Under-Secretary of State.

*Handwritten signature*

Register of Indian Lands, Patents.

Recorded in the Department of Indian Affairs.  
190  
L. C. J. J.



**the Seventh,** *by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.*

Whereas The Great Northern Oil  
pany Limited

grant conveyed and assigns unto the grantees its successors and assigns, all the petroleum and gas which shall be found in the several tracts of land situate in the unceded portion of Manitowish Island in the Province of Ontario as follows: firstly commencing at a point due south 735 1/2 feet from the intersection of the water edge of Manitowish Island with the shore of the said Bay the said point being the southwest corner of the said tract 1/4 of a mile due east along the south boundary of the said tract 1/4 of a mile thence due south 735 1/2 feet thence due west of commencement containing an area of ten thousand acres or the same more or less excepting the acre and portion thereof as follows commencing at the water's edge of South Bay on the westerly side of the main land between the main land and the north concavities of the main land produced westerly thence due east four miles more or less thence southerly westerly and northerly following all the sinuosities of the shore of the said main land containing an area of forty thousand acres or the same more or less together with the exclusive right of petroleum and gas and of exploring upon and using and occupying so much of the said lands and so much of the right of erecting upon the said lands and of removing from time to time any necessary buildings machines or other things of such petroleum and gas as may be found or under the said lands and the right and privilege but not of conveying petroleum and gas over through or under any other lands forming part of the said reserve and port or parts on the said petroleum or gas which may or shall be found in upon or under the said lands as is requested in the said petroleum or gas

the grantee in fee simple rendering therefor yearly and for years unto Us and Our successors a royalty of eight pence per acre such as is required and used in connection with holding for and refining the said petroleum and has under the royalty to be paid and collected on the gross output of any and all wells subject to the depletion of or said in and upon the

ed to the further conditions I That these Presents do not convey to the grantee any surface rights in the said land  
any works involving the exercise of the rights and privileges hereby granted the grantee its successors or assigns  
it impracticable to do so when what labour is required and I That the grantee its successors or assigns shall not be  
WITNESSETH my hand and the seal of the said Board of Commissioners in Council this 10th day of October 1871  
Wm Beland Clerk the Right Honourable Sir Albert Henry George Earl Grey Vice-Chancellor of the Exchequer

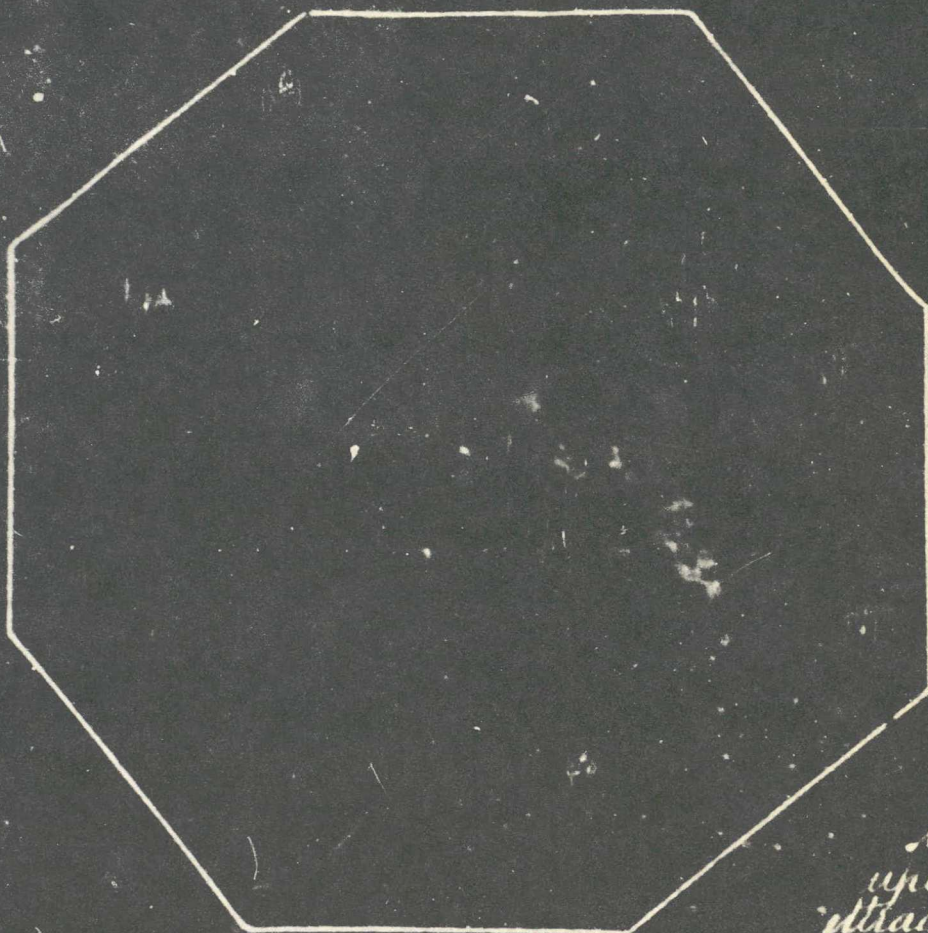
, and in the

*Deputy of the Superintendent General of Indian Affairs.*









DEPUTY GOVERNOR

CA

Edward the Seventh.  
Ireland and of the British  
Emperor of India

Whereas  
the Province of Ontario in Old Toronto  
to us by the Indians of the land occupied  
attraction from the ground and carriage from  
petroleum and gas for the benefit of said

And Whereas  
the Province of New Brunswick in Canada  
A. V. in his lifetime of Shiquandak  
upon the lands hereinafter mentioned part  
attraction from the ground and carriage from  
virtue of a certain agreement bearing date the second  
and made between Cusick represented by the Superior

the second part And Whereas per claims having been duly investigated  
Now Know Ye that We do by these Presents grant convey and assure  
may be found or may exist in or under or upon all and singular that tract  
Province of Ontario and Dominion of Canada containing an area  
commencing at the intersection of the water edge of the said town of  
and fifth concessions of Shiquandak proceed easterly across the said  
thing due north 955 1/2 feet to the point of commencement excepting the  
within the said described limits together with the exclusive right and privilege  
and using and occupying so much of the said land and so much extent as may  
lands and of removing from time to time any necessary buildings machinery  
and gas over through or under the said lands also the right and privilege  
through or under any of the said lands forming part of the said reserve to any  
gas which may be found in or upon or under the said lands as is

To Have And To Hold the same unto the grantee his heirs  
and our successors a royalty of eight per cent on all petroleum products  
being or and refining the said petroleum and gas under the provision  
gross output of any and all wells subject to the deduction of costs in and

Provided and this grant is made upon and subject to the further conditions  
lands other than as hereinbefore expressly provided

1 That in any works involving the exercise of the rights and privileges hereby  
granted impracticable to be done here if not labour is required and  
3 That the grantee his heirs or assigns shall not cut down or  
be required or necessary in connection with the carrying on of operations

GIVEN under the Great Seal of Canada Witness, CHA

20th April 1900

15757

fourteenth

April



# CANADA.

RNOR

**the Seventh.** by the Treaty of God, of the United Kingdom of Great Britain, Ireland and of the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India

To all to whom these Presents shall come, GREETING.

**Whereas** petroleum and gas in or under or upon the unceded portion of the Grand Manitoulin Island in Ontario in the Dominion of Canada such portion being an Indian Reserve have been duly surrendered to the Crown by the said Indians together with all mining privileges necessary for the proper working of the ground and carriage from the reserve of such petroleum and gas with a view to the disposal of such gas for the benefit of such Indians and Whereas Our Governor in Council has duly accepted such surrender

**Whereas** Philomene Poirier of the Province of Quebec in the Dominion of Canada sole executor and personal representative of the late Andre Poirier of the said Province of Quebec Merchant has applied for a grant of the petroleum and gas in or under or upon the unceded portion of the said reserve and all mining privileges necessary for the proper working of the ground and carriage from the reserve of such petroleum and gas claiming to be entitled thereto under and by virtue of a will bearing date the second day of October in the year of Our Lord one thousand nine hundred and twelve represented by the Superintendent General of Indian Affairs of the first part and the said Andre Poirier of the second part having been duly investigated the grant has been found entitled to such a grant in the terms herein embodied

**And whereas** the said grant conveys and assigns unto the grantee his heirs and assigns all the petroleum and gas which shall be found in or under or upon the tract of land situated in the unceded portion of Manitoulin Island Lake Huron and containing an area of ten thousand acres in the same more or less and described as follows: Beginning at the westerly side of the said unceded portion with the line between the said portion and the said Lake Huron and thence due east 11770 feet thence 9334 feet due south thence due west 11770 feet thence due east 11770 feet thence 9334 feet due north thence due west 11770 feet thence due east 11770 feet to the place of beginning excepting thereout and therefrom all land covered by the waters of Lake Huron that may fall within the exclusive right and privilege of getting extracting and taking such petroleum and gas and of conveying such petroleum and gas by such means as may be reasonably necessary for that purpose including the right of erecting upon the said lands buildings machinery works and residences and of laying and using pipes for the conveyance of such petroleum and gas and the right and privilege of laying and using pipes for the conveyance of such petroleum and gas and the right and privilege of using any water petroleum or gas on the said lands as is required in connection with the getting for or refining of the said petroleum or gas

**And whereas** the grantee his heirs and assigns in fee simple rendering therefor yearly and every year unto the Crown all petroleum produced upon the said lands except such as is required and used in connection with the getting for or refining of the said petroleum or gas and the provision hereinbefore contained in that regard such royalty to be paid and collected on the receipt of the said lands and upon the said lands as delivered at the well's mouth

**Subject to the further conditions** That these Presents do not convey to the grantee any surface rights in the said lands and that the rights and privileges hereby granted the grantee his heirs or assigns shall employ Indian labour except so far as it is required and that the grantee his heirs or assigns shall not cut down or remove or destroy any timber or trees growing on the said lands further than may be necessary for the carrying on of operations under the provisions of this grant

**Witness** CHARLES J. DIXON, Esq. Justice of the Peace for the County of Northumberland and a Bachelor, Knight of the Order of the Most Excellent Order of the British Empire

April ninth



HEYWOOD IS.

# MANITOULIN ISLAND

## NOT CEDED

Showing Oil Leases

Scale: - 2 Miles to 1 inch.

SHIGUANDAH

MANITOUANING BAY

SMITH BAY

Philomene Pairier

46670  $\text{Ft}^2$

Great Northern  
Oil Coy. Ltd.

9334  $\text{Ft}^2$

MANITOUANING

ASSIGIN

N. Limit of Oil Patent.

25340  $\text{Ft}^2$

2 Miles

XIV

XV

TEHKUMMAH

BAY

SOUTH BAYMOUTH

Great Northern Oil Coy. Ltd.  
40000  $\text{Ac}.$

GEORGIA

T752A

0 2 4 6 8  
MILES

Notes: Surface Rights, 40000 and 20000 Acres. Not  
Only Gas and Petroleum Rights Patented. Held by the No. 400-1, A.S.

ASST

T. 7

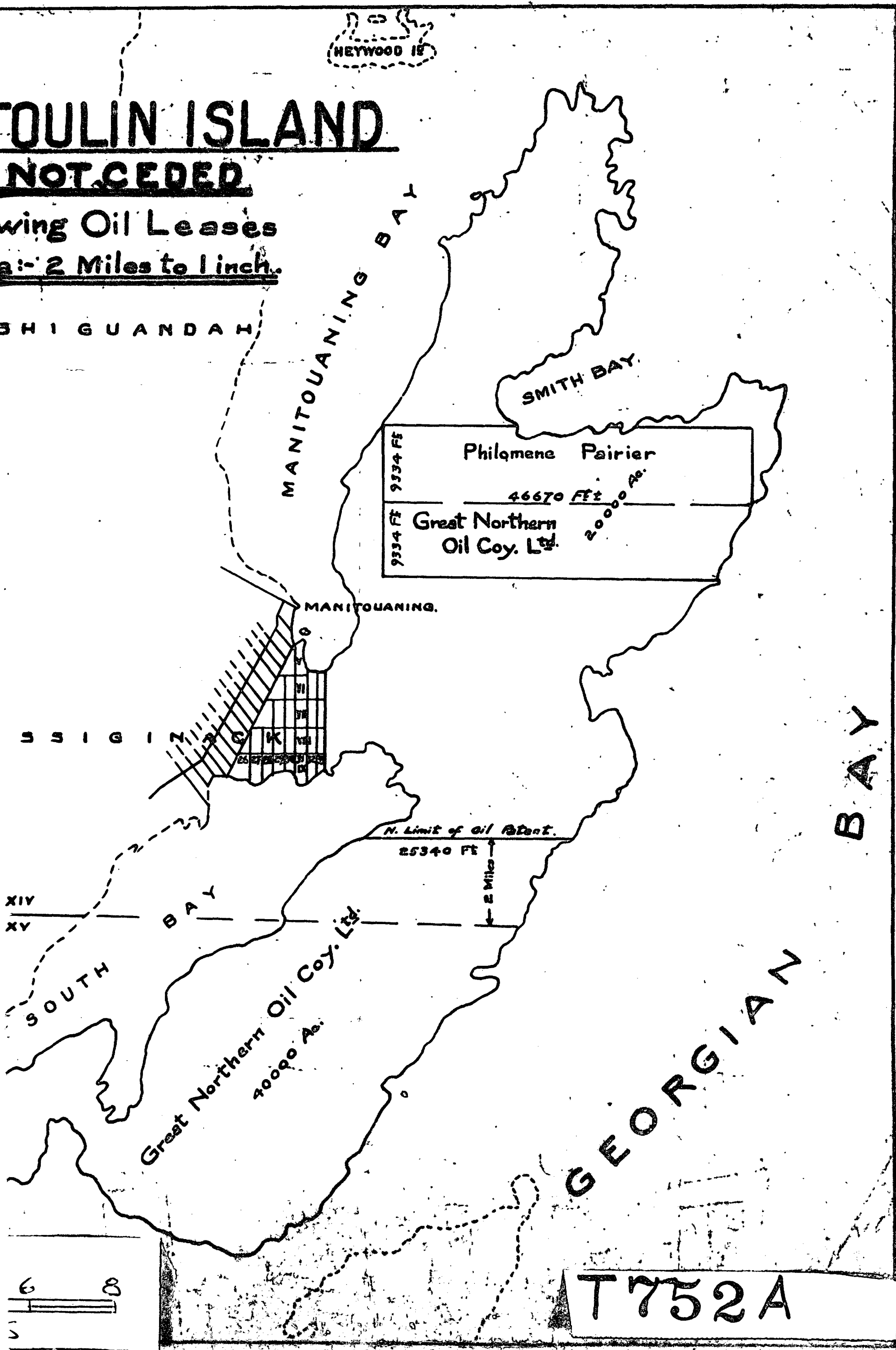
000923

# TOULIN ISLAND

**NOT CEDED**

Oil Leases  
Scale: 2 Miles to 1 inch.

SHIGUANDAH



T 752 A

Made from T. 752.

T. 752-A





ONTARIO

EXECUTIVE COUNCIL OFFICE

OC/2071/49

Copy of an Order-in-Council approved by His  
honour the Lieutenant-Governor, dated the 17th day of  
November, A.D. 1949.

The Committee of Council have had under consideration  
the report of the Honourable the Attorney-General, dated  
November 15th, 1949, wherein he states that,-

1. The Great Northern Oil Company Limited was incorporated  
under the provisions of The Ontario Companies Act by Letters  
Patent dated the thirty-first day of January, A.D. 1906, and  
its Letters Patent were duly cancelled as of the Second day  
of December, A.D. 1948, for failure to file annual returns  
as required by The Companies Information Act, being Chapter 253  
of the Revised Statutes of Ontario 1937, and accordingly all  
its real and personal property undisposed of at the time of  
the cancellation of its Letters Patent have been forfeited  
to the Crown in the right of the Province of Ontario, pursuant  
to Section 3 of Chapter 15, 11 George VI.

2. By a Deed of Surrender dated the Eighth day of June,  
A.D. 1898, made on behalf of the Nkwanikong Band of Indians,  
resident on the Reserve in the unceded portion of Manitoulin  
Island, the petroleum and gas rights in, under or upon the  
lands hereinafter mentioned were surrendered to the Crown in  
the right of the Dominion of Canada, subject to the condition  
that all monies received from the disposal thereof were, after  
deducting proper expenses of management, to be paid to the  
Nkwanikong Band of Indians.

3. The property undisposed of by the Company and forfeited  
to the Crown in the right of the Province of Ontario is as fo

000925



ONTARIO

EXECUTIVE COUNCIL OFFICE

2.

- (a) The petroleum and gas rights on fifty thousand acres of land in Manitoulin Island, in the Province of Ontario, granted to the Company by a Patent from the Dominion Government dated the 14th of April, A.D. 1899, described as follows:-

ALL AND SINGULAR those tracts of land situate in the westerly portion of Manitoulin Island, in the Province of Ontario, and Dominion of Canada, described as follows:-

**FIRSTLY:** COMMENCING at a point due South 9,534 feet from the intersection of the water's edge of Manitoulin Bay with the line between the Fourth and Fifth Concessions of Chequamegon produced Easterly across the said Bay, the said point being the Southwest corner of the tract of land granted to Edouard Poirier; Thence due east along the south boundary of the said tract 40,070 feet; Thence due south 9,384 feet; Thence due west 40,070 feet; Thence due North 9,534 feet to the point of commencement, containing an area of ten thousand acres, be the same more or less; excepting thereout and therefrom all land covered by the waters of Lake Huron that may fall within the said described limits.

**SECONDLY:** All that part of the southerly end of the unceded portion described as follows: COMMENCING at the water's edge of South Bay on the westerly side of the unceded portion at a point two miles due north of the line between the Fourteenth and Fifteenth Concessions of Tahquamenon produced Easterly; Thence due east five miles more or less to the water's edge on the east side of the said unceded portion; Thence southerly, westerly and northerly following all the sinuosities of the shore of the said southerly end of the unceded portion to the point of commencement, containing an area of forty thousand acres, be the same more or less.

TOGETHER with the exclusive right and privilege of cutting, extracting and taking such petroleum and gas and of entering upon and using and occupying so much of the said lands and to such an extent as may be reasonable necessary for that purpose, including the right of erecting upon the said lands and of removing from time to time any necessary buildings, machinery and works and residences and of laying and using pipes for the conveyance of such petroleum and gas over, through or under the said lands, also the right and privilege, but not exclusive, of laying and using pipes for the conveyance of such petroleum and gas over, through or under any other lands forming part of the said reserve to any port or ports on the reserve and the right and privilege of using any water, petroleum or gas which may or shall be found in, upon or under the said lands as is required in connection with the boring for or refining of the said petroleum or gas.



ONTARIO

EXECUTIVE COUNCIL OFFICE

SUBJECT to the Grantee paying to the Crown for the right of the Dominion of Canada a royalty of eight per cent. yearly on all petroleum produced upon the said lands except such as is required and used in connection with the boring for and refining of the said petroleum and gas.

- (b) The petroleum and gas rights on one thousand acres of land in Manitowaning Island, in the Province of Ontario, granted by a Patent from the Dominion Government dated the 14th of April, A.D. 1919, to Phillips Petroleum, which rights were created by Phillips Petroleum Company by duly registered Deed of Conveyance dated the 28th day of April, A.D. 1919, described as follows:-

ALL AND SINGULAR that tract of land situate in the unceded portion of Manitowaning Island, Lake Huron, in the Province of Ontario and Dominion of Canada, containing an area of ten thousand acres more or less and described as follows:-

COMMENCING at the intersection of the water's edge of Manitowaning Bay on the westerly side of the unceded portion with the line between the Fourth and Fifth Concessions of Amegikandah produced easterly across the said Bay thence due east 40,070 feet; thence S, 53 1/2° E 9,534 feet due south; thence due west 40,070 feet; thence due north 9,534 feet to the point of commencement excepting thereout and therefrom all land covered by the waters of Lake Huron that may fall within the said described limits together with the exclusive right and privilege of cutting, extracting and taking such petroleum and gas and of entering upon and using and occupying so much of the said land and to such an extent as may be reasonably necessary for that purpose including the right of erecting upon the said lands and of removing from time to time any necessary buildings, machinery, works and residences and of laying and using pipes for the conveyance of such petroleum and gas over through or under the said lands, also the right and privilege but not exclusive of laying and using pipes for the conveyance of such petroleum and gas over, through or under any other lands forming part of the said reserve to any part or parts on the reserve and the right and privilege of using any water, petroleum or gas which may or shall be found in, upon or under the said lands as is required in connection with the boring for or refining of the said petroleum or gas.

SUBJECT to the Grantee paying to the Crown in the right of the Dominion of Canada a royalty of eight per cent. yearly on all petroleum produced upon the said lands except such as is required and used in connection with the boring for and refining the said petroleum and gas.

4. The Department of Mines and Resources, Indian Affairs Branch, have requested that these petroleum and gas rights, which





ONTARIO  
EXECUTIVE COUNCIL OFFICE

4.

have been forfeited to the Crown in the right of the Province of Ontario, be granted and released to the Crown in the right of Canada so that they may enter into a much more advantageous lease for the development of the petroleum and gas resources for the benefit of the Wikemikong Band of Indians of Manitoulin Island who surrendered the said petroleum and gas rights as aforesaid.

The Government of Canada is agreeable to pay to the Government of the Province of Ontario the sum of \$3,000.00 for the surrender to it of the interest of the Crown in the right of the Province of Ontario in the hereinafore mentioned petroleum and gas rights.

The Honourable the Attorney-General therefore recommends that under the provisions of the Statute Act 1913, being Chapter 24, of George VI, upon payment to the Public Trustee of the sum of \$3,000.00 by the Department of Mines and Resources of the Government of Canada, any right, title or interest which the Crown, in the right of the Province of Ontario, has or may have in the lands hereinafore particularly described and in and to the said petroleum and gas rights, be granted and released to the Crown in the right of the Dominion of Canada in pursuance of its request so to do, subject to the terms and conditions of the said Deed of Surrender, dated the Eighth day of June, A.D. 1953, made on behalf of the Wikemikong Band of Indians resident on the Reserve in the unceded portion of Manitoulin Island.

The Committee of Council concurs in the recommendation of the Honourable the Attorney-General and advises that the same be acted on.

Certified,

Clerk, Executive Council

000928

3. Arthur Ellis

Trust Officer,  
pursu

the Custody of Documents Act (Chapter 173, R.S.O., 1937) the following documents, viz.:-

of the City of Toronto, in the County of  
hereby deposit with and require you to take into your custody,

Description of Documents	NAMES OF ALL PARTIES	Any other particulars or subject of certificate, affidavit, etc.	Lands in this Registry Division to which documents relate
		Dated November 17th, 1949.	Parts of the unceded portion of Manitoulin Island in the Province of Ontario and Dominion of Canada.
Original As is			

If documents bearing Registration Certificate of an Ontario Registry Division are being deposited, use the following form for description of same:-

Lands in the Registry Division to which documents relate

Particulars of Registration of Registered Documents

Registry Division	Date of Registration	No. of Instrument	Township, City, Town, etc.

Dated February 1st, 1950 (in duplicate)  
Signed in the presence of me, to whom the Depositor and his residence and occupation are well known.

*M. Dickinson*  
Witness.

Signature

*Abel's*

Residence

135 Madison Avenue,  
Toronto, Ontario.

Occupation

Trust Officer

The documents above mentioned with a duplicate of above requisitions are this day received by me.

Dated February 6th 1950

*J. A. Clarke*  
Deputy Registrar

Registrar for Registry Division of the District of Manitoulin

000929

Deposit 176 in the  
Registry Office for  
the Registry Division of  
the District of Manitoulin  
Feb 6th 1880

JAC Park  
Wf Registrar

Dated February 1st, 19 50

In the Matter of the Title to

~~THE~~ Parts of the uncoded  
portion of Manitoulin Island  
in the Province of Ontario and  
Dominion of Canada.  
~~THE~~

**Deposit**

Dye & Dehnen, 2-11 Yonge Street Arcade, Toronto, Ont.

Public Trustee,  
Osgoode Hall,  
Toronto 1, Ont.



Original As is

OTTAWA

DEPUTY MINISTERIAL SECRETARY

OTTAWA O.,  
July 6, 1949.

Dear Mr. Demingville,

Re: The Great Northern Oil Company, Limited

I refer to your letter of June 15th and our telephone conversation of recent date relative to the above Company.

The Letters Patent of the Company were cancelled by order-in-council, dated November 16th, 1942, issued under Section 23 (1) of The Companies Act (Ontario). I regret exceedingly that through some oversight we did not advise you in this regard. As you will recall, we delayed cancelling the Letters Patent for some time, in that a new group was considering the further development of the property. When this new group, however, lost interest, we decided to cancel the Letters Patent as originally requested.

In respect to any property which the Company owned at the date of dissolution, I would refer you to Section 24 of The Companies Act (Ontario) which reads as follows:

"Any real or personal property of a company, which has not been disposed of at the date of dissolution, shall be forfeited to the Crown."

Mr. Arnold Reine, E. C., Public Trustee, Corporate Hall, Toronto, has the administration of the Companies Act, and matters respecting any property as forfeited are within his purview. I have been in touch with Mr. Reine in the present instance, and would suggest that you take the matter up with him.

If I can furnish you with any additional information, I shall be pleased to do so.

Yours very truly,

(sig) E. J.

E. J. GIBLIN  
Deputy Ministerial

E. L. Demingville, Esq.  
Deputy Minister of Mines and Technical  
Surveys.

000931

X014145

RECEIVED FOR REGISTRATION  
IN THE SURRENDERED  
LAND REGISTER

JUN 8 2 54 PM '73

WIKWEMIKONG UNCEDED

INDIAN RESERVE

NO. 26

ONTARIO

PROVINCIAL ORDER IN COUNCIL  
OC/2071/49

# OF TITLE

I Certify that the following are correct extracts from the only Instruments referred to in the title or refer

to Manitoba Land Unceded Indian Reserve Patricia & Joe  
(This Abstract does not purport to give notice from the General Registry)

REGISTERED NO. OF THE INSTRUMENT EXTRACTED FROM	THE NATURE OF SAID INSTRUMENT	THE DATE OF SAID INSTRUMENT	THE DATE OF REGISTRY OF SAID INSTRUMENT	CONSIDERATION OR MORTGAGE MONEY	NAME OF GRANTOR, LESSOR, DEVELOPER OR PLAINTIFF, ETC. MENTIONED IN SAID INSTRUMENT	NAME OF GRANTEE, LESSEE, DEVELOPER OR RESPONDENT, ETC. MENTIONED IN SAID INSTRUMENT	THE LANDS MENTIONED	REMARKS
1	Original Copy of Deed	Apr 14/09	Apr 22/10		Crown	Philomena Lorrain	10.000 a 8	negotiating
2	Deed	Dec 26/17	100	for conts	Philomena Lorrain	Sole Grant Northern Bell	100	
					excess part of Andre Poirier Campagne Limited			
					dec'd			
					Re: Great Northern Bell Company Ltd			
					Order in Council: Relating to Crown in R of Dominion of Canada			

see Depo 176 entered Feb 1/30 Feb 6/30

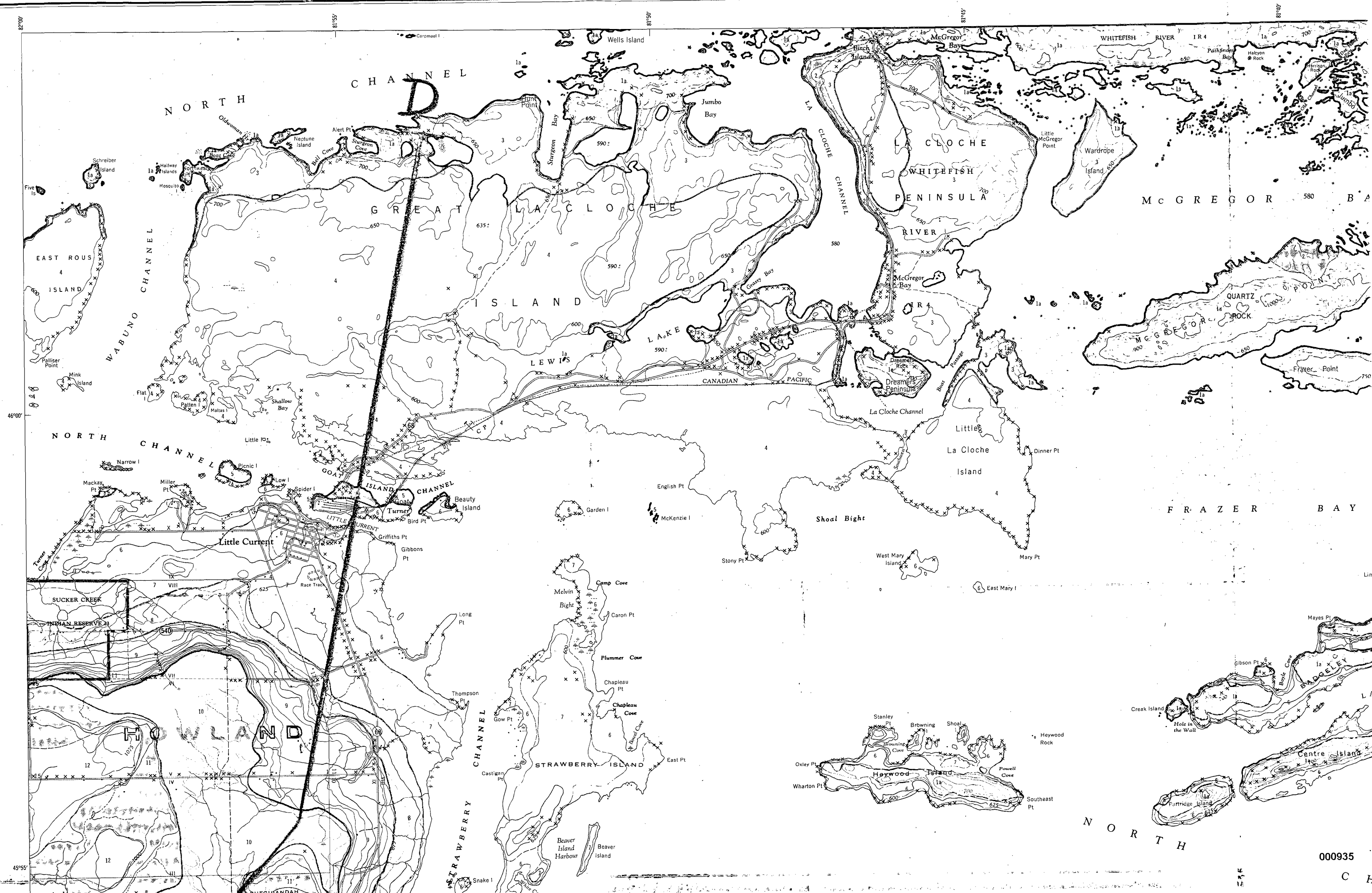
This instrument does not purport to give notice from the General Registry.  
Filed at Gore Bay this 5th day  
December A.D. 1999  
J.A. Clarke Dep. Registrar

Dated at Gore Bay this 4th day  
March A.D. 1956  
J.A. Clarke Dep. Registrar

Original As is



STRATIGRAPHY ● OF  
MANITOULIN ISLAND  
MAPS —



000935

C

Map 2247  
Little Current Area



### LEGEND

#### PALEOZOIC SILURIAN

##### GUELPH FORMATION†

- 18 Tan, finely crystalline dolostone and finely granular dolostone.

##### AMABEL FORMATION†

- 17 Grey and blue, finely crystalline and sub-lithographic dolostone; bioherms.

##### FOSSIL HILL FORMATION†

- 16 Medium brown, finely and medio crystalline dolostone; patch and platform reefs.

##### MINDEMOYA FORMATION

- 15 Grey and light brown, lithographic to finely crystalline dolostone; thin biostromes.

##### CABOT HEAD FORMATION\*

- 14 Dyer Bay Member: bluish, finely crystalline dolostone with shale; Wingfield Member: brownish-grey, finely crystalline dolostone with shale; St. Edmund Member: brown, finely crystalline dolostone with shale.

- 13 Cabot Head (restricted) Member: red shale, with green shale and green dolostone; latter two increase westwards.

##### MANITOULIN FORMATION

- 12 Brown and grey, finely crystalline dolostone; patch and platform reefs.

#### ORDOVICIAN

##### GEORGIAN BAY FORMATION

- 11 Upper Member, Upper Submember: brown and grey, finely crystalline limestone and dolostone.

- 10 Upper Member, Lower Submember: bluish grey, fine-grained argillaceous limestone.

- 9 Lower Member: greyish blue shale with thin interbeds of finely crystalline limestone and dolostone.

##### WHITBY FORMATION

- 8 Upper Member: grey and brown, soft shale.

- 7 Lower Member: black fissile shale, minor black limestone; calcareous and petroliferous; fossiliferous.

##### LINDSAY FORMATION

- 6 Grey, finely crystalline limestone, minor dolostone, some sublithographic limestone.

##### VERULAM FORMATION

- 5 Grey and bluish grey, finely to medio crystalline limestone; minor shale, fossiliferous and thin bedded.

##### BOBCAYGEON FORMATION

- 4 Grey and brownish grey, finely crystalline and sublithographic limestone; fossiliferous.

### SYMBOLS

- x Bedrock outcrop.
- Geological boundary.
- Oil or gas well.
- Quarry.
- International boundary.
- Township or Indian Reserve boundary.

For other conventional signs refer to 1:50,000 National Topographic Map System.

### SOURCES OF INFORMATION

Geology by B. A. Liberty, 1954-1957, Geological Survey of Canada; 1966-1971, Department of Geological Sciences, Brock University, Ontario.

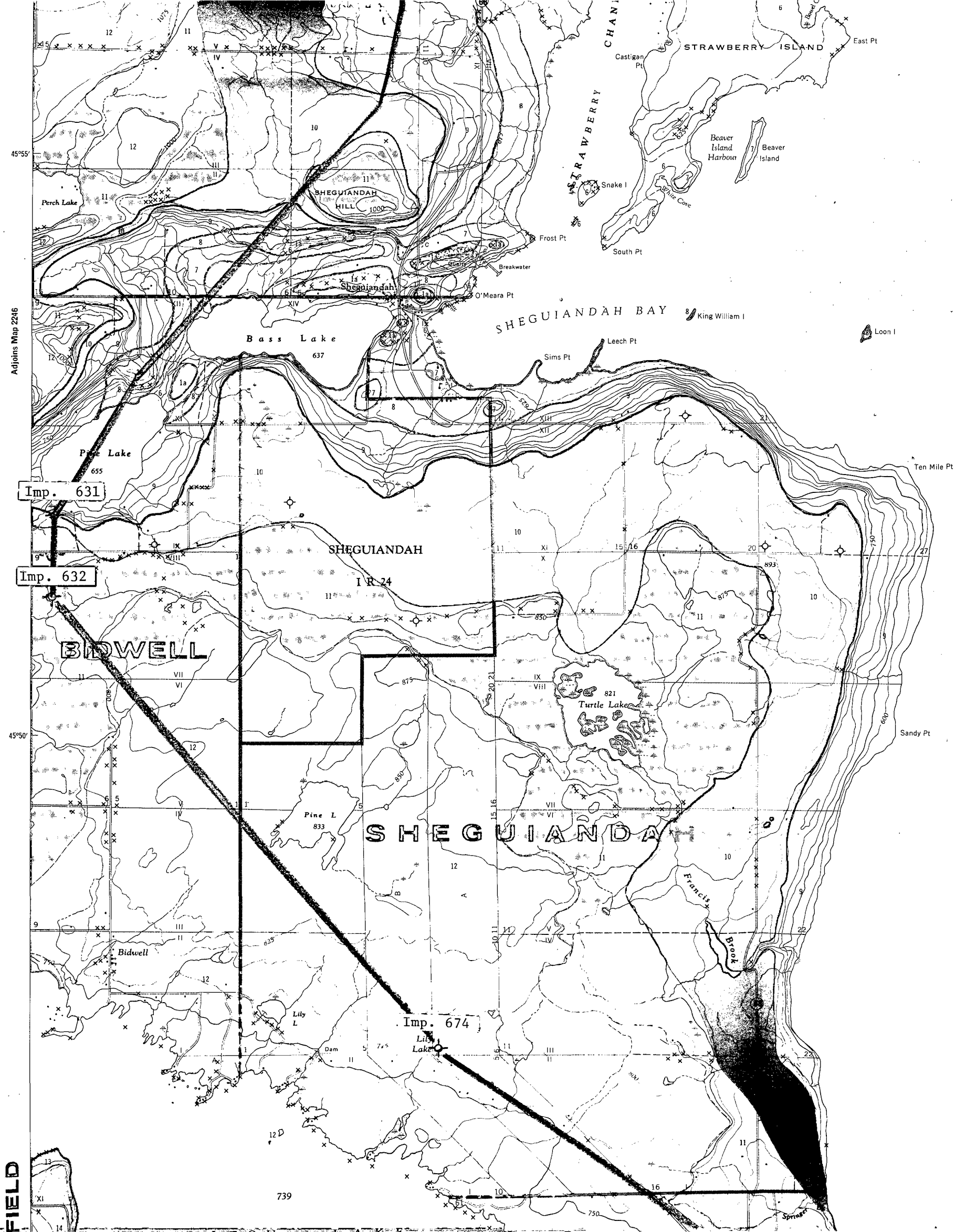
Map 20-1957, Manitoulin Island, Geological Survey of Canada, 1957.

Cartography by M. J. Colman, C. Karpas, and assistants, Ontario Department of Mines and Northern Affairs, 1972.

Base map derived from 1:50,000 sheets of the National

000936







- 7 Lower Member: black fissile shale, minor black limestone; calcareous and petroliferous; fossiliferous.
- 6 Grey, finely crystalline limestone, minor dolostone, some sublithographic limestone.
- 5 Grey and bluish grey, finely to medio crystalline limestone; minor shale, fossiliferous and thin bedded.
- 4 Grey and brownish grey, finely crystalline and sublithographic limestone; fossiliferous.
- 3 Upper Member: grey, lithographic limestone; Lower Member: dark grey, finely granular and finely crystalline argillaceous limestone and dolostone.
- 2 Red and green mottled red shale; may be very conglomeratic.
- 1b Killarney red and grey granite.
- 1a Lorrain grey and white quartzite and fine-grained sandstone.

<sup>a</sup>This refers to classification in Liberty and Bolton, Geological Survey of Canada, Memoir 360.

<sup>t</sup>These formations are mapped on some of the adjoining sheets (see Index) of the Manitoulin Island Area.

#### LINDSAY FORMATION

#### VERULAM FORMATION

#### BOBCAYGEON FORMATION

#### GULL RIVER FORMATION

#### BASAL BEDS

#### UNCONFORMITY

#### PRECAMBRIAN PROTEROZOIC

#### SOURCES OF INFORMATION

Geology by B. A. Liberty, 1954-1957, Geological Survey of Canada; 1966-1971, Department of Geological Sciences, Brock University, Ontario.

Map 20-1957, Manitoulin Island, Geological Survey of Canada, 1957.

Cartography by M. J. Colman, C. Karpetas, and assistants, Ontario Department of Mines and Northern Affairs, 1972.

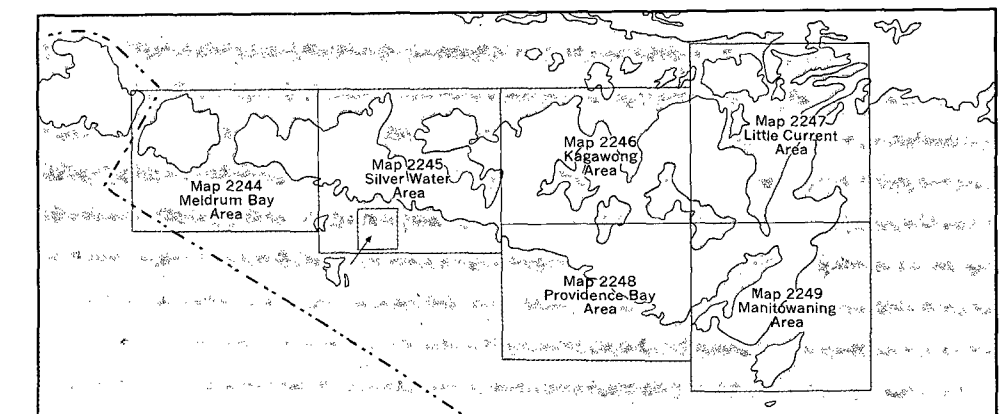
Base map derived from 1:50,000 sheets of the National Topographic System with additional information by B. A. Liberty, and from the Ontario Department of Transportation and Communications.

#### NOTES

For additional information refer to: Geological Guidebook No. 4, "Geology and Scenery; North Shore of Lake Huron", Ontario Department of Mines and Northern Affairs, 1972.

Magnetic declination in the area was 7°30' W., 1970.

Maps published in co-operation with the Geological Survey of Canada under whose auspices the geology was mapped by B. A. Liberty, 1954-1957.



Index to the adjoining maps of the Manitoulin Island Area



ONTARIO  
DIVISION OF MINES

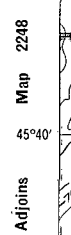
HONOURABLE LEO BERNIER, Minister of Natural Resources  
W. Q. MACNEE, Deputy Minister of Natural Resources  
G. A. Jewett, Executive Director, Division of Mines  
E. G. Pye, Director, Geological Branch

Map 2247

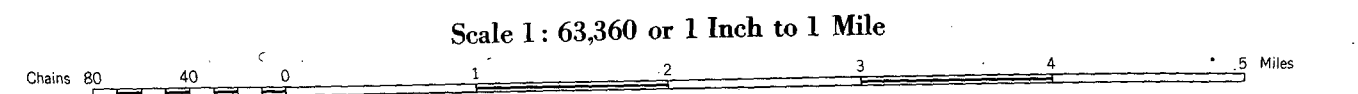
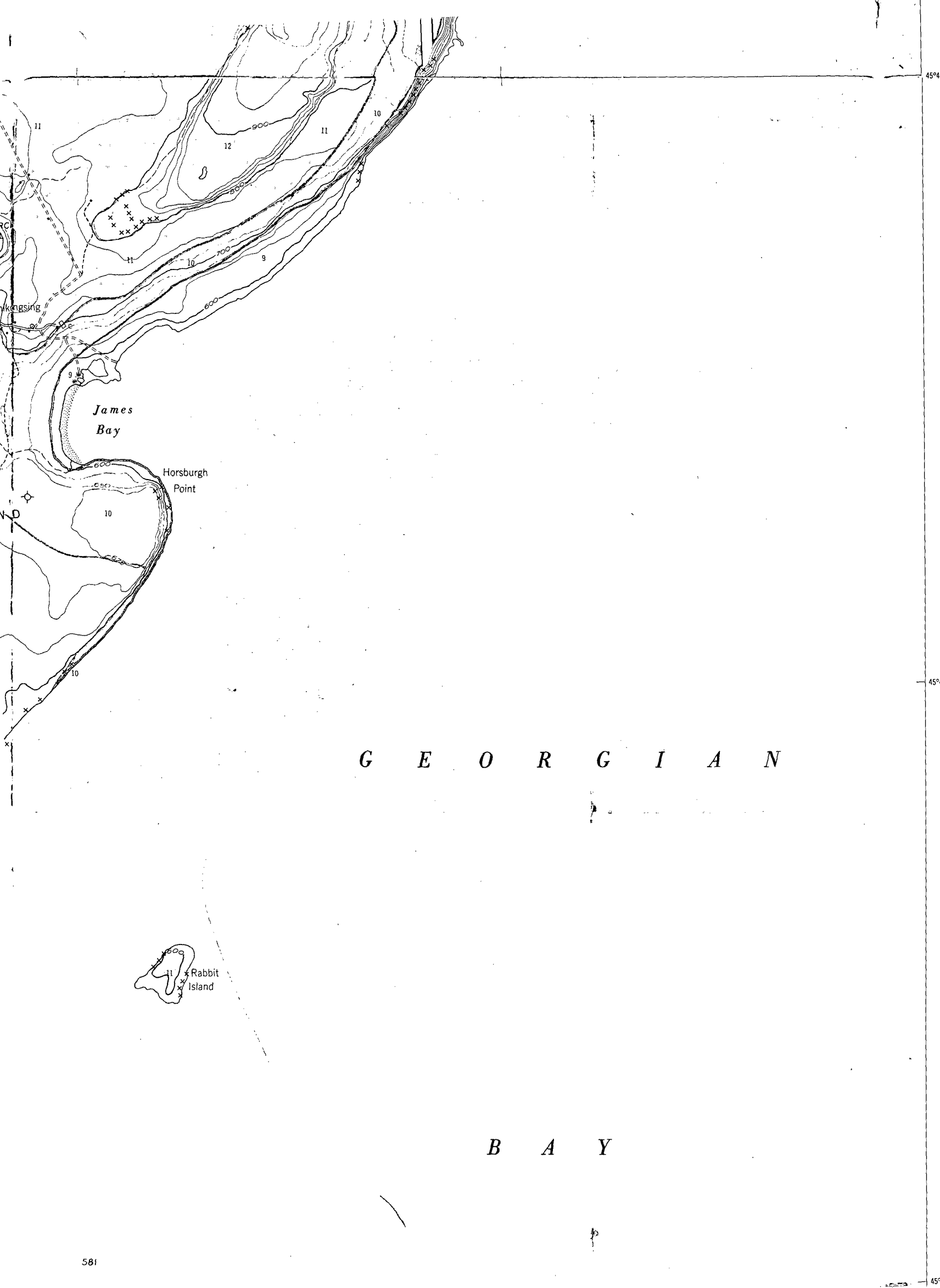
**LITTLE CURRENT AREA**

MANITOULIN DISTRICT

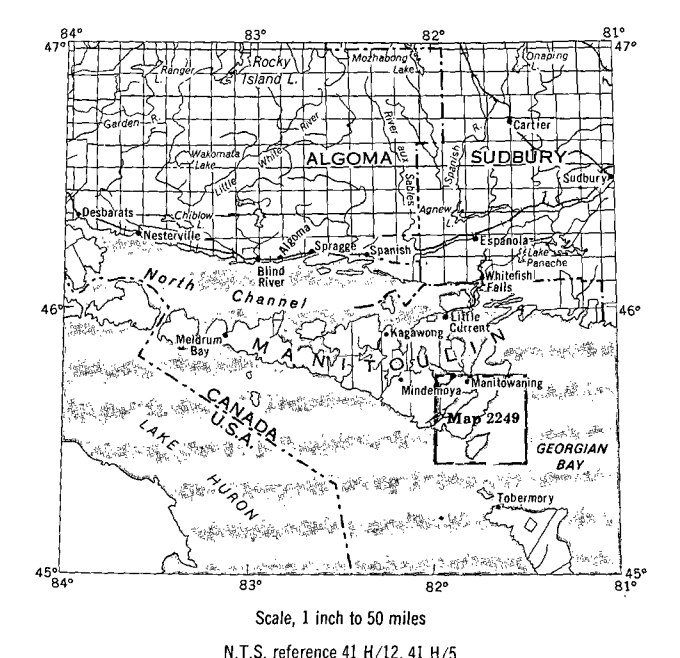
000938







- LEGEND**
- PALEOZOIC**
- SILURIAN**
- GUELPH FORMATION**
- 18 Tan, finely crystalline dolostone and finely granular dolostone.
- AMABEL FORMATION**
- 17 Grey and blue, finely crystalline and sub-lithographic dolostone; bioherms.
- FOSSIL HILL FORMATION**
- 16 Medium brown, finely and medio crystalline dolostone; patch and platform reefs.
- MINDEMOYA FORMATION**
- 15 Grey and light brown, lithographic to finely crystalline dolostone; thin biostromes.
- CABOT HEAD FORMATION<sup>a</sup>**
- 14 Dyer Bay Member: bluish, finely crystalline dolostone with shale; Wingfield Member: brownish-grey, finely crystalline dolostone with shale; St. Edmund Member: brown, finely crystalline dolostone with shale.
- 13 Cabot Head (restricted) Member: red shale, with green shale and green dolostone; latter two increase westwards.
- MANITOULIN FORMATION**
- 12 Brown and grey, finely crystalline dolostone; patch and platform reefs.
- ORDOVICIAN**
- GEORGIAN BAY FORMATION**
- 11 Upper Member, Upper Submember: brown and grey, finely crystalline limestone and dolostone.
- 10 Upper Member, Lower Submember: bluish grey, fine-grained argillaceous limestone.
- 9 Lower Member: greyish blue shale with thin interbeds of finely crystalline limestone and dolostone.
- WHITBY FORMATION<sup>†</sup>**
- 8 Upper Member: grey and brown, soft shale.
- 7 Lower Member: black fissile shale, minor black limestone; calcareous and petroliferous; fossiliferous.
- LINDSAY FORMATION<sup>†</sup>**
- 6 Grey, finely crystalline limestone, minor dolostone, some sub-lithographic limestone.
- VERULAM FORMATION<sup>†</sup>**
- 5 Grey and bluish grey, finely to medio crystalline limestone; minor shale, fossiliferous and thin bedded.
- BOBCAYGEON FORMATION<sup>†</sup>**
- 4 Grey and brownish grey, finely crystalline and sub-lithographic limestone; fossiliferous.
- GULL RIVER FORMATION<sup>†</sup>**
- 3 Upper Member: grey, lithographic limestone; Lower Member: dark grey, finely granular and finely crystalline argillaceous limestone and dolostone.
- BASAL BEDS<sup>†</sup>**



- SYMBOLS**
- x Bedrock outcrop.
- Geological boundary.
- Oil or gas well.
- Quarry.
- International boundary.
- Township or Indian Reserve boundary.

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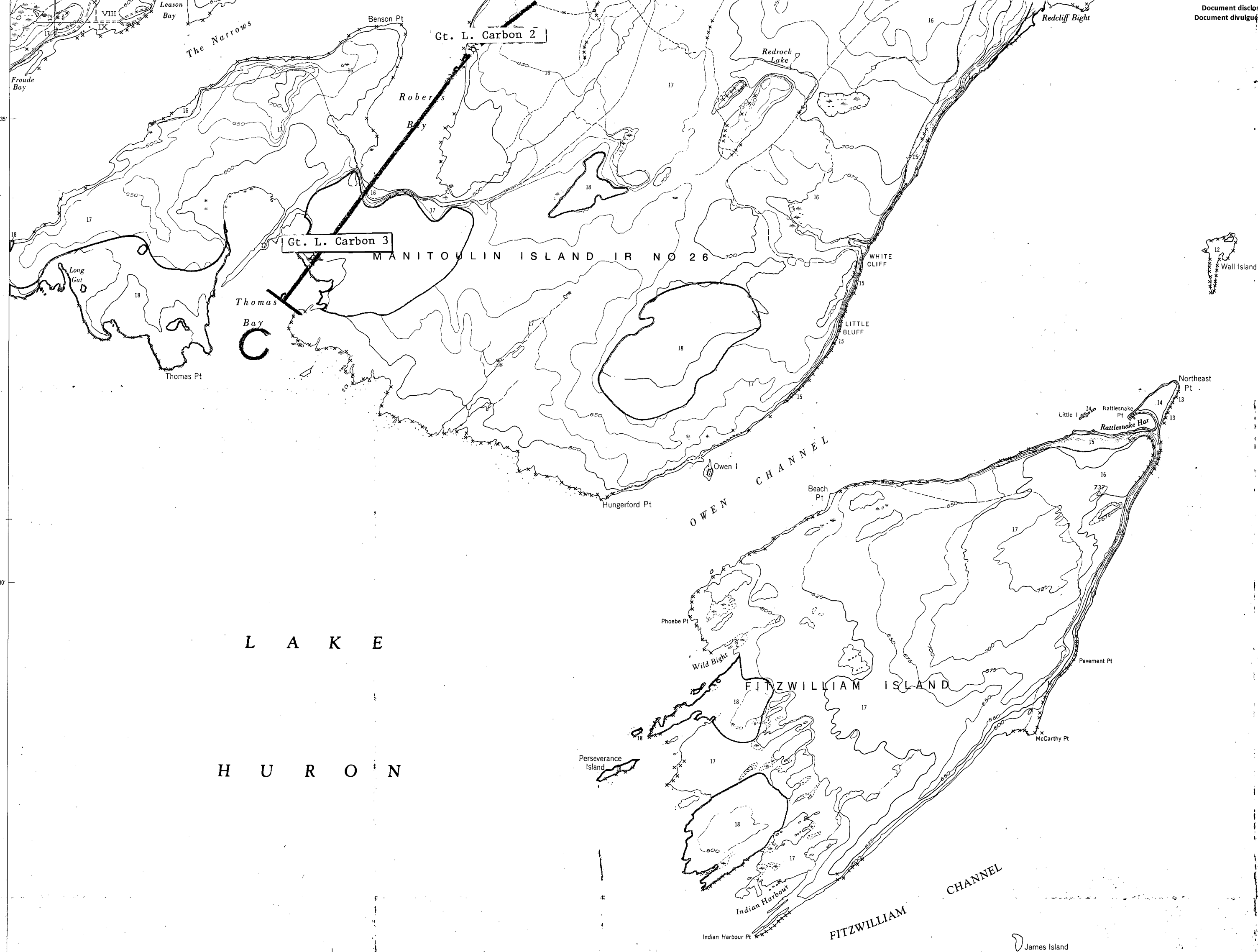
Geology by B. A. Liberty, 1954-1957, Geological Survey of Canada; 1966-1971, Department of Geological Sciences, Brock University, Ontario.

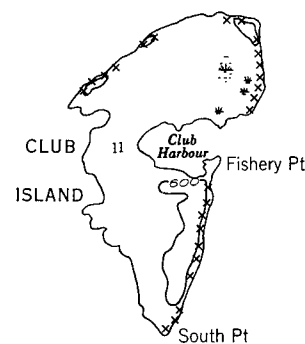
Map 20-1957, Manitoulin Island, Geological Survey of Canada, 1957.

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Base map derived from 1:50,000 sheets of the National Topographic System with additional information by B. A. Liberty, and from the Ontario Department of Transportation and Communications.

581





45°35'

45°30'

81°40'

81°35'

81°30'

**BOBCAYGEON FORMATION†**

- 4 Grey and brownish grey, finely crystalline and subliothographic limestone; fossiliferous.

**GULL RIVER FORMATION†**

- 3 Upper Member: grey, lithographic limestone; Lower Member: dark grey, finely granular and finely crystalline argillaceous limestone and dolostone.

**BASAL BEDS†**

- 2 Red and green mottled red shale; may be very conglomeratic.

**UNCONFORMITY**

**PRECAMBRIAN PROTEROZOIC**

- 1b 1b Killarney red and grey granite.†

- 1a 1a Lorrain grey and white quartzite and fine-grained sandstone.†

†This refers to classification in Liberty and Bolton, Geological Survey of Canada, Memoir 360.

†These formations are mapped on some of the adjoining sheets (see Index) of the Manitoulin Island Area.

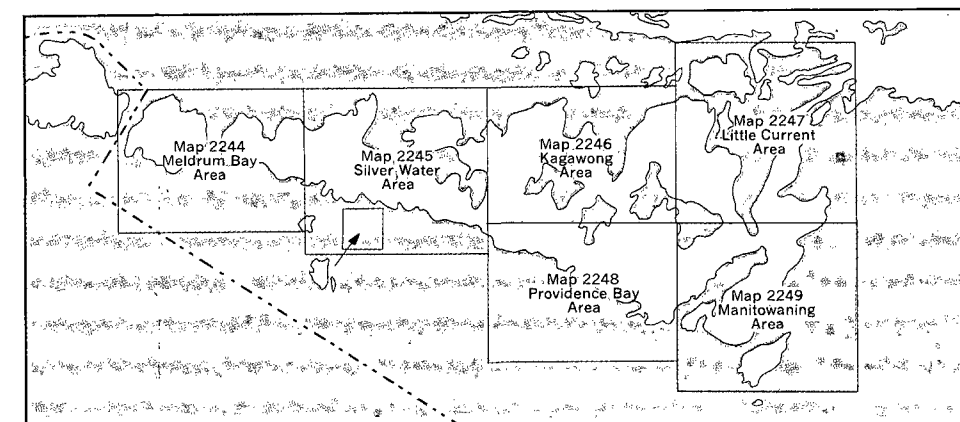
Cartography by M. J. Colman, C. Karpelas, and assistants.  
Ontario Department of Mines and Northern Affairs.  
Document divulgué en vertu de la Loi sur l'accès à l'information.  
Base map derived from 1:50,000 sheets of the National Topographic System with additional information by B. A. Liberty, and from the Ontario Department of Transportation and Communications.

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Maps published in co-operation with the Geological Survey of Canada under whose auspices the geology was mapped by B. A. Liberty, 1954-1957.



Index to the adjoining maps of the Manitoulin Island Area



**ONTARIO DIVISION OF MINES**

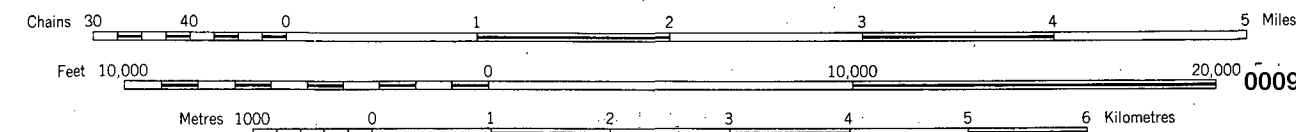
HONOURABLE LEO BERNIER, Minister of Natural Resources  
W. Q. MACNEE, Deputy Minister of Natural Resources  
G. A. Jewett, Executive Director, Division of Mines E. G. Pye, Director, Geological Branch

**Map 2249**

**MANITOWANING AREA**

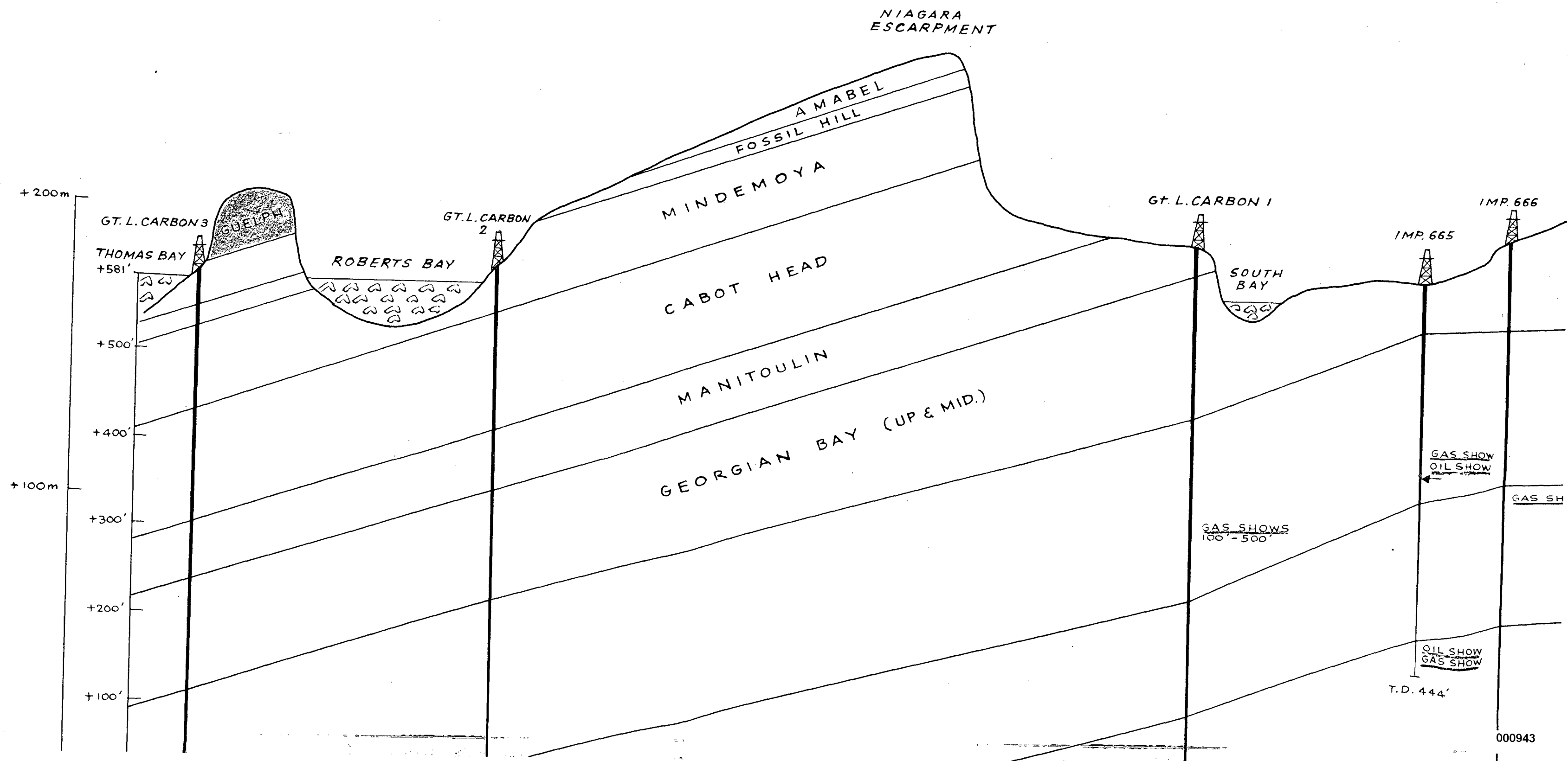
**MANITOULIN DISTRICT**

Scale 1: 63,360 or 1 Inch to 1 Mile

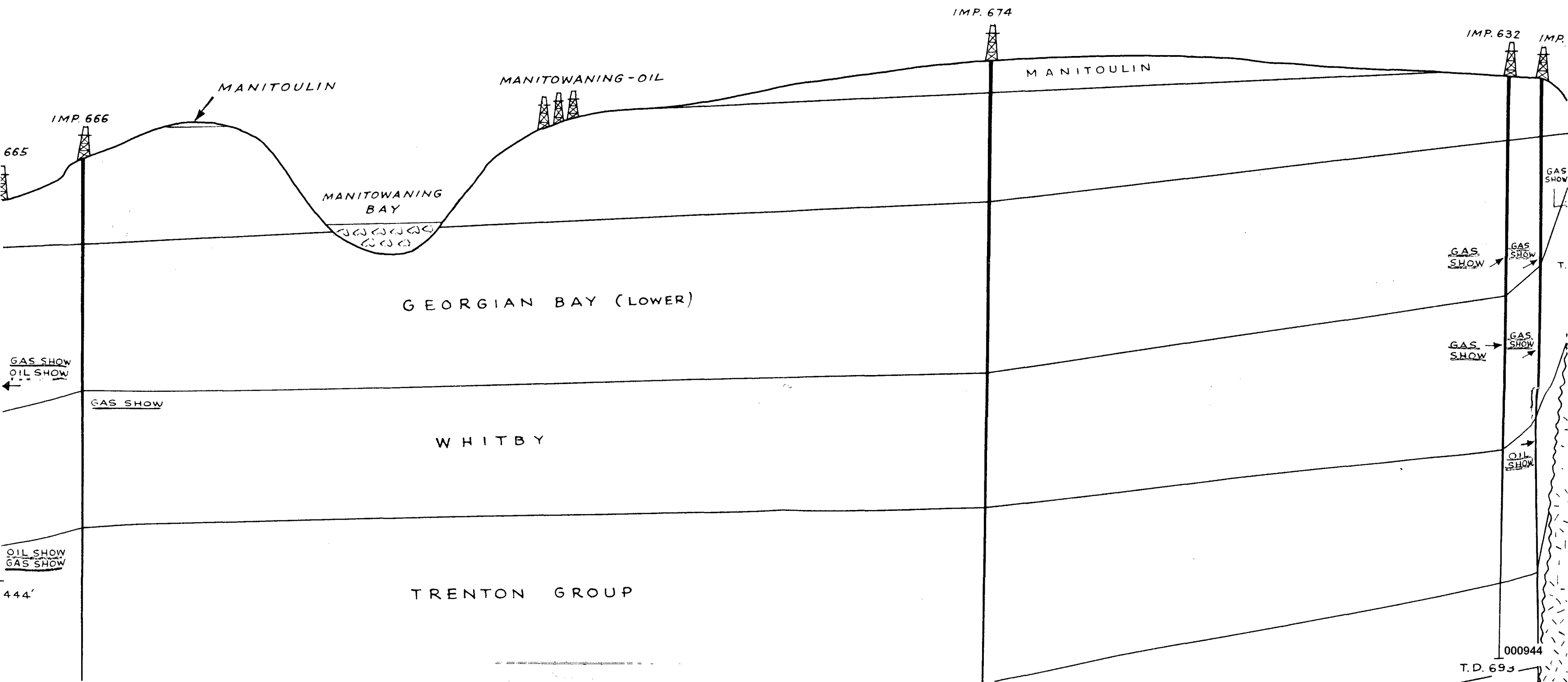


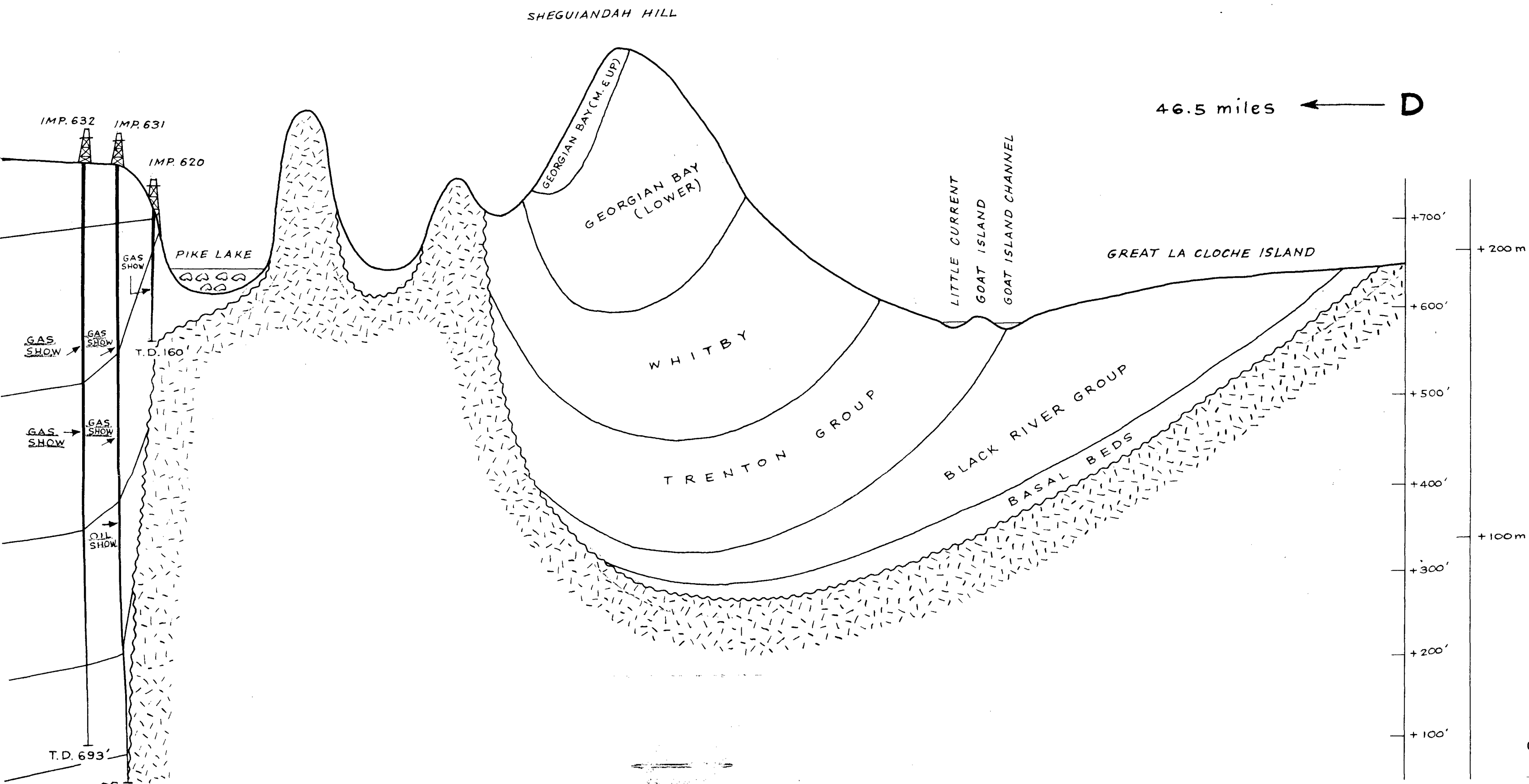


C → 46.5 miles

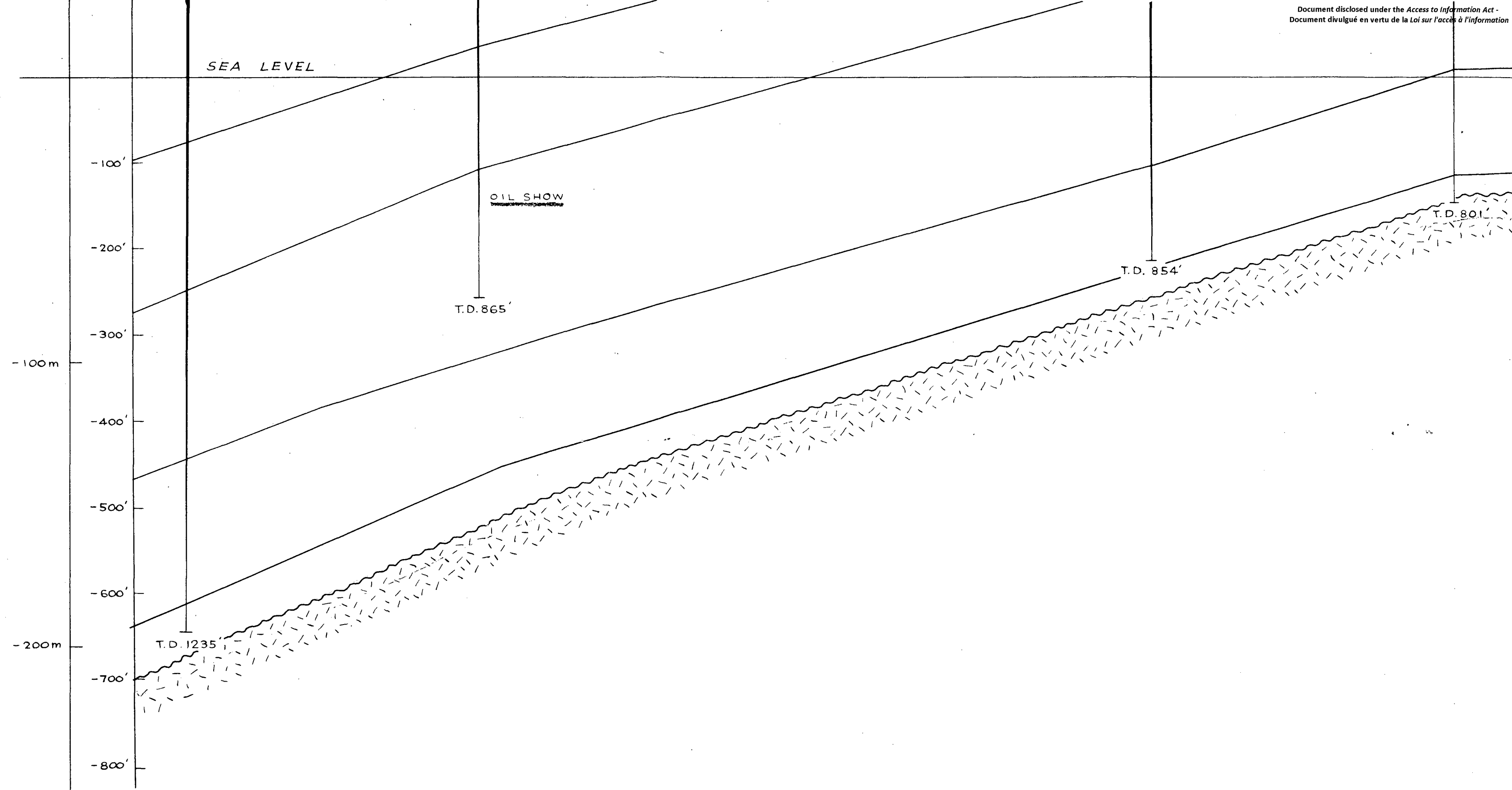


# MANITOULIN ISLAND









T.D. 693'

BLACK RIVER GROUP

BASAL BEDS

PRECAMBRIAN

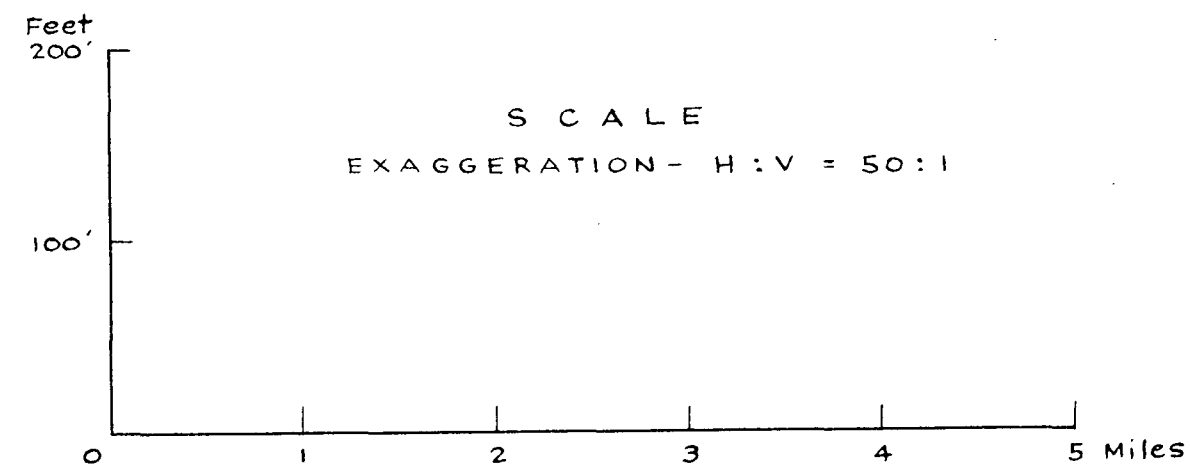
T.D. 801

T.D. 884

T.D.

# MANITOULIN ISLAND CROSS SECTION

\* BASED ON 'ONTARIO DIVISION OF MINES' GEOLOGICAL MAPS  
OF MANITOULIN ISLAND No's 2247 AND 2249 AND DRILLED  
WELL INFORMATION



J.D. MACGREGOR  
1980

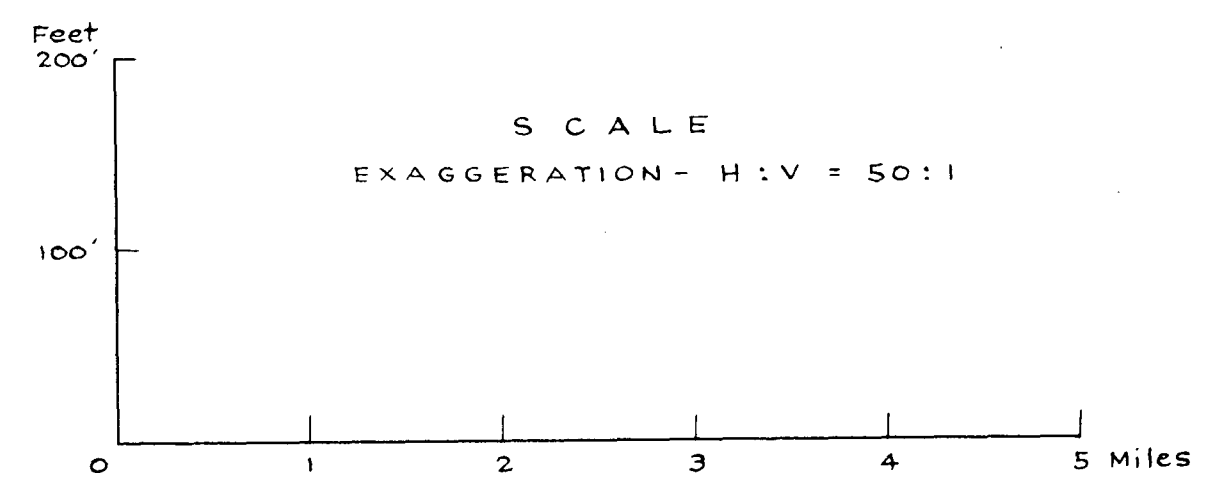
Fig. 7

* STRATIGRAPHY OF MANITOULIN ISLAND						
ERA	SYSTEM	SERIES	GROUP	FORMATION (Lithostratigraphic Units)	Alternate bio- stratigraphic Units	S.W. Ontario
PALEOZOIC	SILURIAN	MIDDLE		QUELPH AMABEL		Guelph - Lockport Group
				FOSSIL HILL MINDEMOYA		Clinton Group
		LOWER		CABOT HEAD Dyer Bay Mbr. Cabot Head Mbr. MANITOULIN		Cataract Group
	ORDOVICIAN	UPPER		GEORGIAN BAY Upper Middle Lower	Kagawong Widwemikongsing	Queenston Meaford - Dundas
				WHITBY Upper Lower	Shiguindah Collingwood	Blue Mountain Collingwood
		MIDDLE	TRENTON	LINDSAY VERULAM		Trenton Group
			BLACK RIVER	BOBCAYGEON GULL RIVER BASAL BEDS		Shadow Lake
				PRECAMBRIAN		



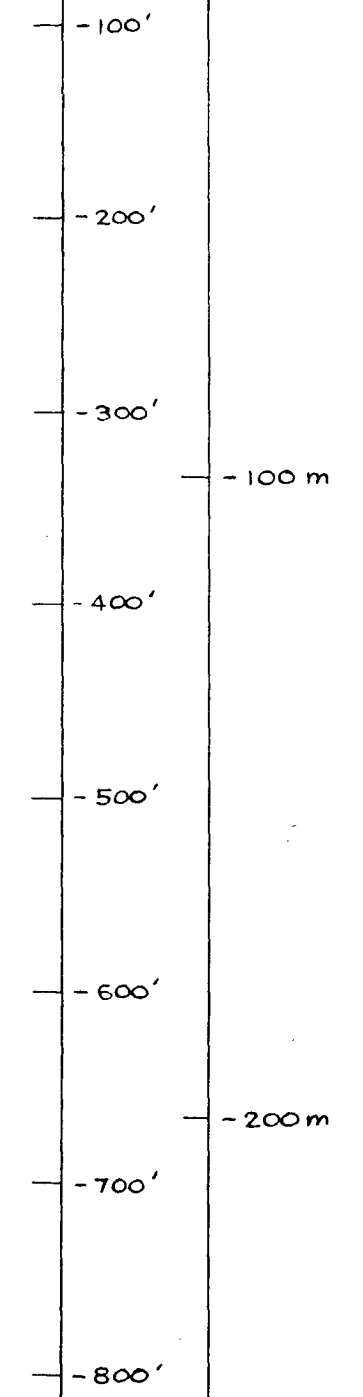
# MANITOULIN ISLAND CROSS SECTION

\* BASED ON 'ONTARIO DIVISION OF MINES' GEOLOGICAL MAPS OF MANITOULIN ISLAND No's 2247 AND 2249 AND DRILLED WELL INFORMATION

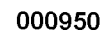


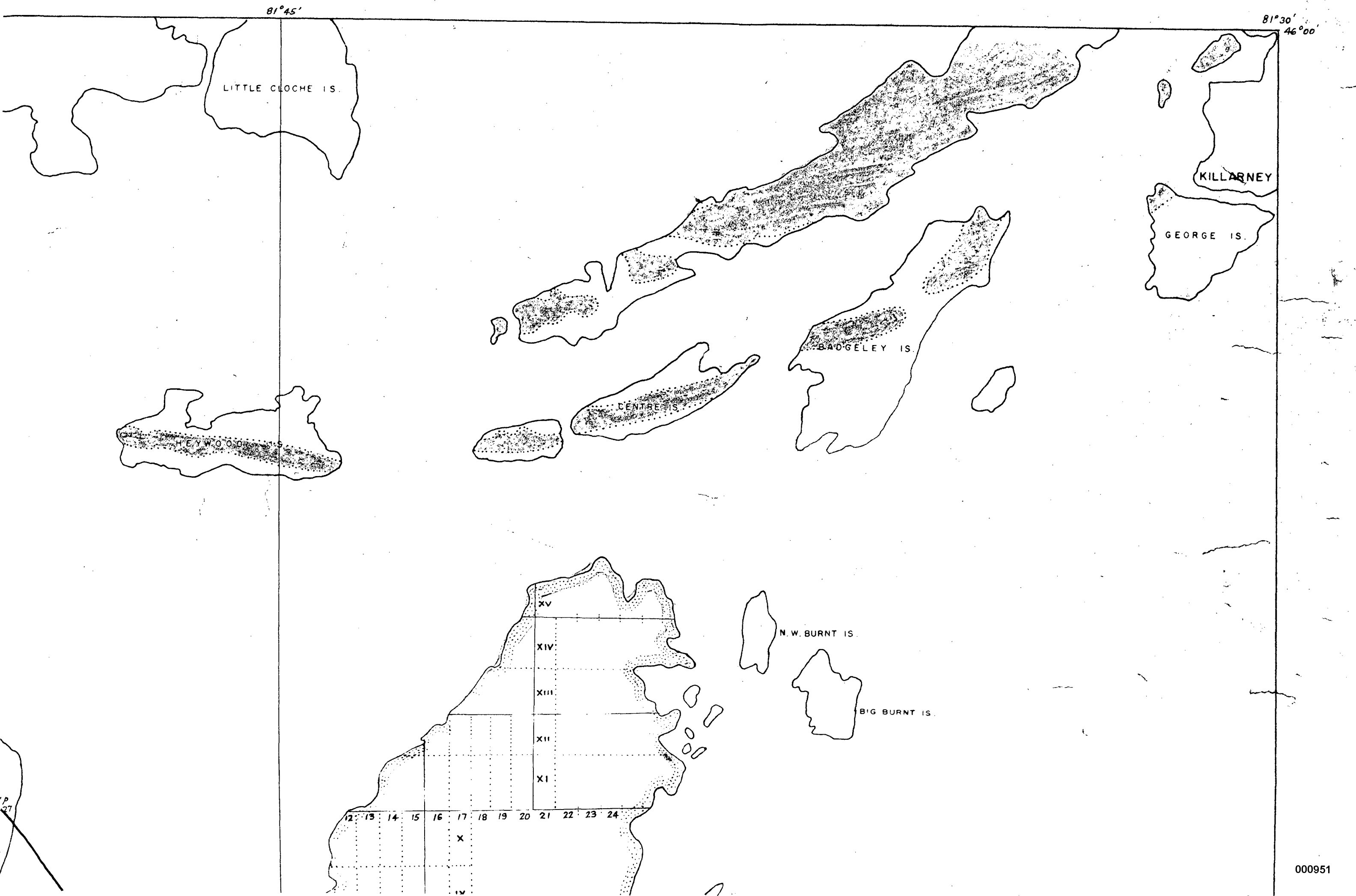
J. D. MACGREGOR  
1980

Fig. 7

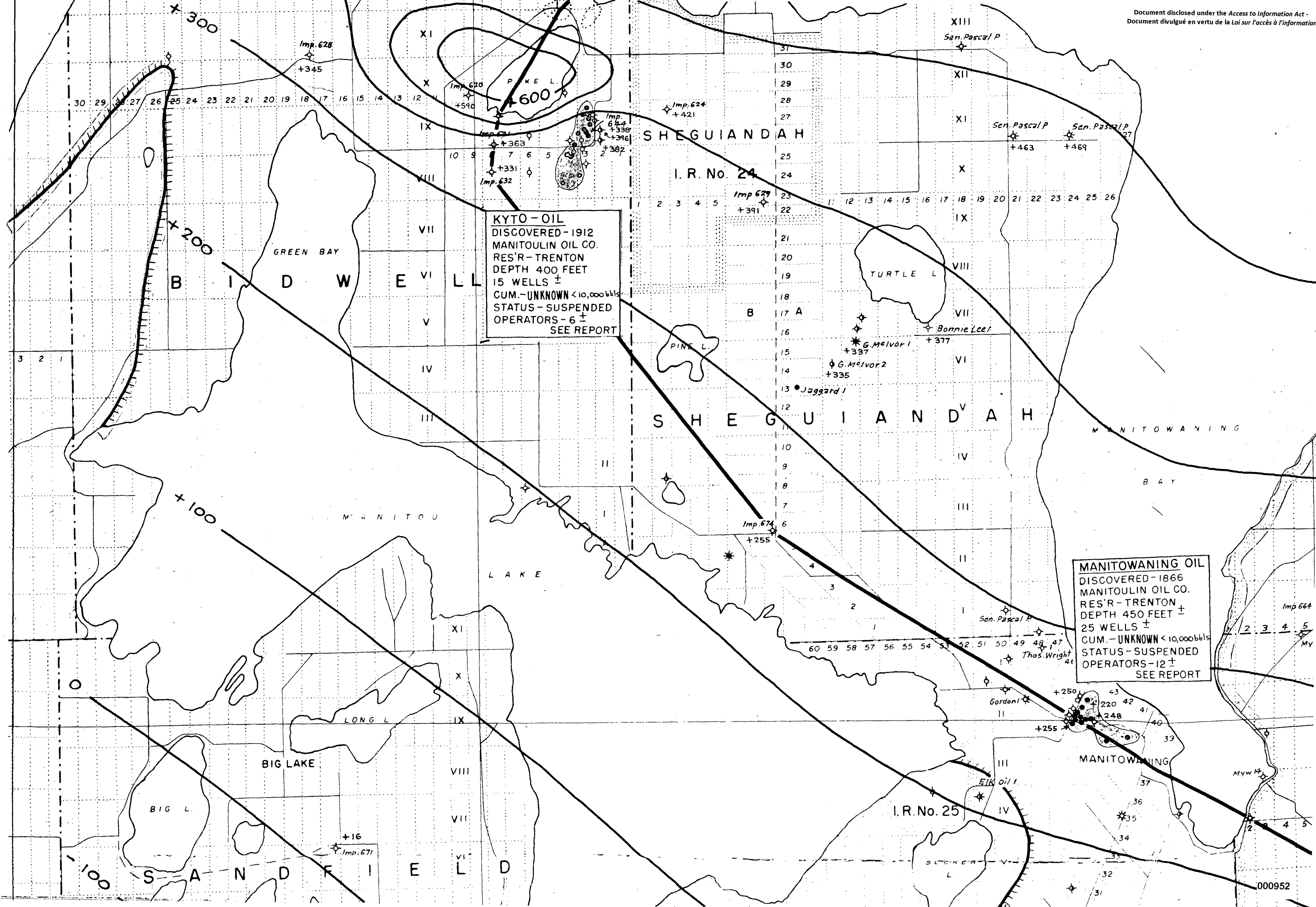


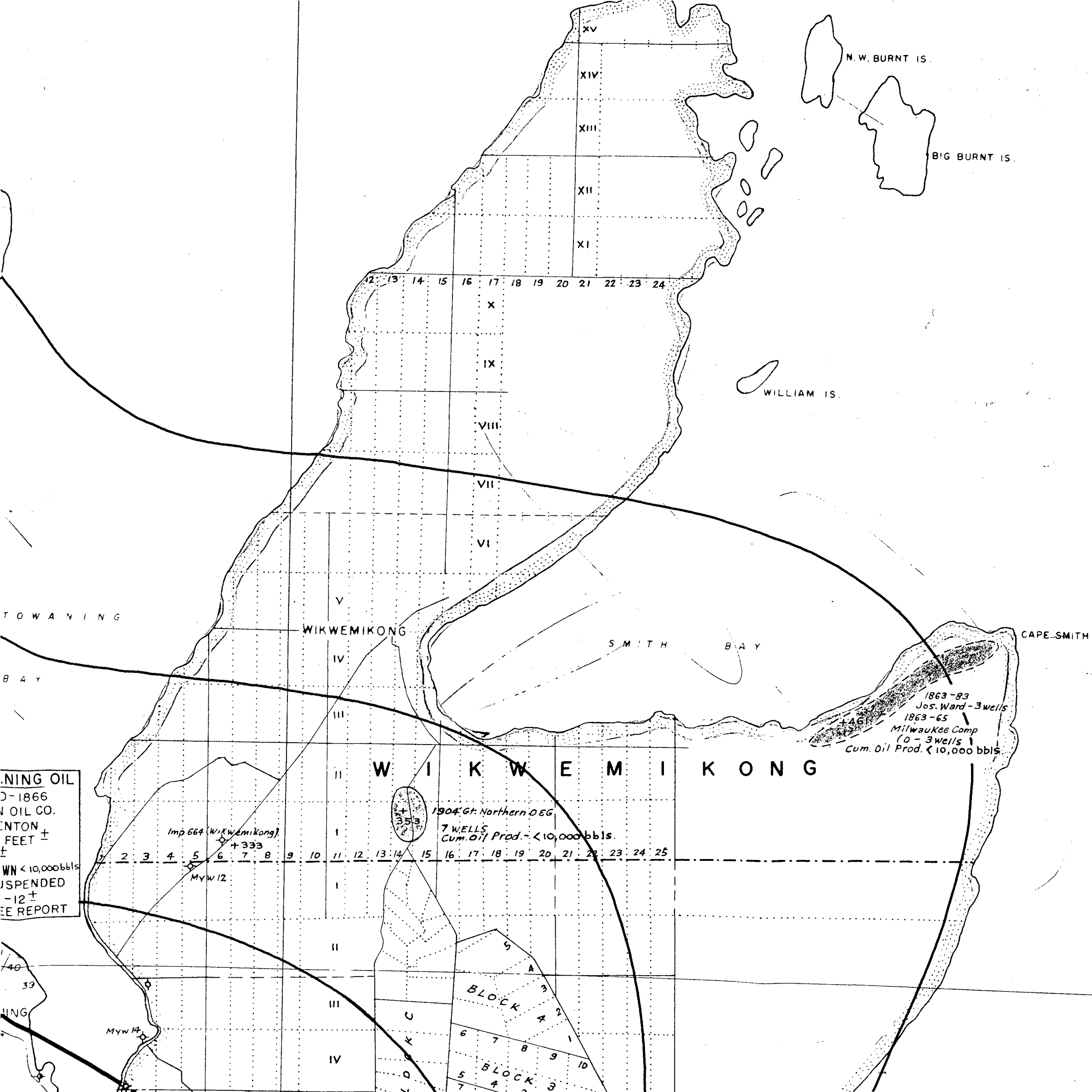
* STRATIGRAPHY OF MANITOULIN ISLAND					
ERA	SYSTEM	SERIES	GROUP	FORMATION (Lithostratigraphic Units)	Alternate bio- stratigraphic Units
PALEOZOIC	SILURIAN	MIDDLE		GUELPH AMABEL	
				FOSSIL HILL MINDEMOYA	
		LOWER		CABOT HEAD Dyer Bay Mbr. Cabot Head Mbr. MANITOULIN	
	ORDOVICIAN	UPPER		GEORGIAN BAY Upper Middle Lower	Kagawong Widwemikongsing
				WHITBY Upper Lower	Sheguindah Collingwood
				LINDSAY VERULAM	
		MIDDLE	BLACK RIVER TREN	BOBCAYGEON GULL RIVER BASAL BEDS	
				PRECAMBRIAN	
					S.W. Ontario
					Guelph - Lockport Group
					Clinton Group
					cataract Group
					Queenston Meaford - Dundas
					Blue Mountain Collingwood
					Trenton Group
					Shadow Lake

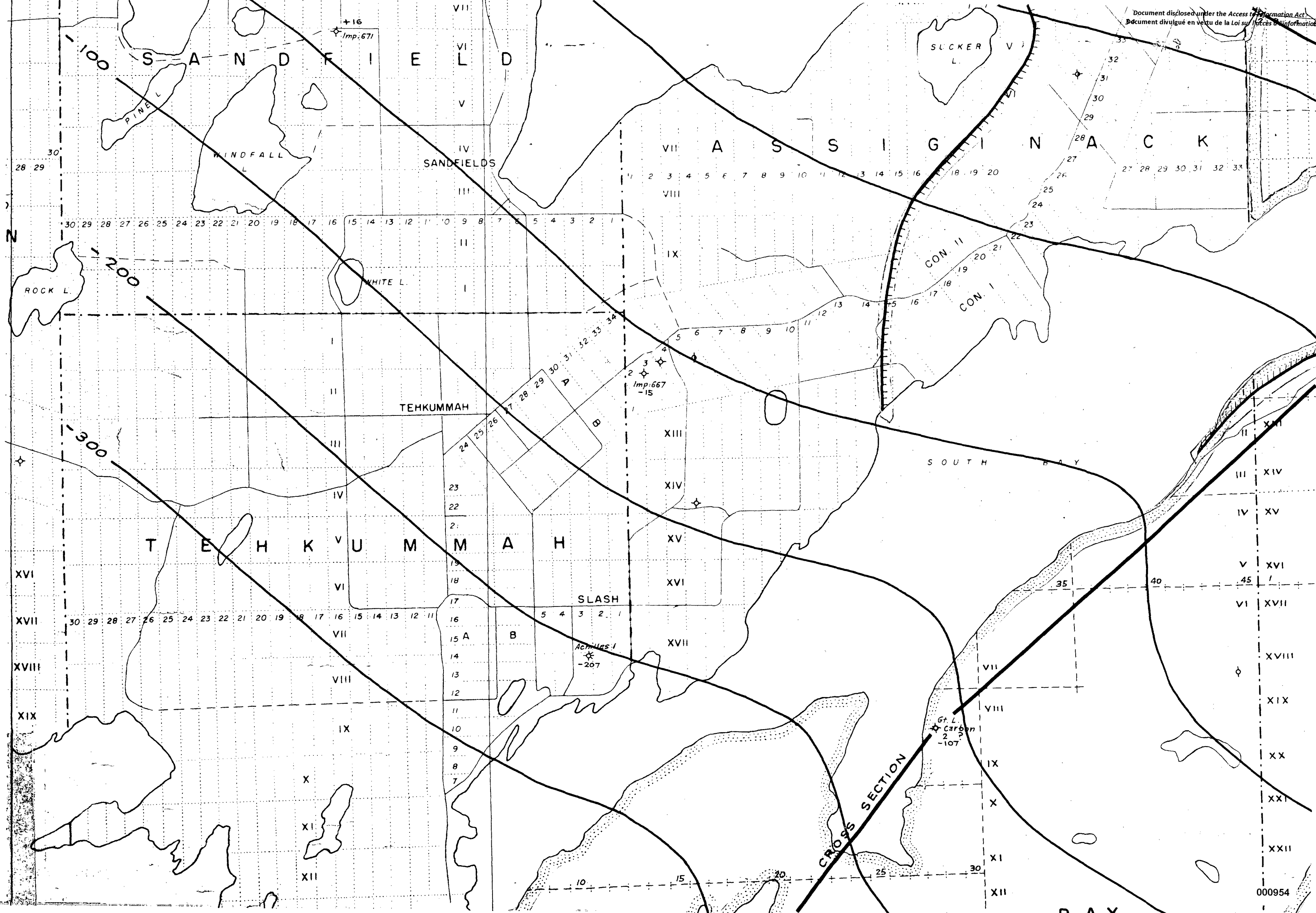




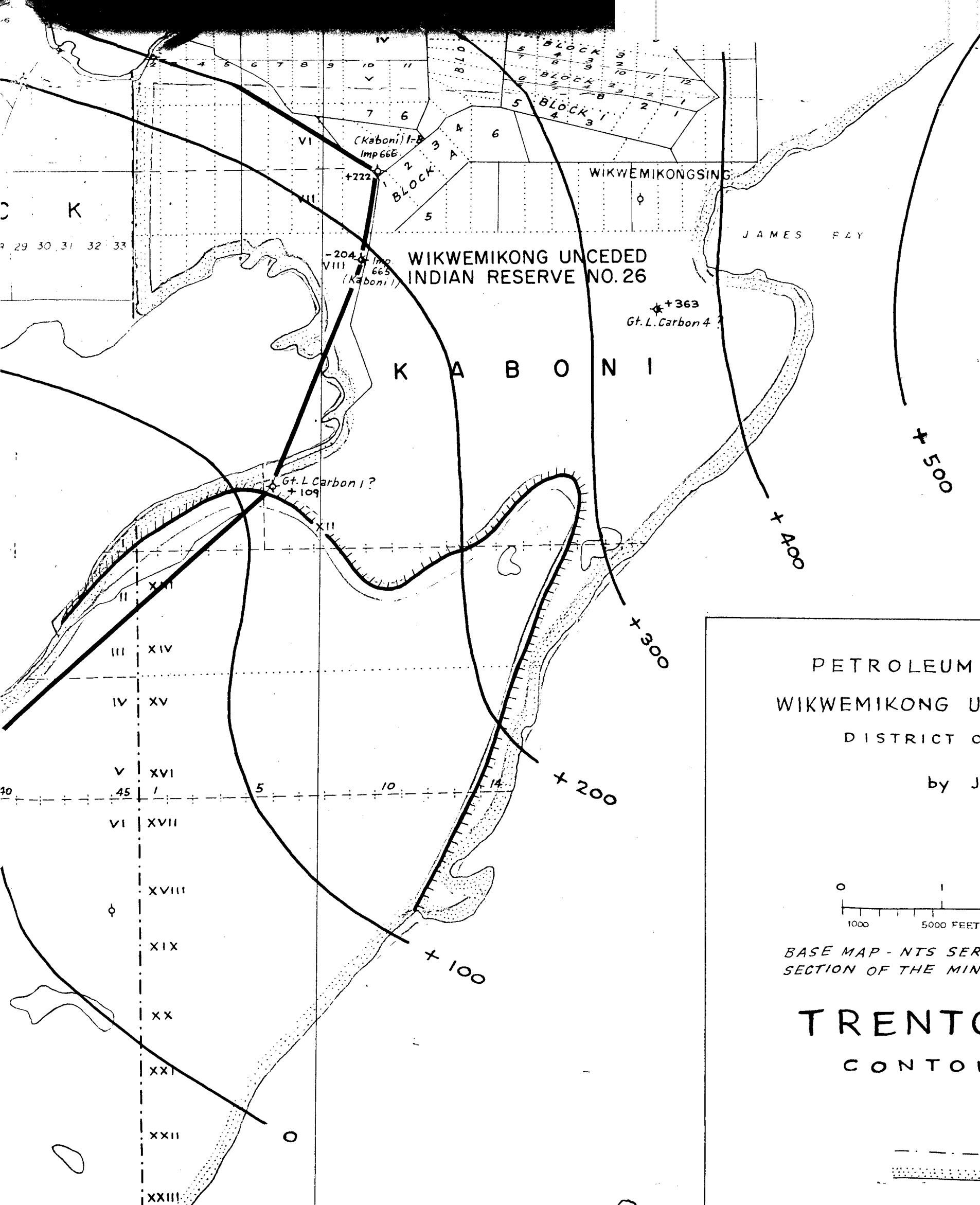










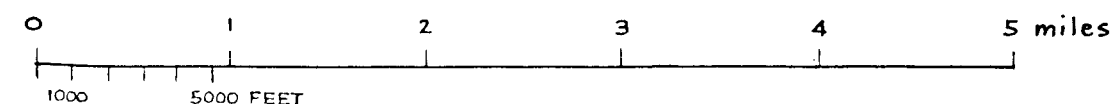


PETROLEUM EVALUATION OF THE  
WIKWEMIKONG UNCEDED INDIAN RESERVE NO. 26  
DISTRICT OF MANITOULIN, ONTARIO

by J. D. MACGREGOR, P. ENG.

1980

Scale 1" = 1 Mile

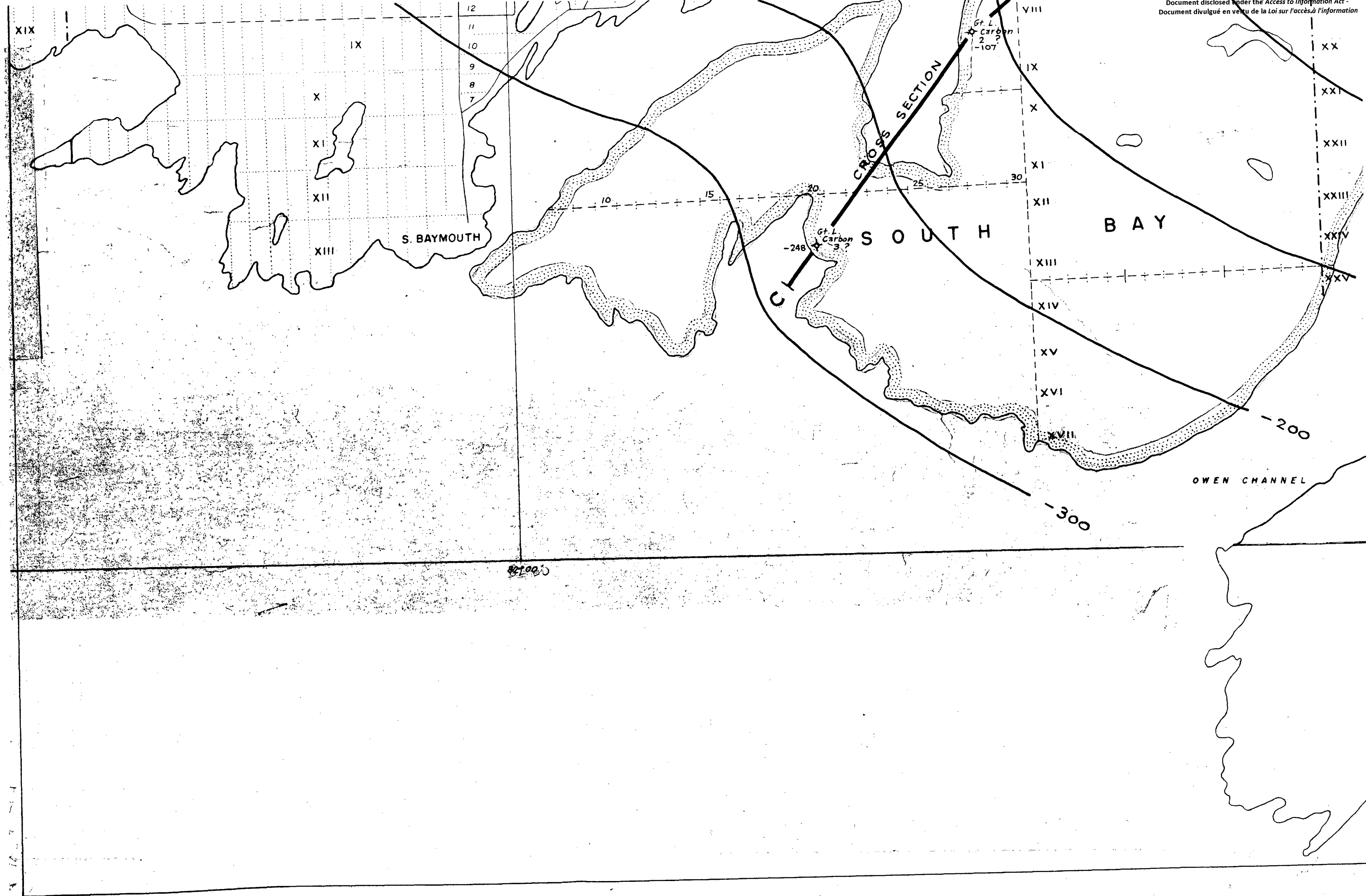


BASE MAP - NTS SERIES MAP ISSUED BY THE PETROLEUM RESOURCES  
SECTION OF THE MINISTRY OF NATURAL RESOURCES

TRENTON STRUCTURE  
CONTOUR INTERVAL - 100 FEET

LEGEND

--- TOWNSHIP BOUNDARY  
--- INDIAN RESERVE BOUNDARY



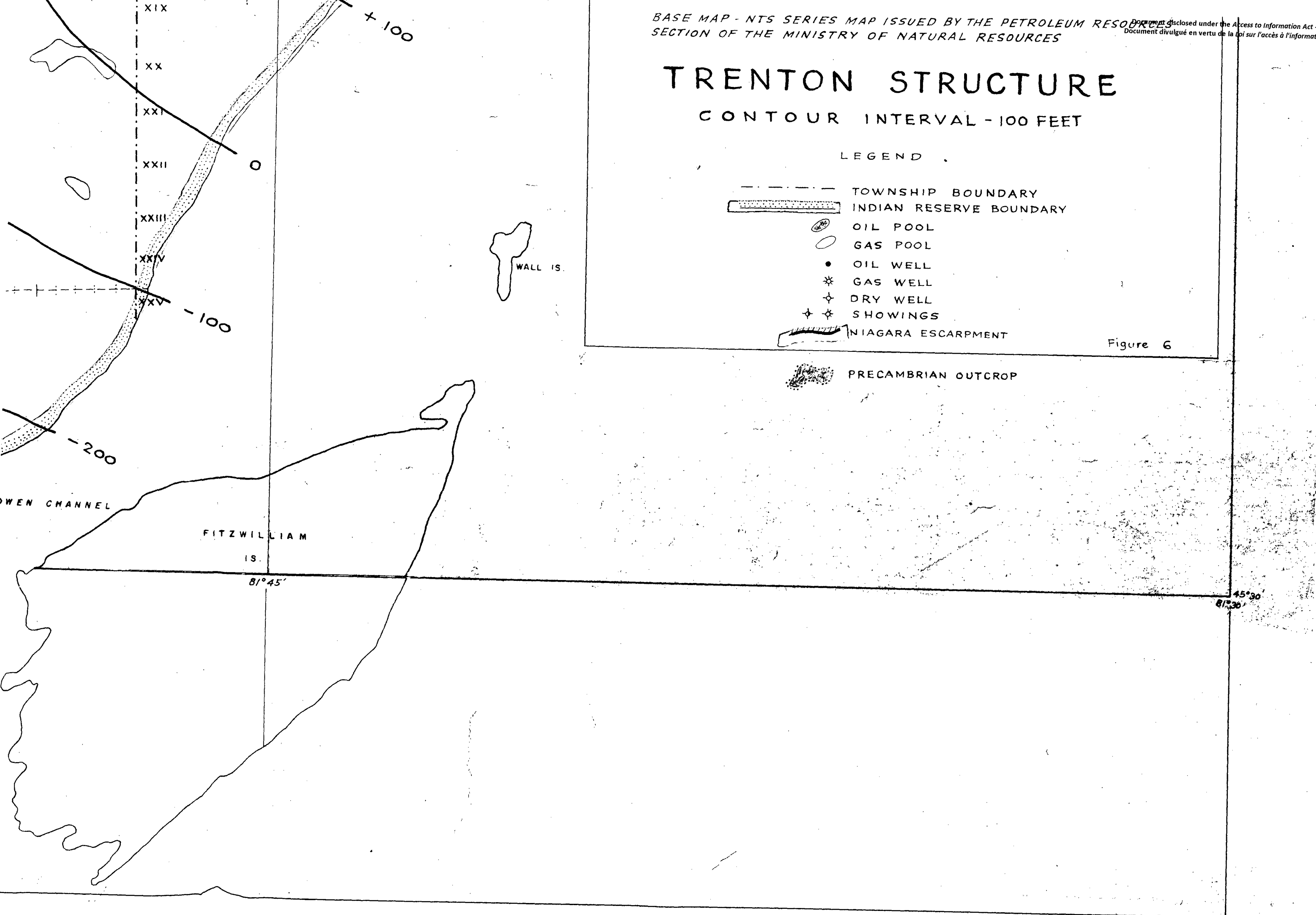
# TRENTON STRUCTURE

CONTOUR INTERVAL - 100 FEET

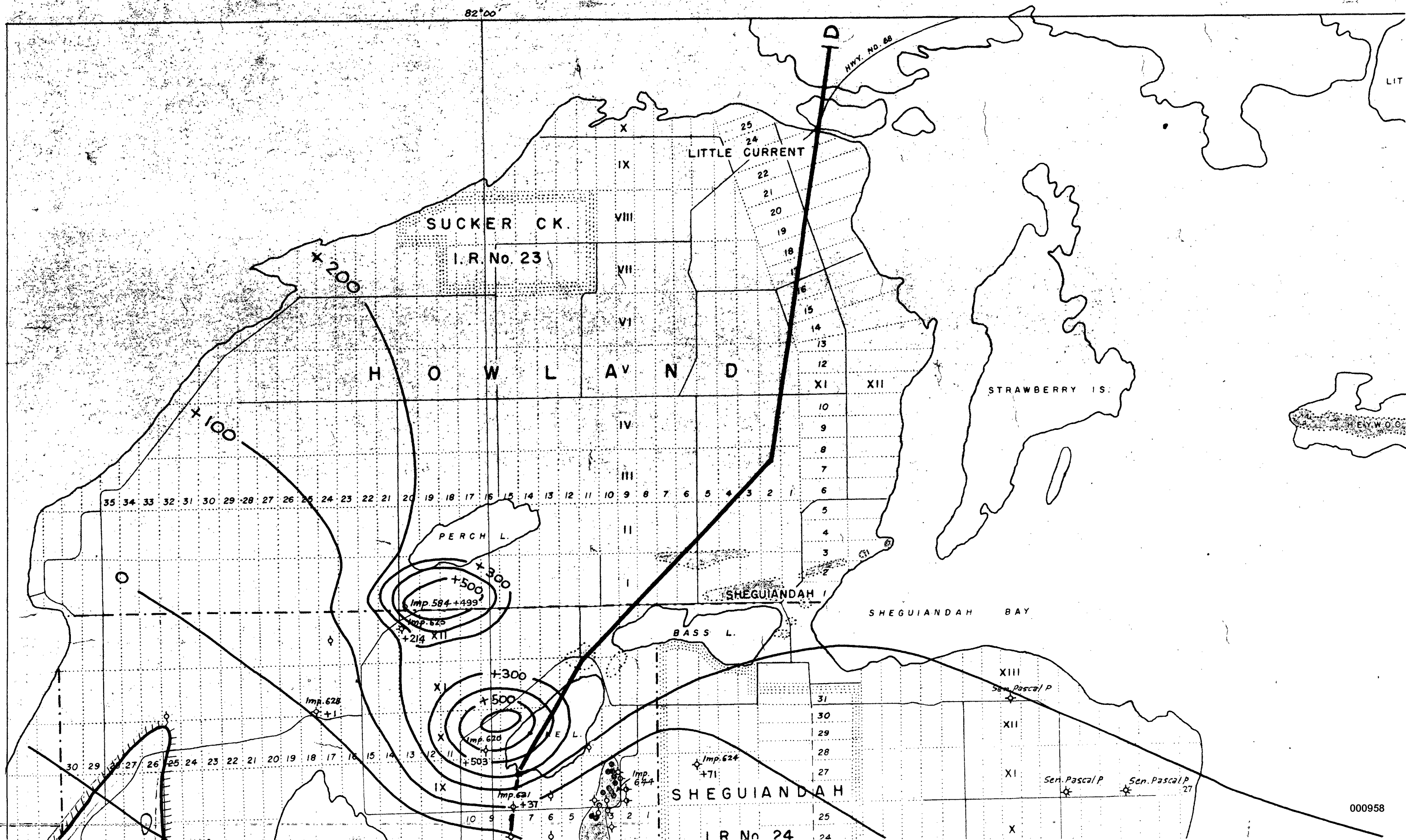
## LEGEND

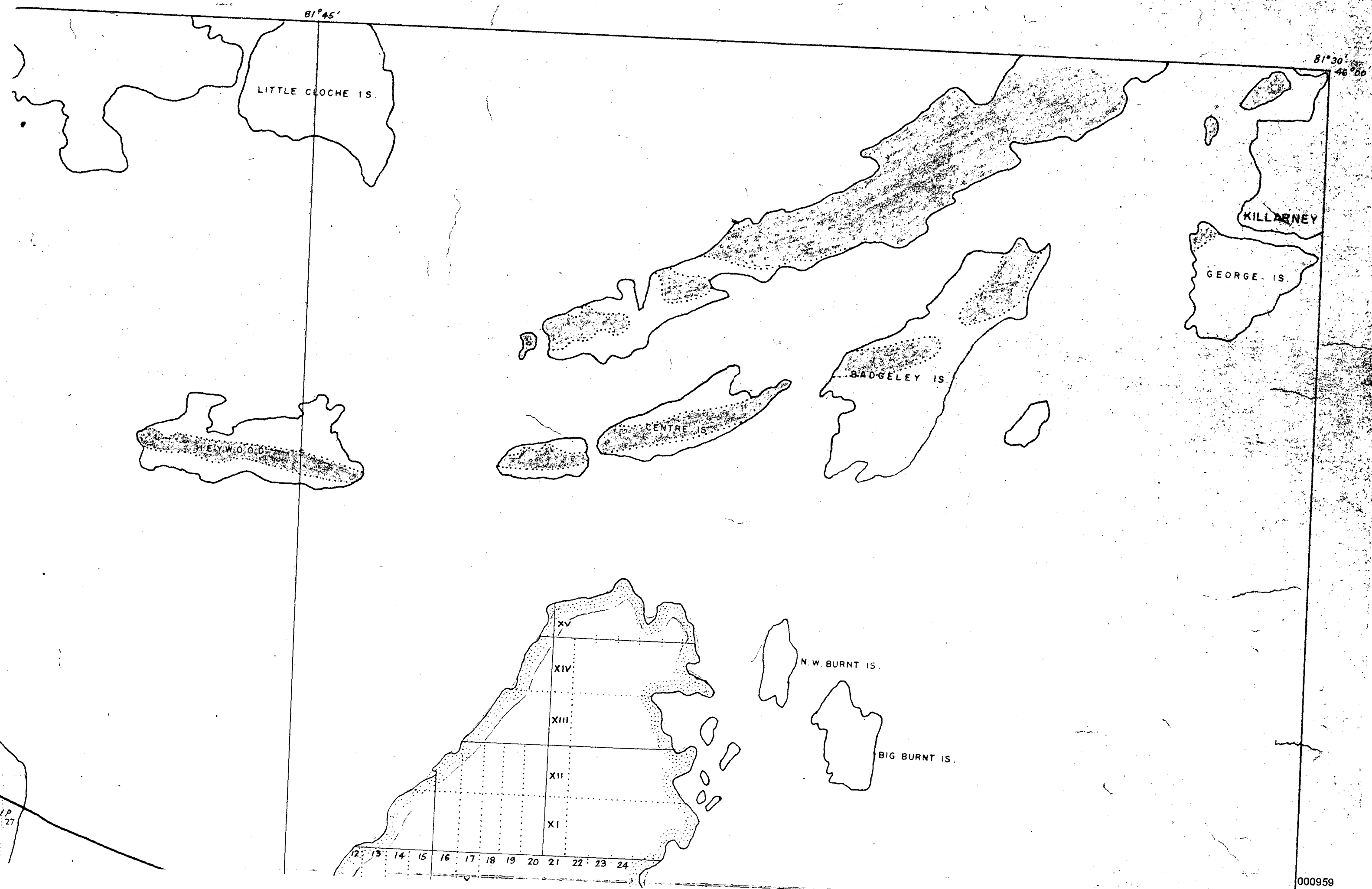
- TOWNSHIP BOUNDARY
- ▬ INDIAN RESERVE BOUNDARY
- OIL POOL
- GAS POOL
- OIL WELL
- \* GAS WELL
- ⊕ DRY WELL
- ⊕ SHOWINGS
- ▬ NIAGARA ESCARPMENT

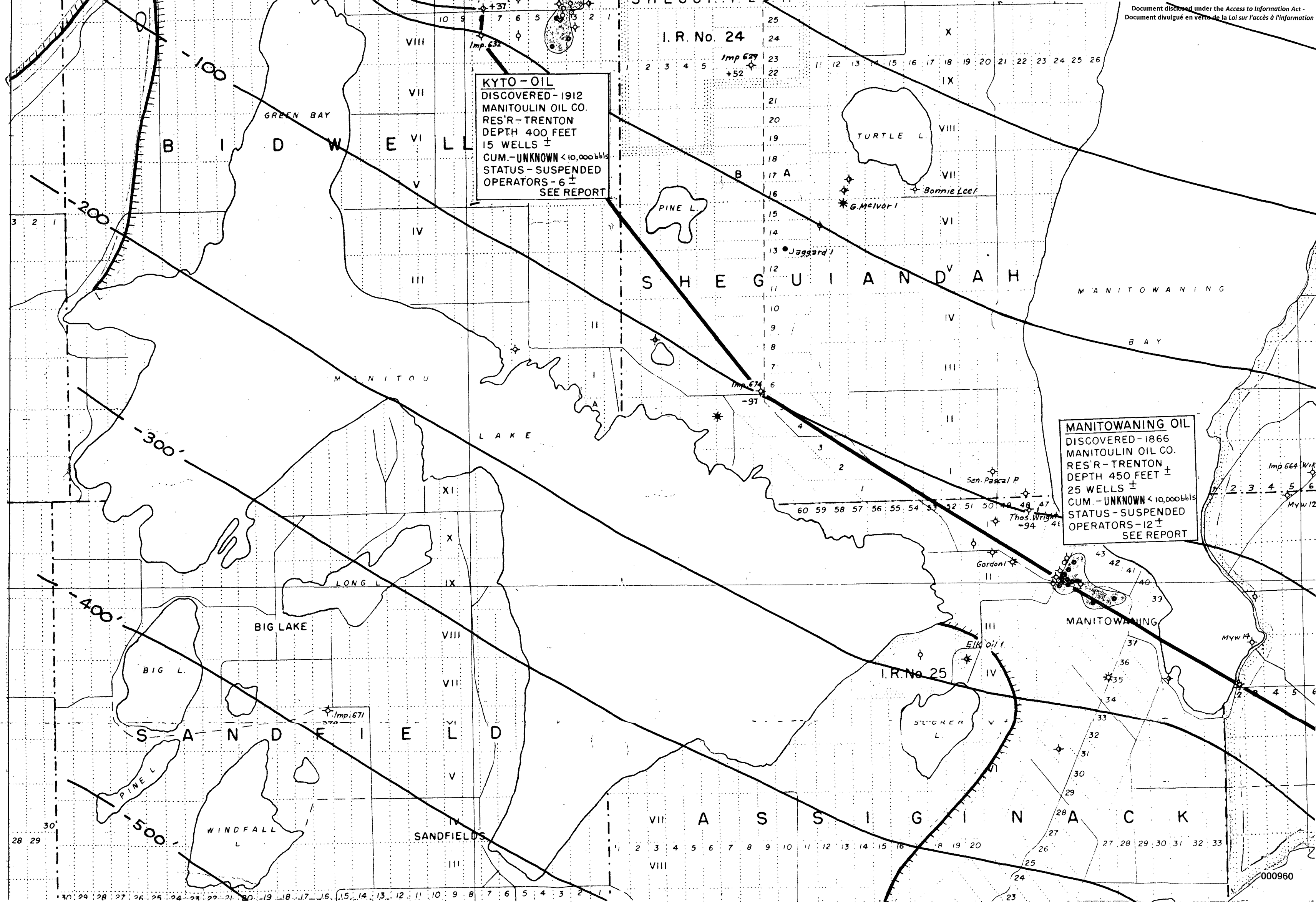
Figure 6



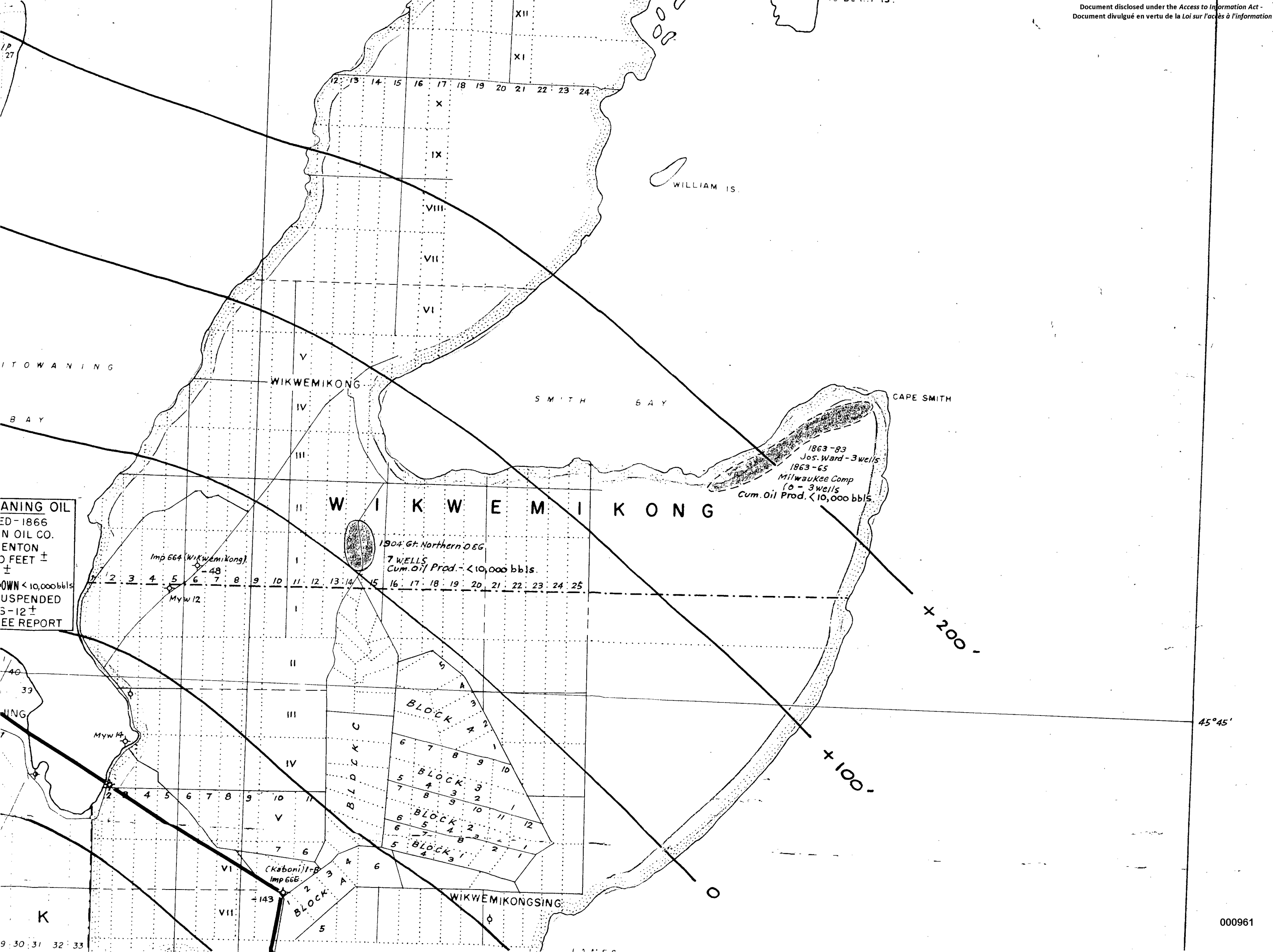


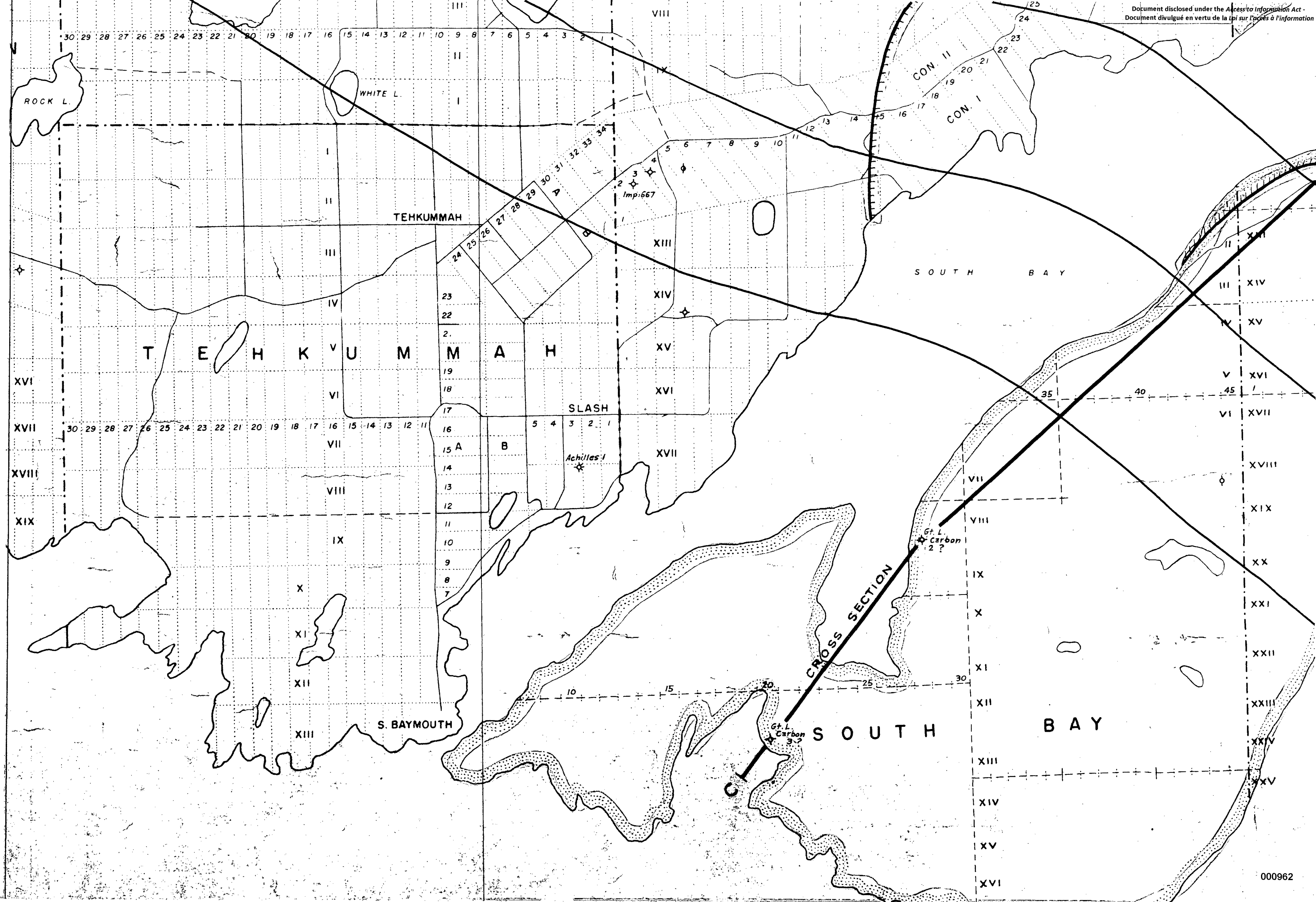


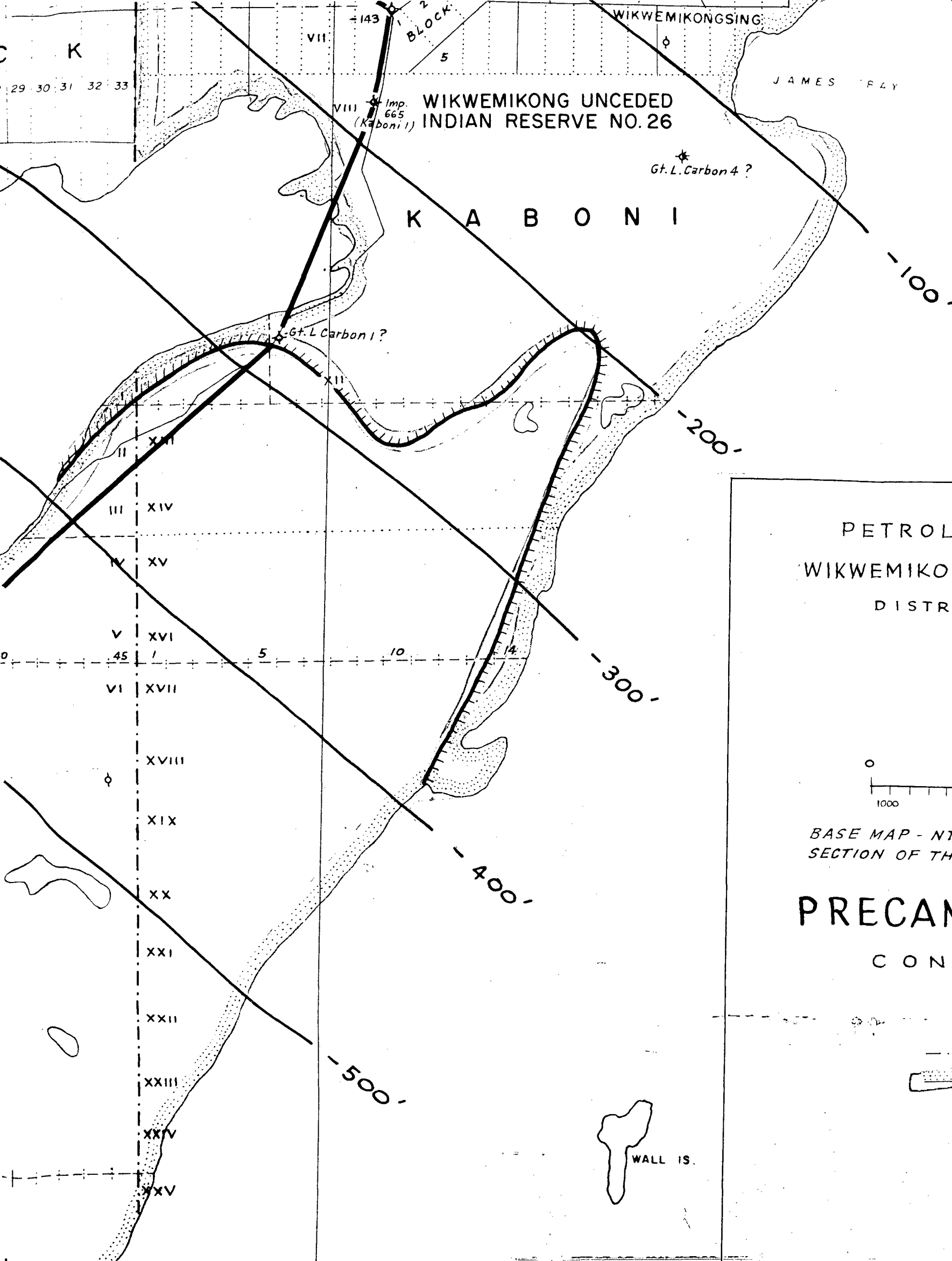












# PETROLEUM EVALUATION OF THE WIKWEMIKONG UNCEDED INDIAN RESERVE NO. 26

DISTRICT OF MANITOULIN, ONTARIO

by J. D. MACGREGOR, P. ENG.

1980

Scale 1" = 1 Mile



BASE MAP - NTS SERIES MAP ISSUED BY THE PETROLEUM RESOURCES  
SECTION OF THE MINISTRY OF NATURAL RESOURCES

## PRECAMBRIAN STRUCTURE

CONTOUR INTERVAL - 100 FEET

### LEGEND

- TOWNSHIP BOUNDARY
- ▬ INDIAN RESERVE BOUNDARY
- OIL POOL
- GAS POOL
- OIL WELL
- \* GAS WELL
- + DRY WELL
- + SHOWINGS
- ▬ NIAGARA ESCARPMENT





BASE MAP - NTS SERIES MAP ISSUED BY THE PETROLEUM RESOURCES  
SECTION OF THE MINISTRY OF NATURAL RESOURCES

# PRECAMBRIAN STRUCTURE

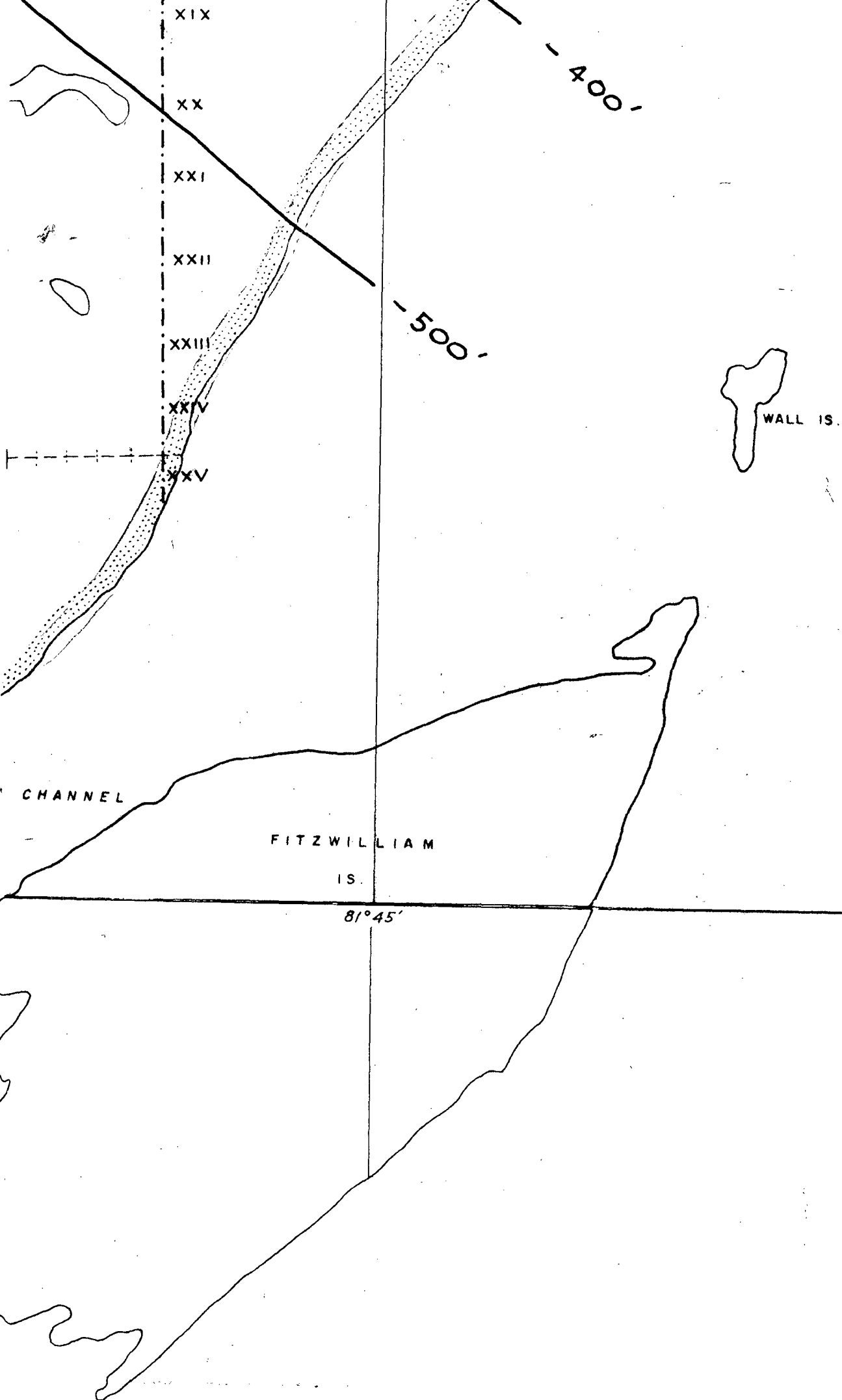
C O N T O U R   I N T E R V A L - 100 F E E T

## LEGEND

- TOWNSHIP BOUNDARY
- [Stippled Area] INDIAN RESERVE BOUNDARY
- [Circle with Center Dot] OIL POOL
- [Circle] GAS POOL
- OIL WELL
- \* GAS WELL
- + DRY WELL
- + \* SHOWINGS
- [Hatched Area] NIAGARA ESCARPMENT

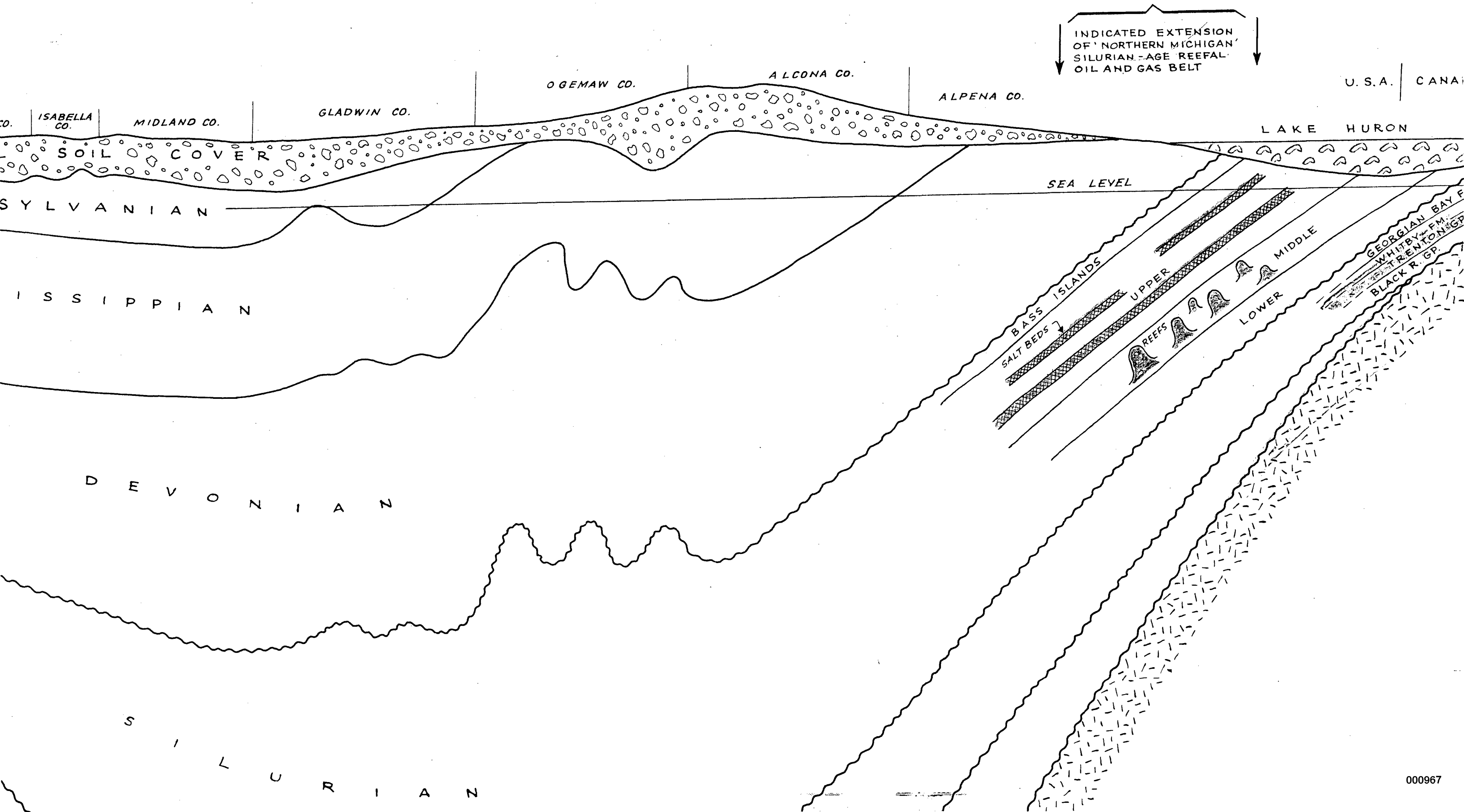
Figure 5

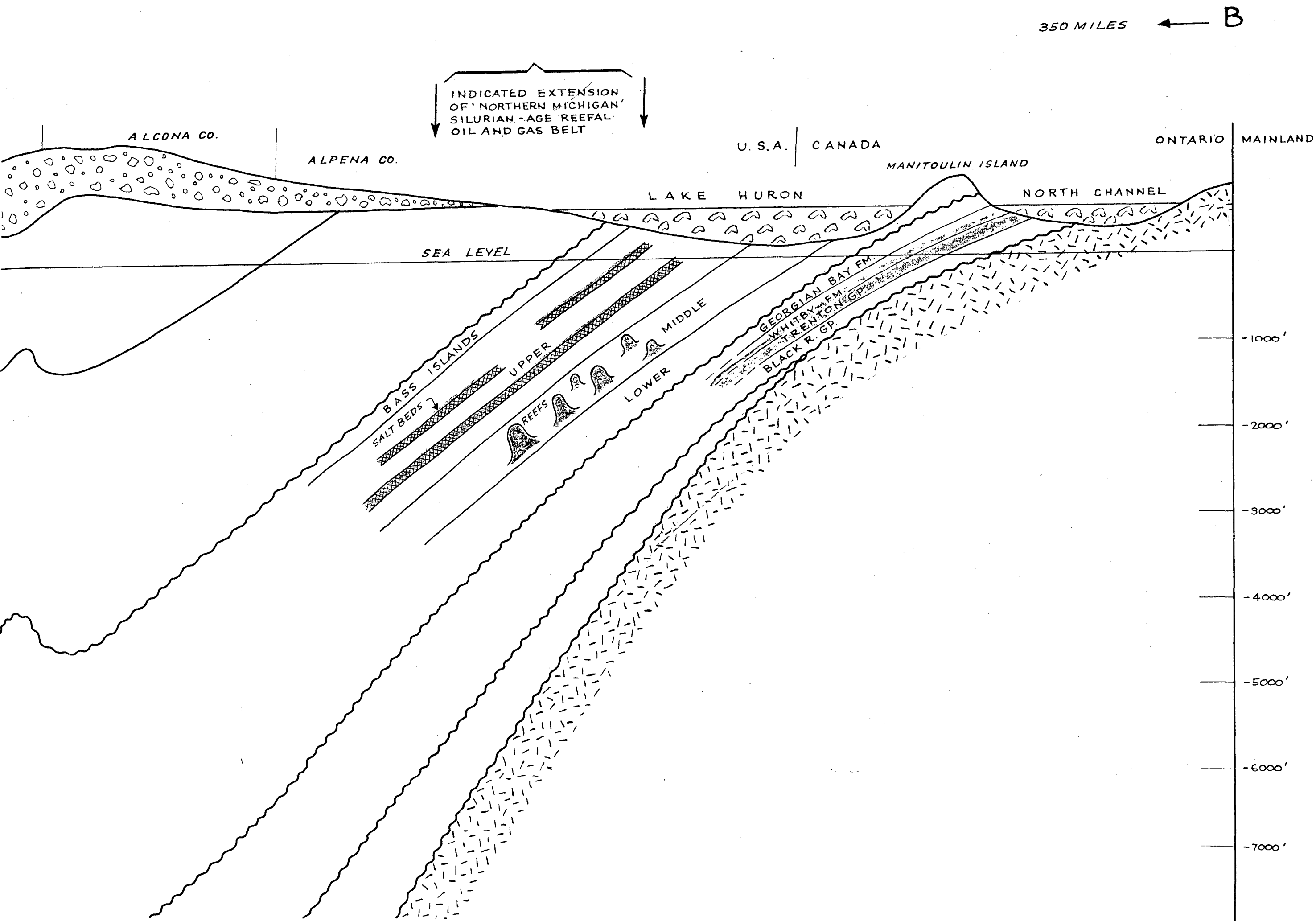
PRECAMBRIAN OUTCROP

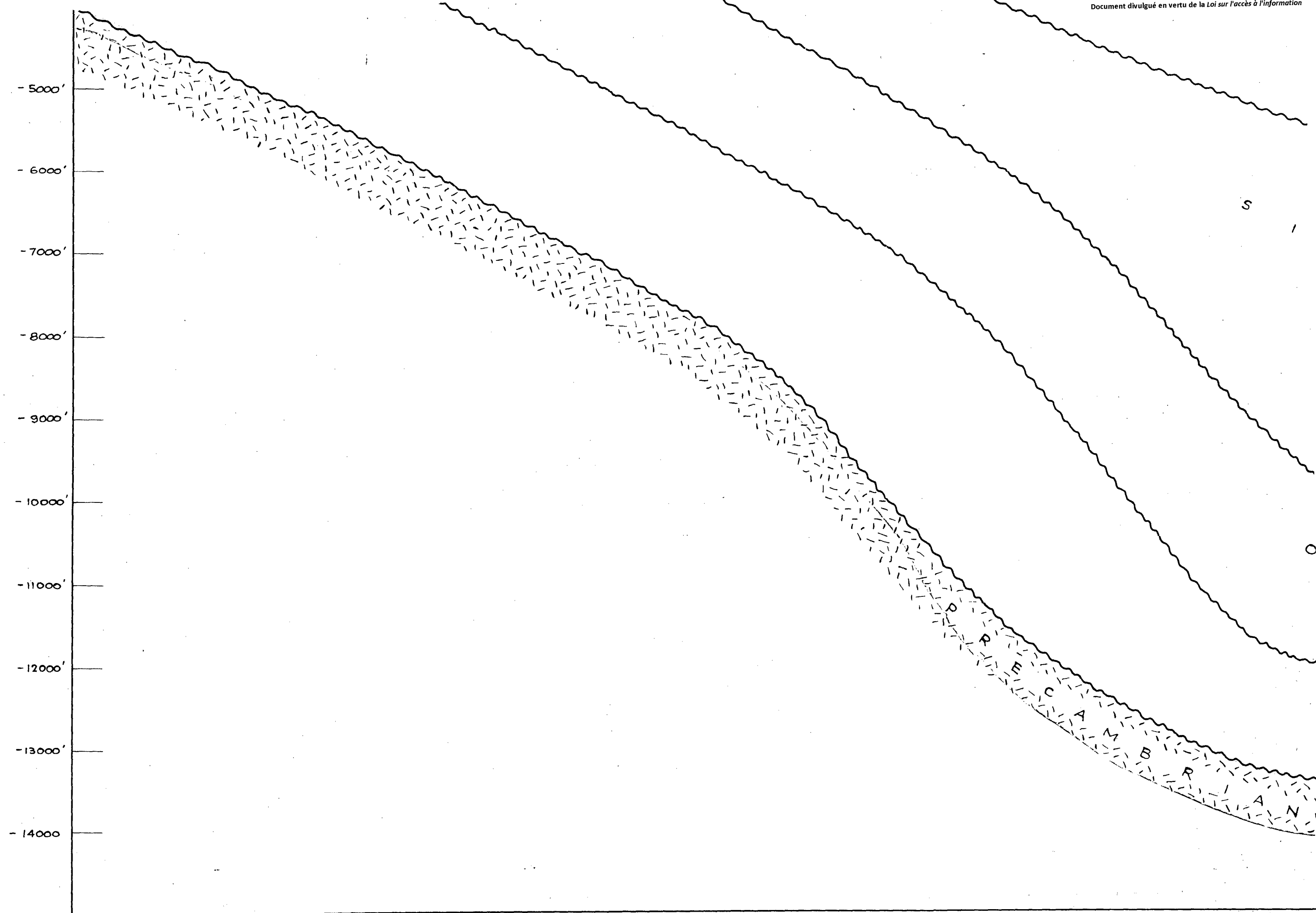




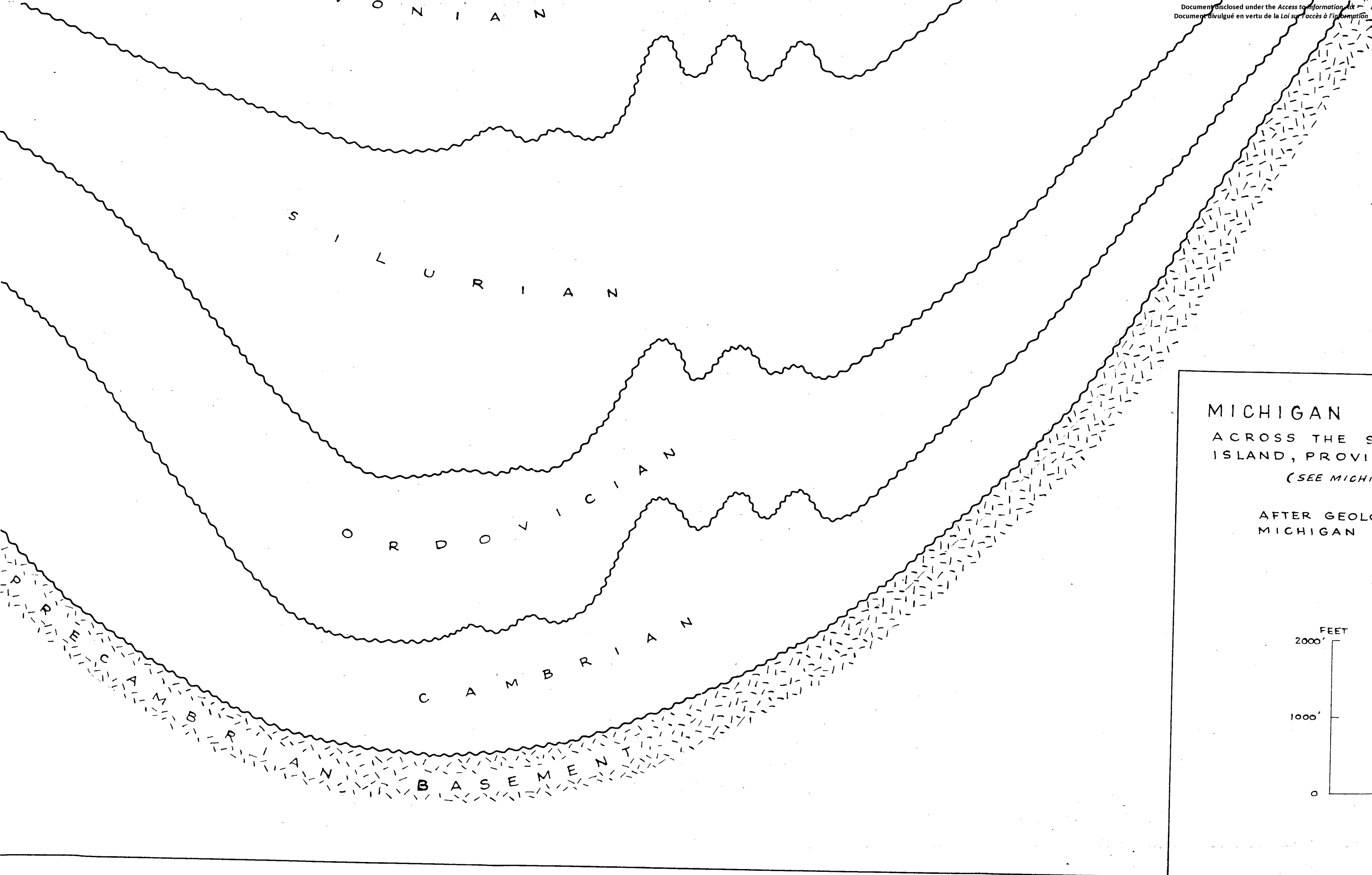




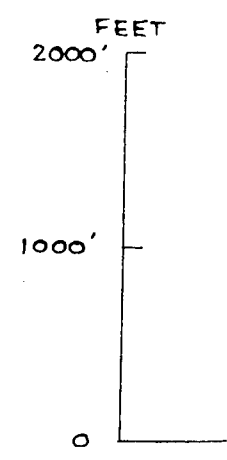








MICHIGAN  
ACROSS THE S  
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AFTER GEOL  
MICHIGAN



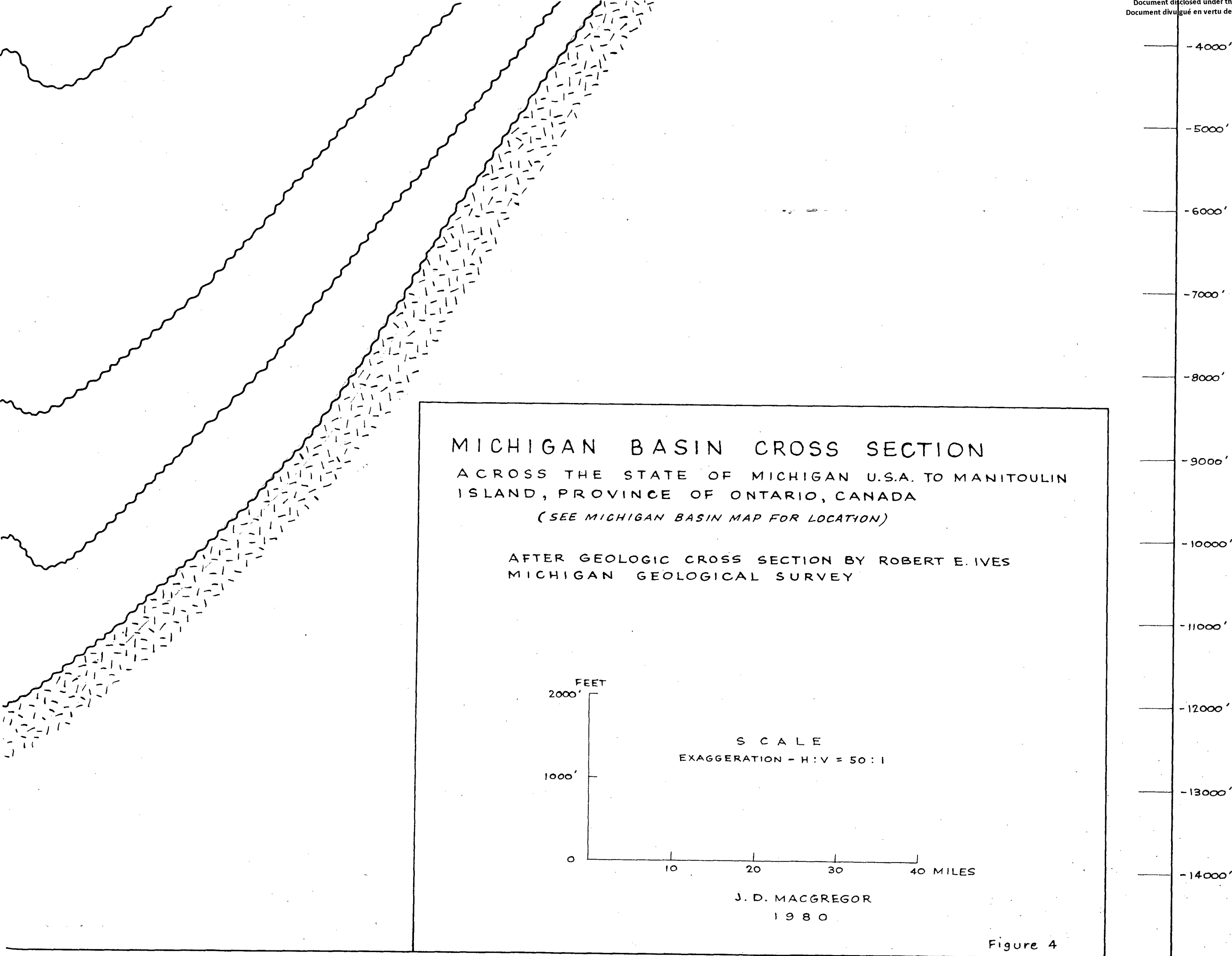
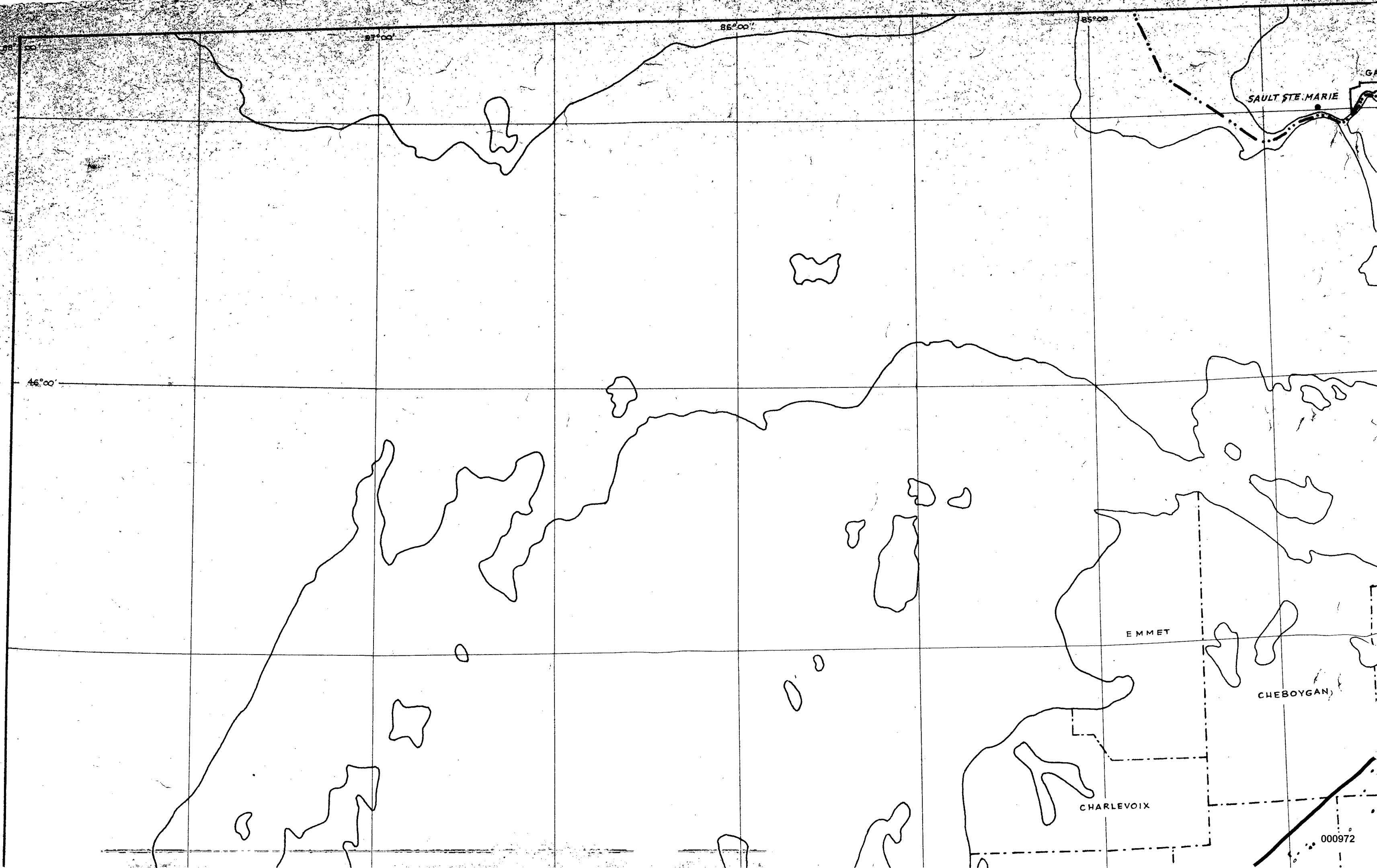
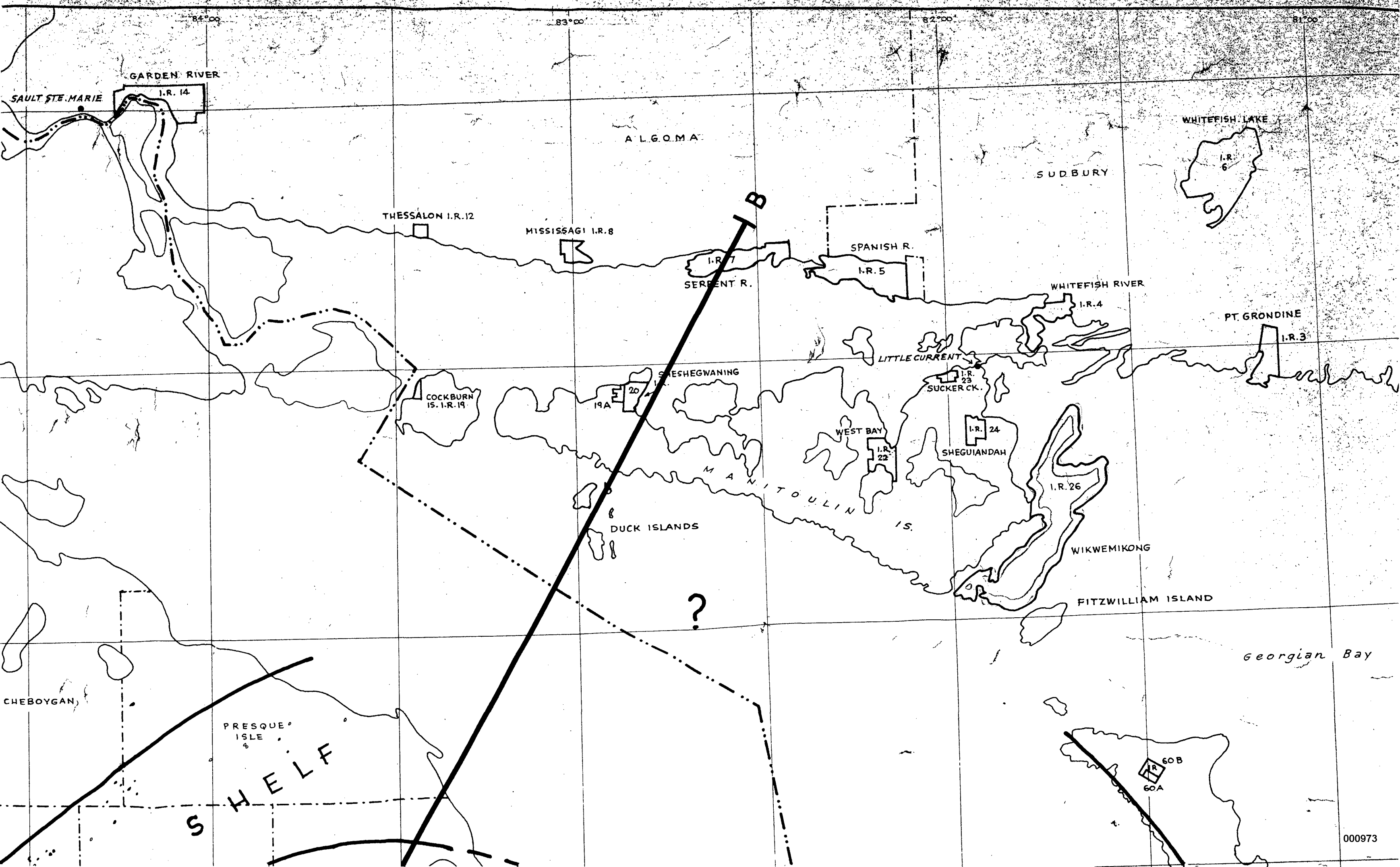
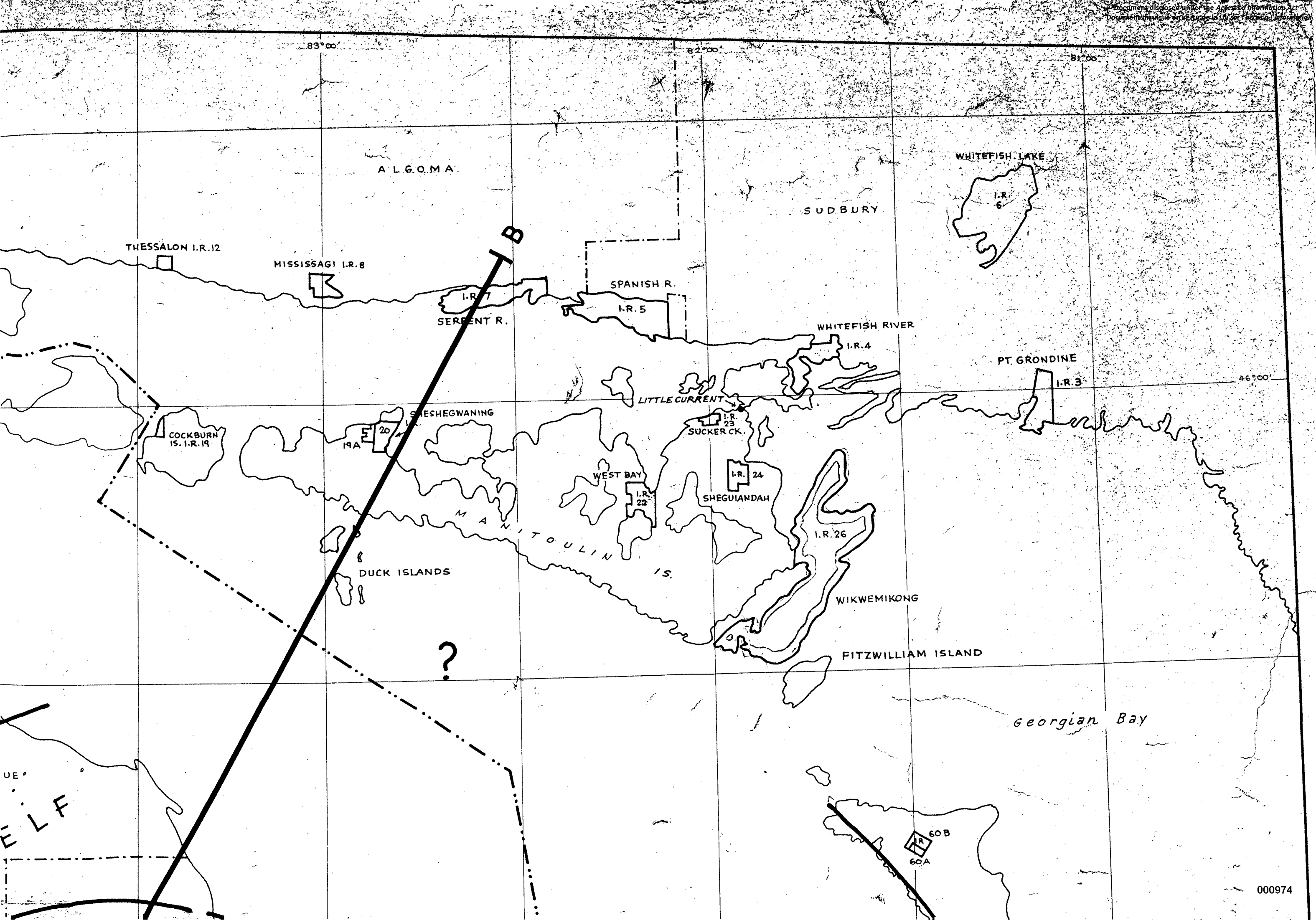


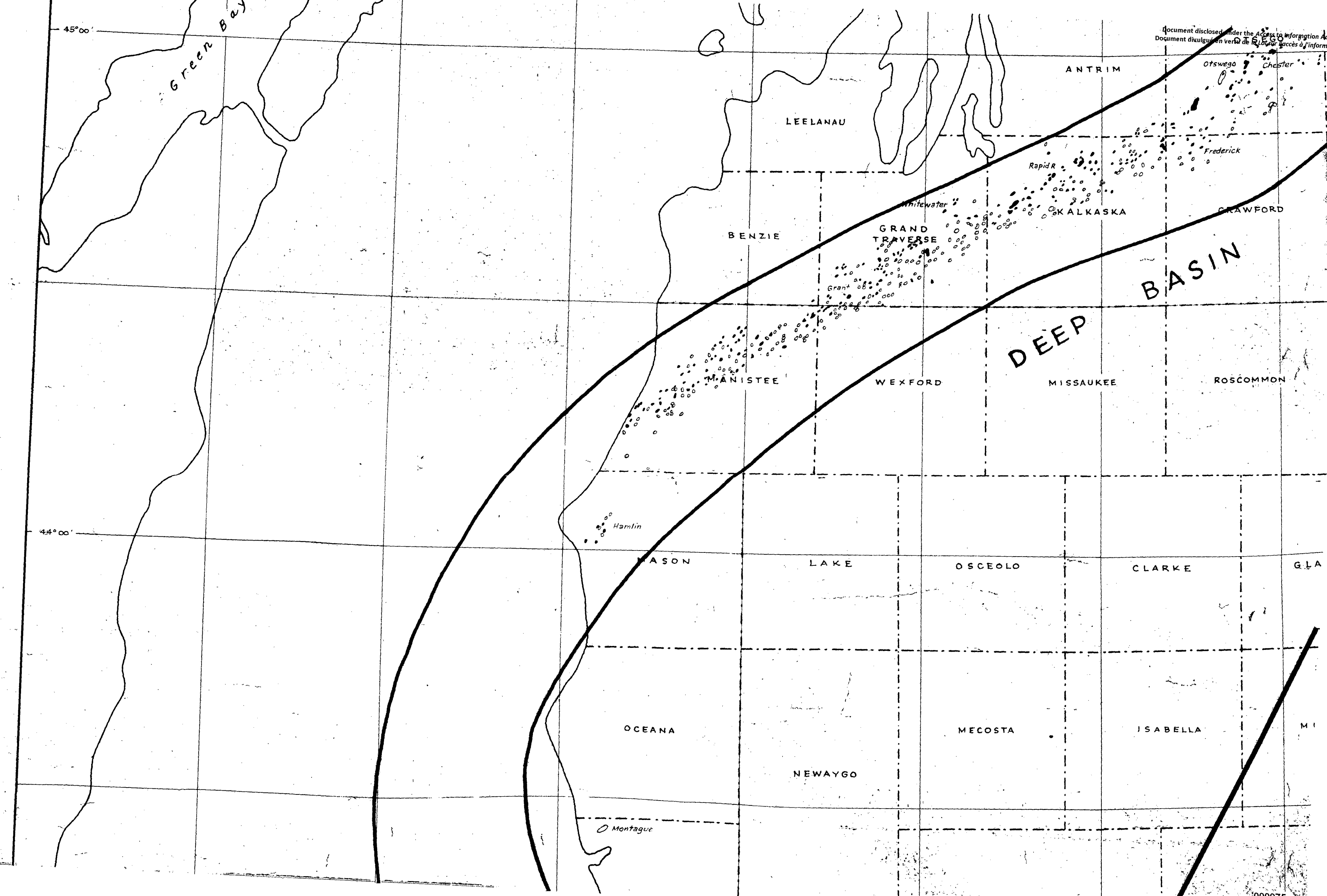
Figure 4

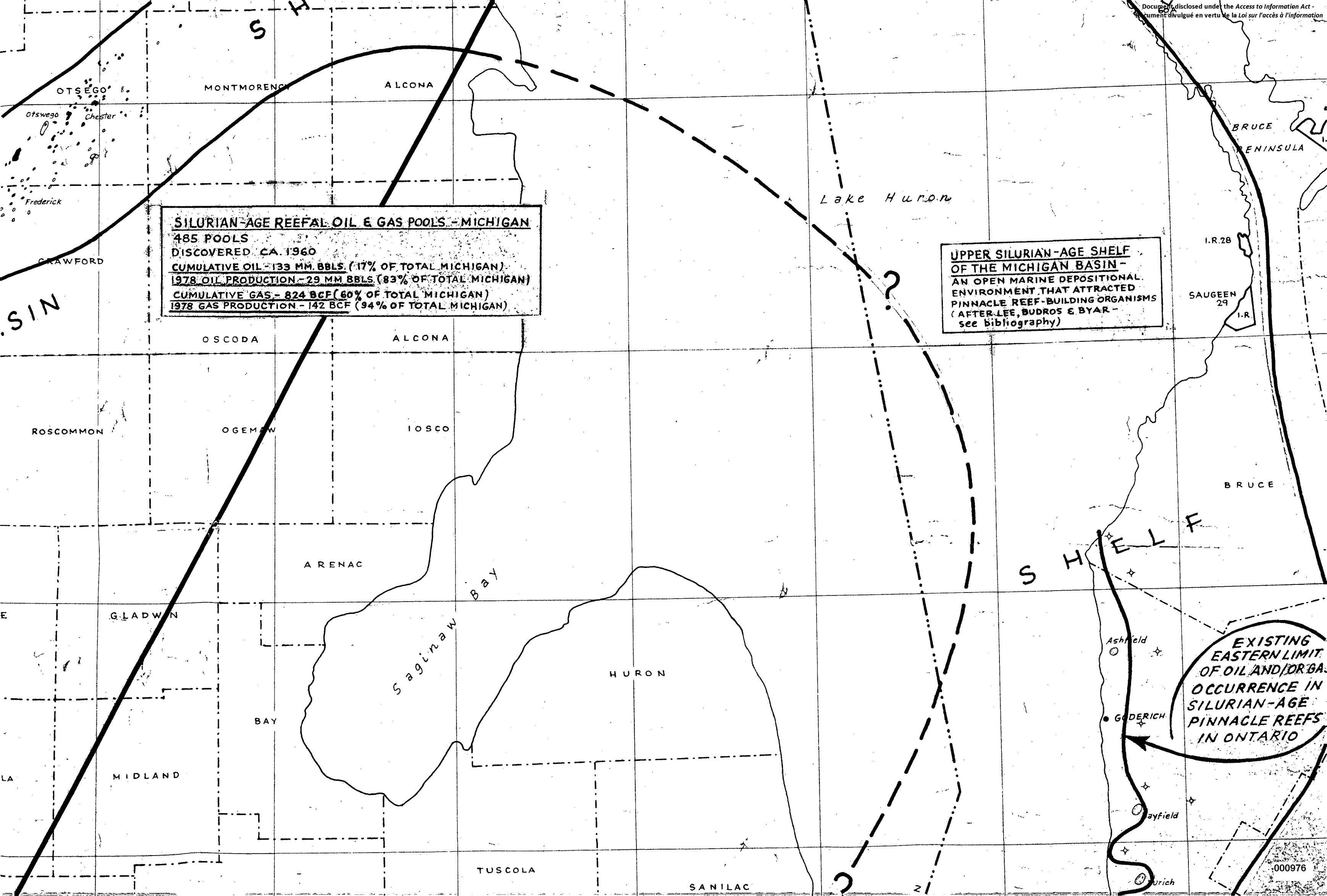




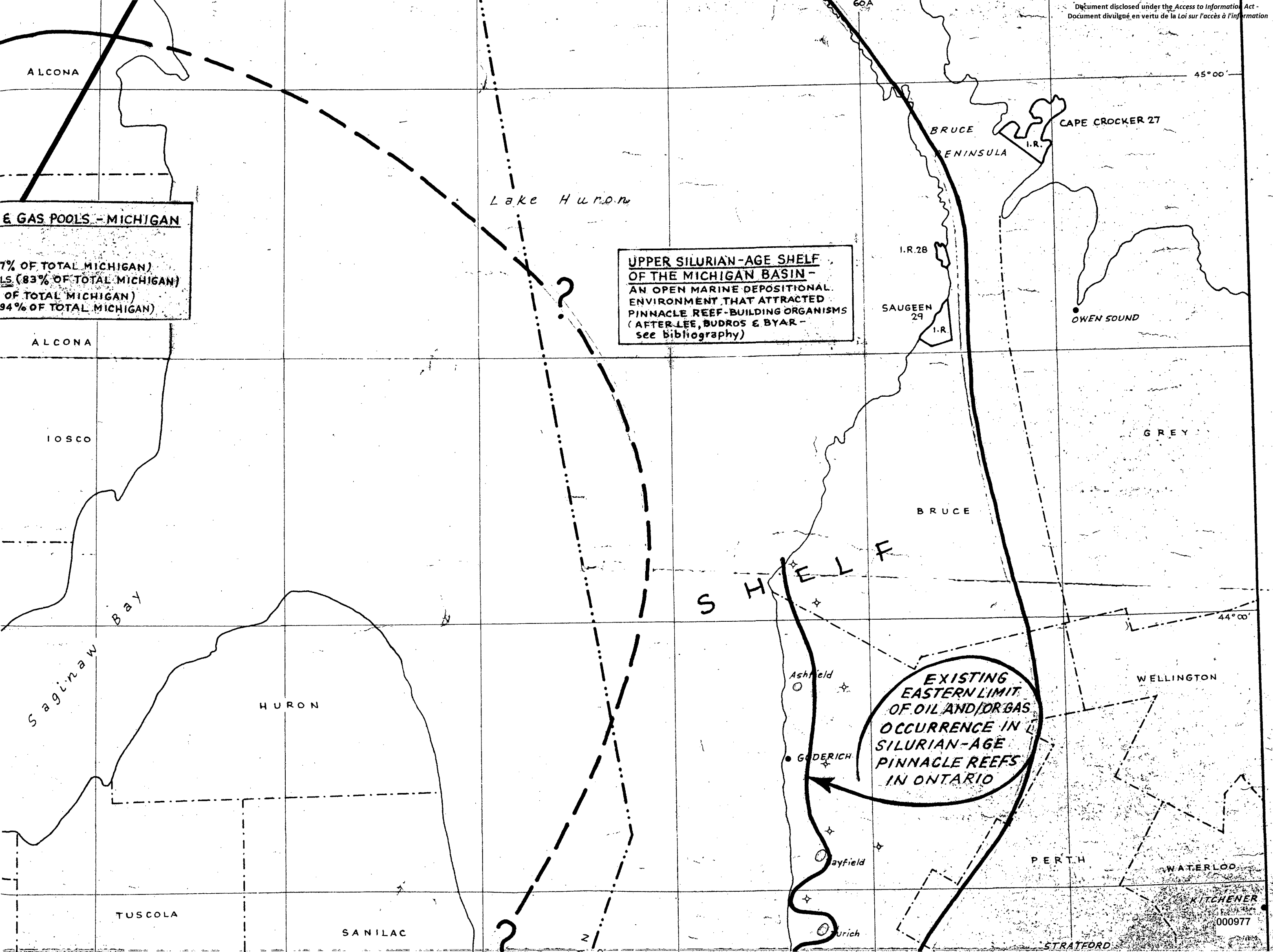








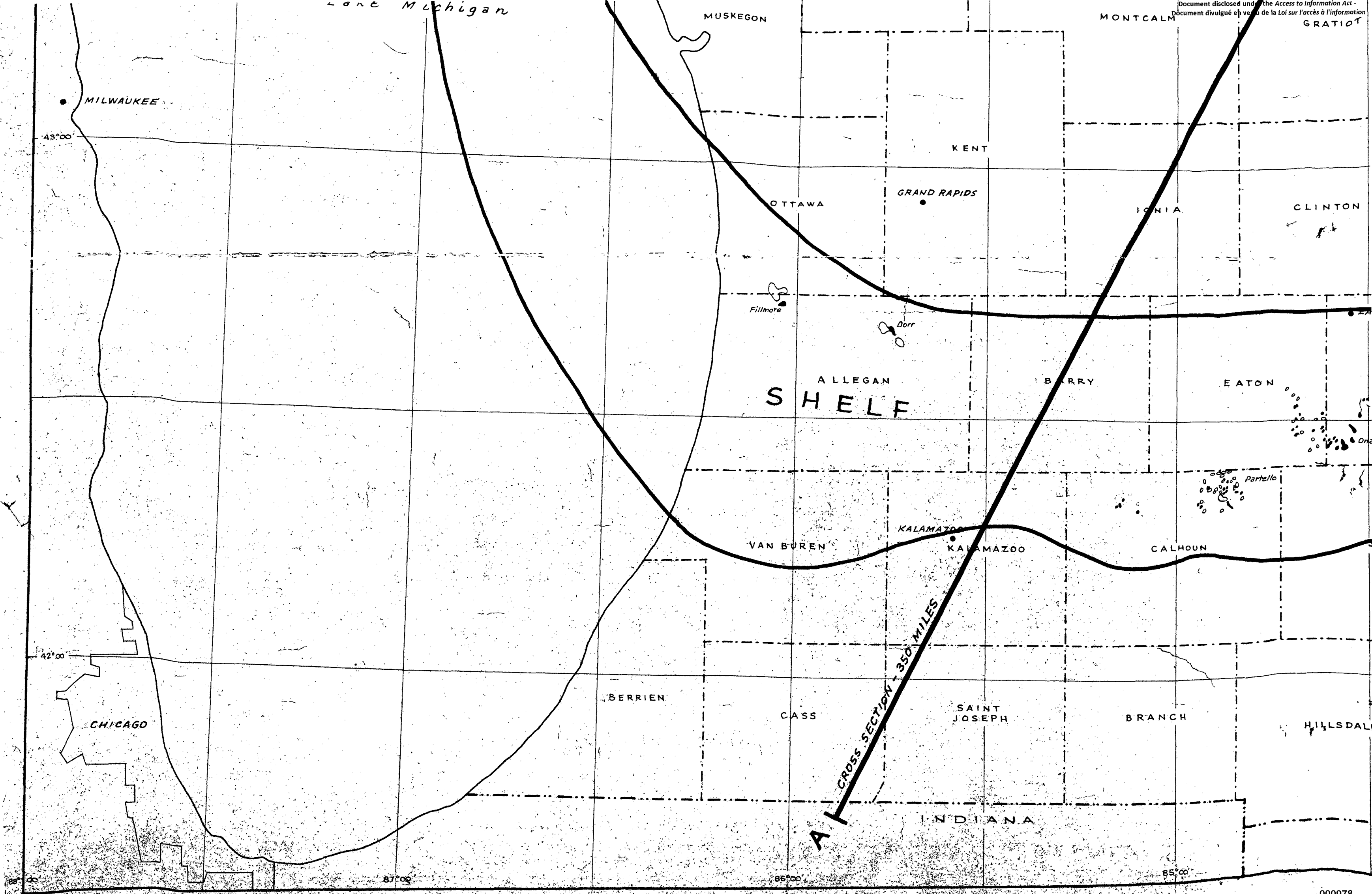


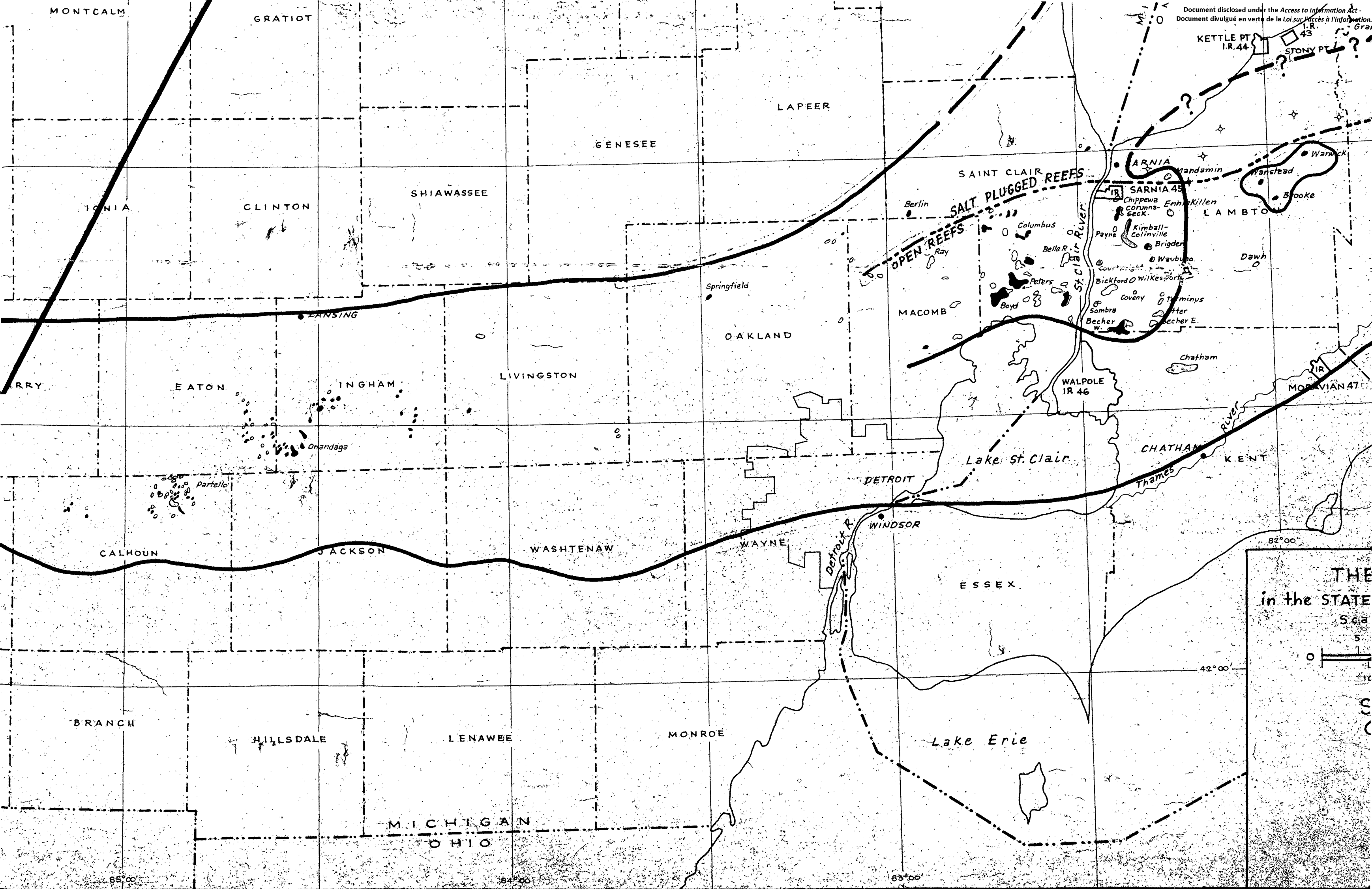


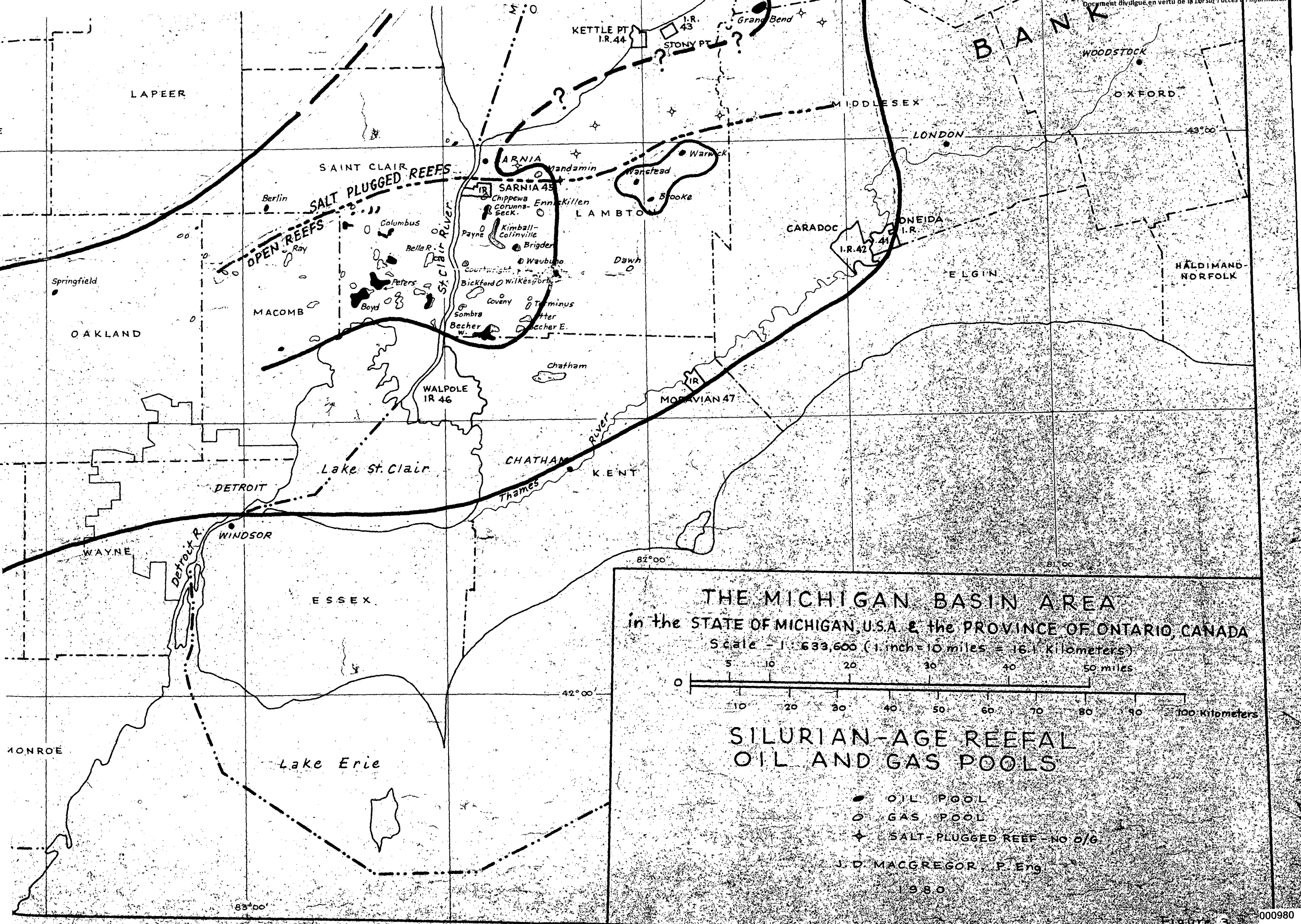
**E GAS POOLS - MICHIGAN**  
7% OF TOTAL MICHIGAN)  
LS. (83% OF TOTAL MICHIGAN)  
OF TOTAL MICHIGAN)  
94% OF TOTAL MICHIGAN)

**UPPER SILURIAN-AGE SHELF  
OF THE MICHIGAN BASIN -  
AN OPEN MARINE DEPOSITIONAL  
ENVIRONMENT THAT ATTRACTED  
PINNACLE REEF-BUILDING ORGANISMS  
(AFTER LEE, BUDROS & BYAR -  
see bibliography)**

**EXISTING  
EASTERN LIMIT  
OF OIL AND/OR GAS  
OCCURRENCE IN  
SILURIAN-AGE  
PINNACLE REEFS  
IN ONTARIO**



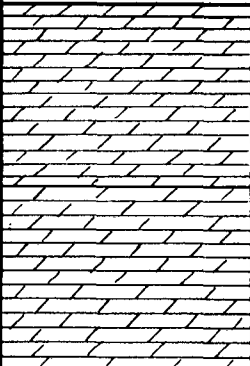
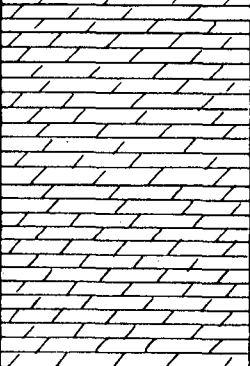
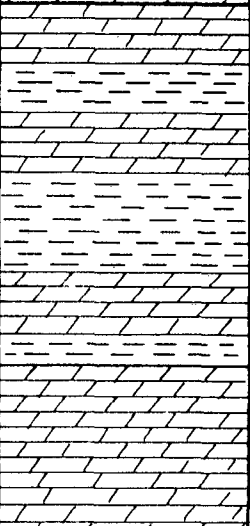
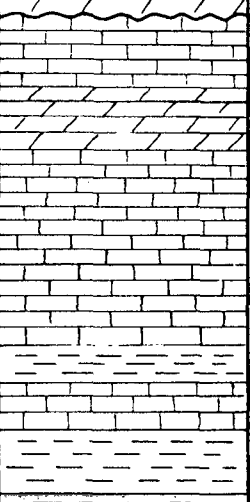






STRATIGRAPHY OF MANITOULIN ISLAND  
(LITHOGRAPHIC UNITS)

Source : Ontario Division of Mines - Geological Maps of Manitoulin Island No's 2247 and 2249

ERA	SYSTEM	SERIES	GROUP	FORMATION - MEAN THICKNESS (FEET) LITHOLOGY		AGE EQUIVALENT IN S.W. ONTARIO
AL E O Z O I C	S I L U R I A N	M I D D L E		GUELPH - 10' DOLOSTONE - GREY/YELLOW		GUELPH-LOCKPORT GROUP
				AMABEL - 175' DOLOSTONE - GREY/BLUE		
				FOSSIL HILL - 120' DOLOSTONE - BROWN		CLINTON GROUP
				MINDEMOYA - 75' DOLOSTONE - GREY/BROWN		
		L O W E R		CABOT HEAD - 125' DYER BAY MBR. DOLOSTONE & SHALE - BLUE/GREY/BROWN CABOT HEAD MBR. SHALE & DOLOSTONE - RED/GREEN		CATARACT GROUP
				MANITOULIN - 55' DOLOSTONE - BROWN/GREY		
		P P E R		GEORGIAN BAY - 290' UPPER LIMESTONE & DOLOSTONE MIDDLE LIMESTONE - BLUE/GREY LOWER SHALE & LIMESTONE - GREY/BLUE		QUEENSTON  MEAFORD-DUNDAS

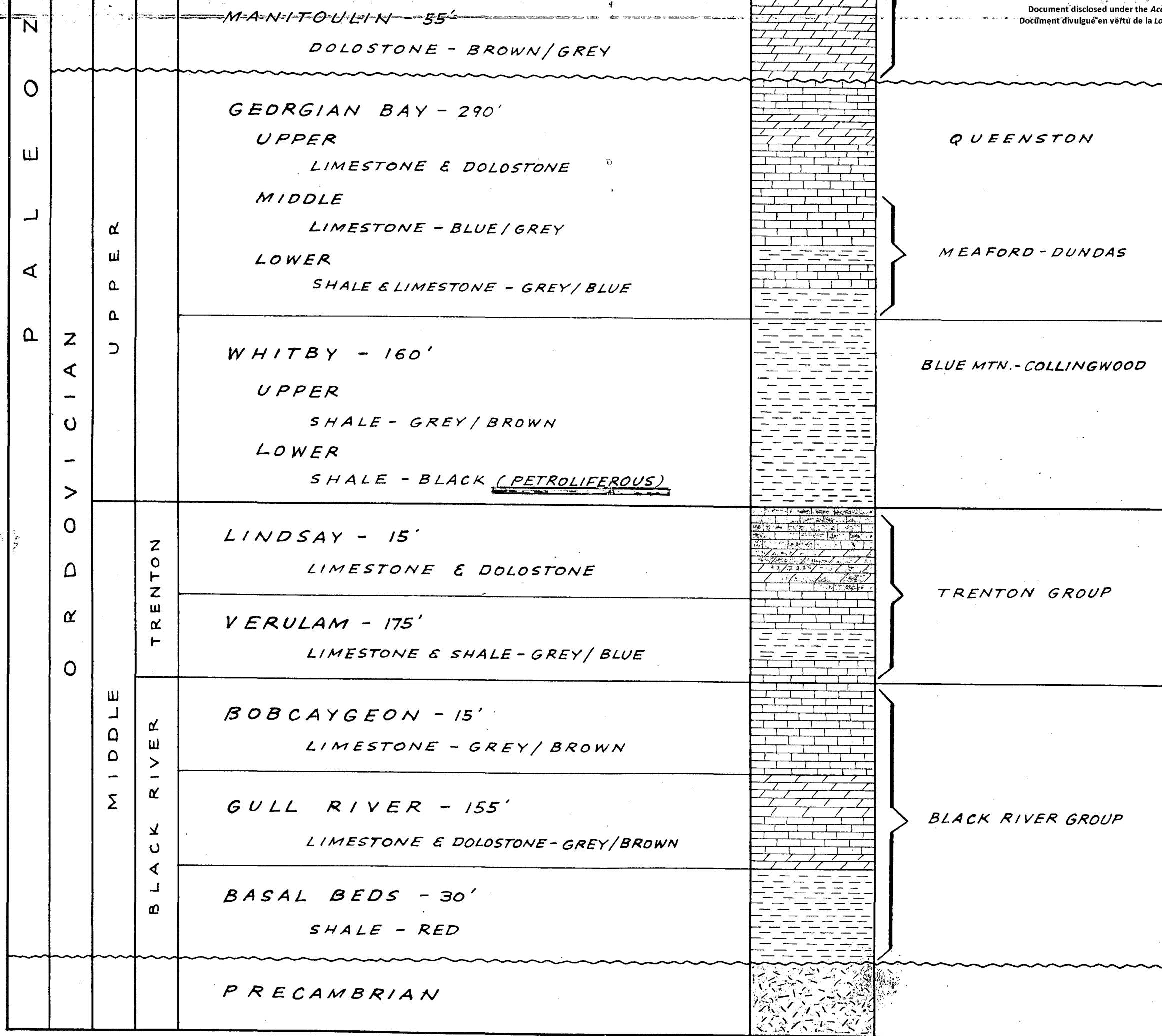


Figure 2