

2009 01 T  
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION

BETWEEN:

VINLAND RESOURCES LIMITED

APPELLANT

AND:

MINERAL CLAIMS RECORDER FOR THE GOVERNMENT  
OF NEWFOUNDLAND AND LABRADOR

FIRST RESPONDENT

AND:

PHELPS-DODGE CORPORATION  
OF CANADA LIMITED

SECOND RESPONDENT

AND:

NORANDA INC.

THIRD RESPONDENT

NOTICE OF APPEAL

TAKE NOTICE THAT the Appellant appeals the decision of the Mineral Rights Adjudication Board (the "Board") dated the 23<sup>rd</sup> day of October, 2009 in the matter of a Grievance filed by Vinland Resources Limited dated the 20<sup>th</sup> day of December 2000 grieving the decision of the Mineral Claims Recorder for the Province of Newfoundland and Labrador dated the 4<sup>th</sup> day of December 2000 in response to an application made by Vinland Resources Limited for a map staked licence under the *Mineral Act*, R.S.N.L. 1990, c. M-12.

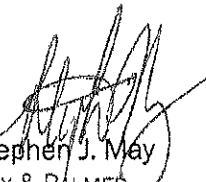
AND THAT the grounds of the proposed appeal are:

1. The Board erred in law in failing to qualify documents submitted by the Appellant into evidence before the Board as public documents;

2. The Board erred in law in holding that the weight to be assigned to public documents submitted into evidence by the Appellant was dependent on evidence called to establish their provenance;
3. The Board failed to apply the law relating to the burden of proof to the Appellant's challenge of public documents submitted into evidence and relied on by the First Respondent or, alternatively failed to apply such law in a proper manner.
4. The Board erred in law by characterizing the Appellant's submissions surrounding markings on exhibits entered into evidence as conjecture.
5. The Board erred in law by engaging in conjecture when it held that excluding land within the interior of the Exploits River watershed from lands that the Anglo-Newfoundland Development Company, Limited was entitled to select pursuant to the *Pulp and Paper Act*, 1905, 5 Edw. VII, Cap. 10, would have been contrary to the company's objectives.
6. In the result, the Board erred in law in holding that the First Respondent did not have jurisdiction to issue a map staked licence to the Appellant;
7. Upon such other grounds as Counsel may advise and this Honourable Court may permit.

AND THAT the Appellant will request that the decision appealed from be set aside and that the Appellant should have its costs in this Appeal and in the proceedings below.

DATED AT St. John's, Newfoundland and Labrador, this 20<sup>th</sup> day of November, 2009.

  
Stephen J. May  
COX & PALMER  
Suite 1000, Scotia Centre  
235 Water Street  
St. John's, NL A1C 1B6

Solicitor for the Appellant,  
Vinland Resources Limited

TO:

Joseph Anthony  
Government of Newfoundland and Labrador  
Dept. of Justice  
P.O. Box 4750  
St. John's, NL A1C 5T7

Solicitor for the Respondent Mineral Claims  
Recorder

AND TO:

James Thistle, Q.C.  
McInnes Cooper  
10 Fort William Place  
P.O. Box 5939  
St. John's, NL A1C 5X4

Solicitor for the Respondent Phelps-Dodge  
Corporation of Canada Limited

AND TO:

Sheri Wicks  
White, Ottenheimer & Baker  
P.O. Box 5457  
6th Floor, Baine Johnston Centre  
10 Fort William Place  
St. John's, NL A1C 5W4

Solicitor for the Respondent Noranda Inc.

01336 0001 Notice of Appeal No. 09 (MRAB)