

CANADA—DEPARTMENT OF MINES
HON. CHARLES STEWART, Minister; CHARLES CAMSELL, Deputy Minister
MINES BRANCH—JOHN McLEISH, Director

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THE MINING LAWS OF CANADA ✓

*A DIGEST OF
DOMINION AND PROVINCIAL LAWS
AFFECTING MINING*



MINES BRANCH
DEPARTMENT OF MINES
OTTAWA, CANADA

MINES BRANCH

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PREFACE

The accompanying digest of the Mining Laws of the Dominion and of the several Provincial Governments of Canada has been compiled upon the suggestion of Charles Camsell, Deputy Minister of Mines.

The synopses of Mining Laws and Regulations have been prepared and furnished for this publication by those officers of the several governments who are directly in charge of their administration. They are intended merely as a general guide to the principles underlying the administration of mining in different parts of Canada. The Department is particularly indebted to these contributors for the promptness with which they have acceded to the request for their co-operation.

The reader is referred in the text to the official sources for detailed information. To this might be added a reference to the Publication of the Imperial Mineral Resources Bureau, London, on Mining Laws within the Empire. A volume on the Mining Laws of British Columbia has already been issued.

It is hoped that the present pamphlet may prove a useful supplement to the Report on the Mineral Industries of Canada, also specially prepared for distribution at the British Empire Exhibition in London this year.

John McLeish,
Director

MINES BRANCH,
DEPARTMENT OF MINES,
OTTAWA, CANADA,
JUNE 17, 1924

The Mining Laws of Canada—A Digest of Dominion and Provincial Laws Affecting Mining

DOMINION OF CANADA

MINING LAWS AND REGULATIONS ADMINIS- TERED BY THE DOMINION GOVERNMENT

By H. H. Rowatt

(Superintendent, Mining Lands Branch, Department
of the Interior, Ottawa)

Dominion lands to which these regulations apply are those within the provinces of Manitoba, Saskatchewan, Alberta, Yukon district, and the Northwest Territories. Some of these regulations apply also to the Railway Belt in British Columbia and to a defined area in British Columbia.

The title issued for Dominion lands, the property of the Federal Government, in the western provinces and territories of Canada, reserves to the Crown the mines and minerals which may be found on or under such lands, together with the right of operation.

Minerals on vacant Dominion lands and on lands disposed of, as above, may be acquired by lease for a period of twenty-one years, renewable for further periods of like duration, on the following terms and conditions:

Coal

The maximum area which may be granted under lease to one applicant is 2,560 acres, and the length of the location must not exceed four times its breadth. Rental one dollar an acre per annum, and royalty on coal disposed of, five cents per ton. In unsurveyed territory the location must be staked by the applicant personally, and

personal application must be made to the mining recorder for a lease. Such location must be marked on the ground by two legal posts, one at each end of the longest dimension, and a line must be marked out joining the posts. In surveyed territory personal application only is necessary. The lease conveys the coal mining rights only, but surface rights may be obtained by arbitration, if already disposed of, or under lease from the Crown if vacant. There is no limit to the area which may be acquired by assignment.

Petroleum and Natural Gas

The maximum area which may be acquired under application by one person is 1,920 acres, but any area may be acquired by assignment. The location shall be personally staked and applied for in the same manner as coal, and drilling operations shall be commenced within fifteen months of the date of the lease. Rental fifty cents an acre for the first year, and one dollar an acre for each subsequent year, but if drilling operations are conducted the expenditures so incurred may be accepted in full satisfaction of such rental, until discovery of oil is made. Twenty thousand acres may be grouped by a lessee, and represented by one drilling outfit. Royalty varying from two and one-half per cent to ten per cent of the value of the product may be imposed. In the Northwest Territories a preliminary permit may be obtained to prospect an area of 2,560 acres, rental payable on one-half of that area only. Upon discovery of oil being made a final lease of one-half the area acquired, to be selected by the permittee, will be issued.

Quartz or Lode Mining

Any person, eighteen years of age or over, may stake and acquire title to mineral claims. The maximum area of a location is 51.65 acres, being 1,500 feet by 1,500 feet, or less, and must be staked out on the ground in the same manner as a coal location, and application made to the mining recorder for entry. The fee for entry is ten dollars. The sum of one hundred dollars must be expended in actual development work on the location each year, and proved, or that amount must be paid to the mining recorder. Fee for renewal each year, five dollars. When five hundred dollars has been expended or paid, discovery

of mineral in place shown to have been made, a survey of the location made by a Dominion Lands Surveyor at the grantee's expense, and certain other requirements complied with, a final lease for a period of twenty-one years, renewable, is issued subject to no further requirements, the rental for the full period of twenty-one years being fifty dollars. Royalty two and one-half per cent of the value of the products of the location. A claim may be staked and recorded by the same person every twenty days.

Placer

Claims five hundred feet long and from one thousand to two thousand feet wide, according to location, may be staked out and acquired by any person more than seventeen years of age. Claims to be marked by two legal posts, one at each end, and the line joining them marked. Creek claims are staked along the base-line of the creek, and extend one thousand feet on each side. River claims are five hundred feet on one side of the river, and extend back one thousand feet. Other claims are staked parallel to the creek or river on which they front, five hundred feet long by one thousand feet. Expenditure in development of each claim to be incurred and proved each year, two hundred dollars in Yukon territory and one hundred dollars elsewhere. Royalty two and one-half per cent.

Dredging

A dredging lease conveys the exclusive right to subaqueous mining and dredging in ten miles, or less, of a river bed to be described. The term of the lease is fifteen years in Yukon territory and ten years elsewhere, renewable. Rental per annum, one hundred dollars a mile in Yukon territory and ten dollars a mile elsewhere. Royalty, two and one-half per cent. Lessee required to install a dredge within three years from the date of the lease in the Yukon, and within one year from such date elsewhere.

Alkali

Comprising natural surface accumulations of soluble mineral salts and associated marls, occurring at or near the surface. Area which may be leased, 1,920 acres. Term of lease, twenty years, renewable. Fee, ten dollars for the issue of a lease. Rental, twenty-five cents an acre

per annum. The lessee shall expend in actual development or improvements on the property leased not less than ten thousand dollars during the first three years of the term of the lease. Not less than two thousand five hundred dollars shall be so expended during the first and during the second years of the term. Royalty, from twelve and one-half cents to twenty-five cents a ton of salts shipped.

Carbon-black

The recorded owner of a lease of natural gas rights acquired under the regulations may obtain a permit to use the gas for the production of carbon-black, if the location affected is situated in an isolated part of the country where there is no market for the sale of such gas. The permittee must expend fifteen thousand dollars during each of the first and second years of the term of the permit in the erection and completion of an efficient plant. Gasoline content, if sufficient, must first be extracted. Royalty, five per cent of the value of the gas at the well. Minimum value of such gas, two cents per thousand cubic feet.

Quarrying

Dominion lands containing limestone, granite, slate, marble, gypsum, marl, gravel, sand, clay, or building stone, may be leased at an annual rental of one dollar an acre. The maximum area to one applicant shall be forty acres. A railway company or municipality, requiring material for construction or maintenance of railway or municipal works, may acquire more than one location. The location must be staked out, if situated in unsurveyed territory.

For copies of any of the regulations above referred to, application may be made to the Superintendent, Mining Lands Branch, Interior Department, Ottawa.

NOVA SCOTIA

THE MINES ACT OF THE PROVINCE OF
NOVA SCOTIA*By Thos. J. Brown*

(Deputy Minister of Works and Mines)

MINERALS—OWNERSHIP—MINES OFFICE

All minerals in Nova Scotia, except limestone, gypsum, and building materials, are the property of the Crown in the right of the province of Nova Scotia. They are dealt with under the provisions of the Mines Act, Chapter 23, Revised Statutes of Nova Scotia, 1923. The administrative officer under the Act is the Minister of Public Works and Mines. The Mines Office is situated in the Province Building, Halifax. At this office all records of mining titles are kept.

CLASSIFICATION OF MINERALS

The minerals of the province are divided into two groups:

- (1) Gold and silver
- (2) Minerals other than gold and silver

(1) Gold and Silver*Applications—Leases*

All mines of gold and silver are laid off in areas of two hundred and fifty feet north and south, by one hundred and fifty feet east and west.

Leases of the right to mine gold and silver during a period of forty years are granted by the Minister and bear date of the second day of July of the year in which they are applied for. Applications for leases must be in writing. They must specify the areas—by number if the areas are numbered—otherwise, by description of the tract of ground. Applications may be filed at the Mines Office by the applicant or his agent or may be sent in by mail.

A lease may comprise any number of areas not less than six.

Payment of two dollars for each area applied for is required on the filing of an application for lease.

Rent and Royalties

Leases are subject to a yearly rental, payable in advance, of fifty cents per area for each year except the first year. This rental is due on July second, and if not paid within thirty days thereafter the leases stand forfeited and the areas become open for application by the public.

Leases are also subject to payment of royalties on the minerals mined thereunder, the rate being: on gold thirty-five cents per ounce, and on silver two cents on each ounce. These royalties are payable quarterly on the tenth days of January, April, July, and October.

Licences

Prospecting licences good for one year from date of application therefor and giving the right to search or prospect for gold and silver are also issued by the Minister.

A licence may comprise not less than six areas nor more than one hundred areas. Any number of licences, however, may be issued to the same person. Fees at the rate of fifty cents an area must accompany an application for prospecting licence for gold or silver.

Before licence is issued a bond in the sum of five hundred dollars must be given conditioned that the owner of any lands entered upon will be compensated for damage to surface rights and that proper returns and payment of royalties, if any, will be made.

At any time within the period for which a licence is in force the licensee may, subject to the provisions of the Act, select for lease any areas comprised in his licence and shall be entitled to a lease of the areas selected.

Mineral-bearing quartz may be crushed only at a licensed mill (or by machinery operated entirely by hand). Mill licensees must keep books containing full information concerning all quartz crushed, and due returns must be made to the Mines Office.

Assistance to Mining Industry

The Governor in Council is empowered to aid in the further development of the gold mines of the province by giving reasonable assistance for crosscutting and driving levels at such depths and for such distances as may be approved by the Inspector of Mines or an engineer selected by the Department of Mines, also by giving aid for the

purpose of developing water-power in order to reduce as far as possible the cost of gold mining in the province. Any person or company receiving such assistance shall pay to the Government a royalty of three per cent of the gold won from the property in respect to which the assistance was rendered. This shall continue until the full amount advanced by the province is repaid.

Operation of Mines

The control of gold and silver mining operations is governed by the Metalliferous Mines Regulation Act, which is Chapter 24 of the Revised Statutes, 1923.

(2) Minerals Other than Gold and Silver

Applications—Licences—Leases

Licences to search for, and leases of the right to mine, a mineral other than gold and silver are granted by the Minister. Applications for same describing the tract of ground and specifying the mineral applied for must be in writing and must be accompanied in the case of an application for lease by a fee of fifty dollars and in the case of an application for licence to search by a fee of thirty dollars.

A licence may cover a tract of ground not exceeding five square miles and not more than two and one-half miles in length. A lease may cover a tract of ground not exceeding one square mile and not more than two miles in length.

Before a licence is issued a bond in the sum of eight hundred dollars must be given conditioned that in the event of entry being made upon private land compensation shall be made for damages in the manner provided in the Act.

Successive applications for licence may be received over a tract of ground in respect to which a licence has already been issued or applied for. These subsequent applications are known as second rights and they take effect in the order of their priority.

A licence is in force for a period of one year and six months from the date of application.

The licensee may at any time before the expiration of his licence select from the licensed area a tract of ground of which he may upon application obtain a lease of the

right to mine the mineral specified in the licence. On the expiry of his licence, or the selection of an area for lease by the first licensee, a licence to search may be issued to the first holder of second rights, over the same tract, or the remainder thereof, as the case may be, and on the expiry of his licence or on the selection of an area for lease by him, licences may be issued to the other holders of second rights in order of priority.

A lease shall be for a period of twenty years, but it shall carry with it the right to the lessee to obtain three subsequent renewals of the lease, each for a period of twenty years, provided the lessee make application for such renewals within the time specified in the Mines Act.

Special Leases for Coal

In the case of leases for coal, if the Governor in Council is satisfied that the holder of any lease or leases is prepared to carry on mining operations on so extensive a scale as would largely increase the amount derived from royalties, or is prepared to enter into such terms as would be in the interest of the province, the Governor in Council may authorize the Minister to accept a surrender of any lease or leases and to issue in place thereof a consolidated lease covering such tract of ground, and being for such term of years, and containing such terms and conditions as the Governor in Council directs.

Rent and Royalties

Every lessee shall for every year after the date of the lease, except the first year, pay in advance (on July second) a yearly rental of thirty dollars for every square mile comprised in his lease, but if in any one year he pays as royalty on mineral mined out of the leased tract an amount more than his annual rent, he shall on application receive a refund of the amount paid as rent for that year.

Royalties on minerals mined are payable as follows (a ton being in every case two thousand two hundred and forty pounds):

Coal. Twelve and a half cents upon every ton removed from the mine (with an exemption of ten percentum of the output, allowed for coal used in mining operations).

Copper. Four cents upon every unit, that is, upon every one per centum of copper contained in each ton of copper ore sold or smelted.

Lead. Two cents upon every unit, that is, upon every one per centum of lead contained in each ton of lead ore sold or smelted.

Iron. Five cents on every ton of ore sold or smelted.

Other Minerals. Five per centum on their values.

Quarterly Returns

Every lessee shall in the months of January, April, July, and October send to the Minister correct returns showing among other things the quantity of mineral mined during the previous quarter, the amount of royalty accrued, the number of persons employed about the mine, and a description of the shafts, slopes, and works opened or constructed.

Control of Mining Operations

The operation of mines of coal, shale, ironstone, and fire-clay is governed by the Coal Mines Regulation Act. Operation of other mines is governed by the Metalliferous Mines Regulation Act. The former Act provides for the granting of certificates of competency of various classes to persons occupying different positions in a mine and makes detailed provision for the conduct for mining operations and for the safety of the workmen engaged therein.

(3) General Provisions

These provisions are applicable in the case of minerals in both groups.

Any person may obtain a lease without having previously applied for a licence.

Every licence for, and every lease of, any mineral shall be deemed to include, in the case of a licence the authority to prospect or search for, and in the case of a lease the

authority to mine, all minerals held in composition, associated with or contained in such first-mentioned mineral or in the ores in which such first-mentioned mineral is contained.

Entry on Private Lands

A licensee, for the purpose of searching for minerals, may enter upon private lands except the curtailage appertaining to a building or lands under cultivation or enclosed.

A lessee shall not enter upon or use for mining purposes any private lands except by agreement with the owner or under the provisions of the Mines Act.

If a lessee requires land or any right or interest in land for mining purposes and cannot make an agreement with the owner for acquiring the same he may take proceedings before the Minister to acquire the property sought. The Minister may inquire into the matter, hearing all persons concerned, and may at the close of the hearing make an order dismissing the petition, or may allow the prayer thereof in whole or in part and may direct that the property sought shall be vested in the petitioner and the estate or tenure on which the same shall be held, and may order that the compensation to be paid the owner by the lessee shall be determined by arbitration. Upon payment of the amount of compensation awarded and on the registration of certain documents in the proper registry office the lessee shall have and hold the property or right or interest specified in the order of the Minister.

The holder of a lease may at any time surrender his lease, but if any lien has been filed in the Mines Office against the lease the consent of the lien holder to the surrender must first be obtained.

(4) List of Acts

The Mines Act—R.S.N.S. 1923, Chap. 22.

The Coal Mines Regulation Act—R.S.N.S. 1923, Chap. 23. Amended 1924, Chap. 18.

The Metalliferous Mines Regulation Act—R.S.N.S. 1923, Chap. 24.

Act for the Further Assisting of the Gold Mining Industry—1909, Chap. 5.

NEW BRUNSWICK

INFORMATION FOR THE USE OF PROSPECTORS AND OTHERS; TAKEN FROM THE GENERAL MINING ACT OF NEW BRUNSWICK WITH ITS AMENDMENTS

By W. E. McMullen

(Department of Lands and Mines, Fredericton, N.B.)

Title of Minerals Rests in the Crown

In grants of land issued by the Crown in New Brunswick since about the year 1805, all mines and minerals are reserved to the Crown and are regarded as property separate from the soil. Most of the grants previous to this date reserve only gold, silver, copper, lead, and coals.

Minerals Defined

Minerals include minerals in the ordinary meaning of the term, also the following: oil, natural gas, infusorial earth, ochres, paints, fire-clay, carbonate of lime, sulphate of lime, gypsum, bituminous shale, albertite.

Aliens not Debarred

Aliens, as well as British subjects, may receive mining rights.

Classes of Rights (Gold and Silver)

Prospecting Licences. This applies only to gold and silver. A unit block is called an "area": size, one hundred and fifty feet east and west by two hundred and fifty feet north and south. The minimum number of areas contained in a licence is ten and the maximum number is one hundred. It costs fifty cents per area for the first ten areas and twenty-five cents each for all after that up to one hundred areas. The term of a licence is one year, renewable for one further year only, at half the original price. Blocks of areas must be laid out rectangularly, with the sides running due north and east by the magnet and with the length not more than twice the breadth. The bounds of the tract must be surveyed at the cost of the licensee. This licence does not carry the right to mine which can be obtained through a lease. The number

of applications in the one name is not limited. These leases may be issued for a twenty-year term with first year's rental at two dollars per area, and fifty cents per area for subsequent years.

Minerals Other than Gold and Silver

Licence to Search. This carries the right to prospect for all minerals except gold and silver. These licences cost twenty dollars, are good for eighteen months, are not renewable, and may include a rectangular area of five square miles. Other rights known as second, third, fourth, and fifth rights may be filed by anyone on this same block on payment of twenty dollars as for a licence to search. These rights come into effect as licences to search in their order on expiration of the preceding licences.

Working Rights

The holder of a licence to search may before the expiration of the term of his licence select an area of one square mile for a licence to work anywhere within the bounds of his licence to search. The licence to search then automatically expires.

A licence to work costs fifty dollars and is good for two years, with the privilege of renewal for one further year on payment of an additional twenty-five dollars. The bounds must be surveyed at the cost of the applicant.

Twenty Years' Lease

If the holder of a licence to work develops a mine, operating same in a commercial way, he may apply for and obtain a twenty years' lease. The annual rental for a lease is fifty dollars, but when coal royalty is paid exceeding the amount of the annual rental this is accepted as an offset. Provision is made for renewal of leases up to a term of eighty years.

Forfeiture

Rights held under a lease from the Crown may be forfeited for non-compliance with the terms of the lease, but only after the lessee has received due notice so that he may be heard.

Bond to Protect Owner of the Soil in the Matter of Surface Damages

All applicants for mining rights must first file a bond with two sureties to protect the owner of the surface rights in case of damage.

Mining Not Permitted in Certain Places Without Consent

Mining rights on lands privately owned do not include right of entry to buildings, cultivated or enclosed land, without the consent of the occupier or by licence of the Lieutenant-Governor in Council.

Entry Allowed

Entry will be allowed on all lands included within the scope of a licence or lease except as above noted. In case there are surface damages and the lessee and owner or occupant of the land cannot agree on a settlement the matter is referred to three arbitrators, one appointed by each party and the third by the first two arbitrators. If the lessee offer a certain sum in compensation before the hearing of the arbitration and the sum awarded be not greater, then the costs of arbitration shall be borne by the owner, otherwise the lessee must bear the cost.

Right of Way for Road or Railway

Provision is made whereby the holder of a lease or licence who cannot make an agreement with the owner of surface rights in regard to necessary right of way for a driveway or railway may by appeal to the Minister of Lands and Mines obtain such right upon payment of a just compensation to the owner.

Royalty

The royalty on coal is fifteen cents per long ton, on oil and gas five per cent of the value at the well's mouth. There is no royalty on gypsum.

Mineral Occurrences in New Brunswick

The following minerals are found in the province: coal, gypsum, natural gas and petroleum, bituminous or oil-shales, tungsten, copper, iron, antimony, manganese, infusorial earth, nickel, limestone, galena, and salt.

Diamond Drill

The province owns a diamond drill, which is loaned to those interested in mining development, the only obligations on the part of the users being to pay all expenses of transportation and operation and to return the drill in as good order as when received. Bond with certified cheque for two hundred dollars must accompany application for drill as a guarantee of its return in good condition.

The Department of Lands and Mines at Fredericton, N.B., will furnish copies of the general Mining Act and Amendments, on application to T. G. Loggie, Deputy Minister of Lands and Mines.

QUEBEC

THE FUNDAMENTAL PRINCIPLES OF THE
MINING LAW OF THE PROVINCE OF QUEBEC

By S. Dufault

(Late Deputy Minister, Colonization, Mines,
and Fisheries, Quebec)

The Mining Law of Quebec, as it is found in the Revised Statutes of 1909, with the amendments made since, contains all the legislative provisions of the province at present in effect on the subject. It must be pointed out, as a bit of information from the past, that the first general Mining Act goes back to the year 1880. As it was the first legislative enactment referring to mining generally, we may be allowed incidentally to call attention to it. Previously, of course, certain rules or decrees had been promulgated, but these ordinances, although they had the same authority, were not of sufficiently wide scope to be ranged in the same category with the mining laws of the present day. They were enacted for the purpose of protecting local interests in the development of particular mineral deposits, such as iron, alluvial gold, phosphate, and others less easily defined. These early provisions have now practically disappeared. What may remain is subject to the present law, known as the "Mining Law of Quebec." It constitutes section IX of the second part of Chapter VIII of Title IV of the Revised Statutes of Quebec, 1909.

In summarizing the provisions of the Mining Law, we shall omit reference to the penalty clauses and confine our attention mainly to the clauses describing the practical steps to be taken; that is, to the part which refers to property rights, following up all the phases through which the land passes from the moment of its leaving the public domain to its final acquisition by a private individual, and it may be observed here that in the matter of mining rights in Quebec aliens enjoy the same privileges as do British subjects.

The above-mentioned stages may be reduced to three: (1) the prospecting of the claim covered by miner's certificate; (2) the period of development required by the mining licence; and, finally, (3) the mining concession. The latter is subdivided into "mining concession" and "underground mining concession"; it may, also, be either merely conditional or made final by the issue of letters patent.

Miner's Certificate

The miner's certificate gives to the person holding it the right to prospect on all lands surveyed or unsurveyed, including the land of private persons where the mining rights have been reserved to the Crown.

The fee for a miner's certificate is ten dollars payable on delivery. The certificate is valid from the date of issue until the first day of January next following. The prospector will do well to make sure that a territory is free before venturing upon it.

The bearer of a mining certificate may stake on the ground on his own behalf one or more claims, but not more than five, each covering not more than forty acres and the aggregate area of the five claims not to include more than two hundred acres.

Each claim shall have the shape prescribed and shall be marked by numbered stakes at each angle, also by a picket known as the discovery post, which shall be placed at the point that apparently carries the most valuable mineral and best characterizes the deposit.

In subdivided lands, claims are restricted to a half lot or to a quarter lot in cases where the lot contains more than one hundred and twenty acres. Staking in surveyed areas is also governed by special regulations.

The claim must be staked without delay, and notice of it must be given within the fifteen days following to the Department of Mines or to the nearest mining agent.

The holder of a miner's certificate may also stake claims in the names of other persons who have certificates, but not exceeding a total area of four hundred acres in any one year; that is to say, he may stake for two other persons. The procedure to be followed in that form of staking is governed by certain special rules.

A claim may be abandoned and replaced by another, provided notice to that effect is given to the Department. Land covered by a claim that has been abandoned cannot be reopened for prospecting nor restaked until a period of fifteen days has elapsed from the date of abandonment, or expiry, during which time a notice of it may be posted up.

The holder of a claim must also, within six months, prove that he has done on the claim development work

equivalent to twenty-five days of eight hours each. The months of January, February, and March are not counted in the specified six months' period. Any prospector may protest the establishment of a claim obtained by illegal means, by laying before the Department a declaration supported by an affidavit, within the fifteen days following the recognition of the claim, which may then be cancelled as illegal.

Mining Licence

Within the period of six months, allowed for the required assessment work, the holder of a claim who wishes to maintain his rights over it must secure a mining licence.

The fee for a licence is ten dollars, and the annual rental, fifty cents per acre. The licence is valid for one year from the date of issue, and is transferable by consent of the Minister. It cannot cover more than two hundred acres and, in surveyed territories, half or a quarter of a lot, according as the area of the latter measures more or less than one hundred and twenty acres.

The holder of such a licence may renew it before it expires, or within ten days thereafter, on payment of a like fee of ten dollars, and an annual rental of fifty cents per acre, and, on filing an affidavit stating that the required development work for the year during which the licence is current, namely, twenty-five days of eight hours each for every forty acres, has been done. An excess of work done within any one year may be applied on the next year, as well as the cost of surveying and core-drilling.

In the case of lands situated more than fifty miles from a railway, the Minister may substitute an additional annual rental of one dollar in lieu of the required development work. That substitution, in fact, may be granted in any case where the Minister deems it advisable. The fee for a mining licence exclusively for industrial and commercial purposes is always one dollar a year per acre, upon the filing of a special declaration under oath. In the case of a group of claims not exceeding five in number adjoining one another, the development work may be concentrated upon one of them. The development of an underground mine can only be undertaken with the permission of the owner of the surface rights, or failing such permission, by arbitration.

Mining licences covering natural gas and mineral oil are the subject of special procedure and the same may be

said of excavations made near dwelling houses. The special directions concerning claims and property licences must be strictly followed.

Mining Concessions

Notwithstanding the foregoing, a mining concession may be made at any time and at any stage of the claim or of the mining licence, without delay. The cost is five dollars per acre for the "superior metals and minerals" as defined by the regulations, and three dollars per acre for the "inferior minerals." A mining concession is limited, in unsurveyed territory, to a rectangular area of not more than two hundred acres nor less than forty acres, the claims to be at least twenty chains wide, adjoining one another or separate. In surveyed lands and in seigniories, the limit is fixed at not more than two lots and not less than half a lot, in the case of lots less than one hundred and twenty acres in area; or of not less than a quarter of a lot where the lots are larger, with certain exceptions provided in special cases.

The land must be staked as in the case of a mining licence. Any owner of mining lands, even if his title deeds are only conditional, may transfer his mining rights with the consent of the Minister. The Department must be advised of the sale by the dispatch to them of the deed, together with the sum of ten dollars for registration fee. The same is true in the case of transfers of lots held as claims or under a mining licence.

The Crown retains full mining rights on: (1) lands in townships, granted subsequent to July 24, 1880, and (2) in the case of gold and silver, in lands granted previous to that date.

In seigniories, all mining rights belong to the Crown, with a few exceptions which it is not necessary to mention here.

Special conditions apply to concessions along lakes and rivers.

Underground concessions situated under the lands of private owners may also be acquired from the Minister by purchase.

The concession covering "superior metals" is inclusive of "inferior metals," but not the reverse.

The grantees of a concession may utilize the wood on it for the construction of necessary buildings by paying the value of the white and red pine only.

ONTARIO**ONTARIO MINING LAWS**

By Thos. W. Gibson

(Deputy Minister of Mines, Toronto, Ont.)

Preliminary Statements

Before proceeding to give details of the mining laws of Ontario, it may be well to make a few statements of general application.

Ontario owns and administers all the public (as a rule called Crown) lands within her boundaries, except Indian lands, which are under the control of the Government of Canada.

Mining lands are subject to the provisions of the Mining Act of Ontario, a summary of which is appended.

The usual form of title given by the Crown is a grant in fee simple. In forest reserves, leases only are given, renewable for ten-year terms. The beds of navigable waters are neither patented nor leased, but are placed under licence of occupation, which authorizes the extraction of minerals.

Mining Divisions are set apart covering the mineral areas, and a resident Mining Recorder is appointed for each. Up to the time of issue of Crown title, all applications and other documents respecting mining claims are required to be filed in the Recorder's office.

Mining Recorders have authority to settle disputes between licencees, subject to appeal to the Mining Commissioner appointed under the Mining Act. In cases of importance, appeal may be made from the Mining Commissioner to the ordinary law courts.

The mineral areas being mainly in the newer districts where the Land Titles Act is in force, the original instruments, whether of patent or lease, are not forwarded to the grantee, but are deposited with the Local Master of Titles for the district in which the land is situated. All subsequent transfers, etc., are also to be filed with the Local Master, who when required will issue a certificate showing ownership in the person named therein.

Grants of land by the Crown for other than mining purposes convey also the minerals. There are a few exceptions, but this is the general rule.

The Minister of Mines, presiding over the Department of Mines, is a member of the Provincial Government, with headquarters at the Parliament Buildings, Toronto. The present incumbent is Honourable Charles McCrea.

The Mining Act of Ontario

The fundamental requirement for taking up Crown lands for mining purposes is the possession of a miner's licence, without which no one can prospect for minerals, acquire or hold unpatented mining lands. All licences expire on the thirty-first day of March next after the date of issue, and may be obtained or renewed at a cost of five dollars for an individual, or for a larger sum by a mining company, proportionate to its capitalization. Failure to renew a licence automatically forfeits all mining claims depending on its validity.

The holder of a licence may stake out three claims per annum for himself in any and every Mining Division, and six more for other licence holders.

Discovery of mineral is not required.

A mining claim in unsurveyed territory consists normally of a square of forty acres, twenty chains to a side, and is staked out by planting four posts, No. 1 at the northeast corner, No. 2 at the southeast corner, etc., and by connecting the posts with "blazed" lines, if in forest country, or by mounds of earth or rock where the land is bare. The Mining Act gives specific directions for staking claims.

The next step is to file an application for the claim with the Recorder for the Mining Division. The application is accompanied by a sketch showing as accurately as possible the position of the claim with reference to some known point previously established by survey, or in the absence of such, to some prominent physical feature such as a river or lake.

Fifteen days are allowed for recording, and one additional day for each additional ten miles distance from the Recorder's office. Metal tags impressed with the number of the mining claim are supplied by the Recorder, which the claim-holder must affix to his corner posts before expiry of the period for performing the first instalment of work.

A claim-holder must do thirty days' work within three months of recording the claim, to consist of stripping,

trenching, digging test pits, drilling, or other actual work for exposing the mineral deposit. Making roads, building cabins, etc., are not classed as mining work.

The winter season, namely, from the sixteenth of November to the fifteenth of April, is excluded from the period within which the first thirty days' work must be done. Thus on a claim staked, say on the first of November, working conditions would obtain only until the sixteenth of November, when they would be suspended until the fifteenth of April the following year. They would then again take effect, the three months' period expiring the thirtieth of June.

In each subsequent year from the date of recording, forty days' work is required, and an additional ten days in one or other of the years, five in all, to make up a total of two hundred days' work. The work required, however, may be performed within a shorter period, if desired.

A claim-holder must, not later than ten days after the expiry of each period, file with the Recorder an affidavit showing performance of the work for such period, giving particulars of the same. He must also have the claim surveyed by an Ontario Land Surveyor, and file a plan and field notes, two copies with the Recorder and one copy with the Department of Mines. The survey must be made in accordance with instructions contained in the Act.

Any water-power capable at low-water mark and in its natural condition of producing one hundred and fifty horse-power or upwards, is not deemed part of the claim for the uses of the claim-holder.

Requirements as to work and survey having been met, the holder of a claim may at any time previous to one year after date on which the work is required to be completed, pay in the purchase money and receive a patent or lease, as the case may be. The price for a patent is two dollars and fifty cents per acre in unsurveyed and three dollars per acre in surveyed territory. If the title is by lease, the rental for the first year is at the rate of one dollar per acre, and for subsequent years twenty-five cents per acre.

In surveyed territory, that is, where the Crown has subdivided the land into townships, concessions, and lots, an aliquot portion of a lot must be included in the claim. The area may be either forty or fifty acres, according to the style of survey dividing the land into lots of three hundred and twenty, one hundred, or two hundred acres each.

In timbered territory or lands under timber licence, the Minister of Lands and Forests may prescribe the conditions upon which mining work shall be done, or prohibit it altogether.

The Act provides for "quarry" and "placer" claims, and dredging leases. It also makes special provisions with regard to prospecting for petroleum, gas, coal, and salt in the northern parts of the province.

Mining partnerships are authorized and regulations provided governing the same.

On opening up a deposit of mineral, the operator becomes subject to Part IX of the Act, which contains strict regulations intended to protect the health and lives of miners and workmen.

The hours of work underground are limited to eight in any twenty-four. The appointment of Mining Inspectors is provided for to see that these regulations are properly observed. An inquest is required wherever a fatal accident occurs, and an Inspector is entitled to be present and examine witnesses to bring out the facts.

Care and use of explosives; handling of water; installation of ladderways; raising and lowering of materials; inspection of hoisting ropes and engines; scaling of walls and roofs; escapement shafts; mine signals; protection from machinery; aid to injured; installation of electrical apparatus, etc., are all regulated or provided for.

The Mining Act authorizes the Minister of Mines: (1) to acquire and operate diamond drills to be used in prospecting for ores or minerals either on Crown or privately owned lands; (2) to operate works for sampling, assaying, and treating ores of the precious metals, also to purchase such ores. (Purchases of ore are in practice confined to parcels extracted by prospectors in developing their claims.)

Penalties are provided for infringements of the Act and regulations for prosecution of offenders.

The Mining Tax Act

Provincial taxation is of two kinds: (1) On patented or leased mining lands there is a tax of five cents per acre per annum. Failure to pay this tax for two years or more renders the land liable to resumption by the Crown. (2) Taxation is levied on the net profits of the mine, the rate being three per cent on all profits in excess of \$10,000

up to \$1,000,000; five per cent on profits from \$1,000,000 to \$5,000,000, and six per cent on profits from \$5,000,000 to \$10,000,000, etc. In ascertaining profits, all working costs and expenditures are deducted from the gross revenue. Dividends are not reckoned as costs and no allowance is made for exhaustion of a mine. In consequence of this tax mines and mining works are practically exempt from local taxation, but where the mine is situated in a municipality one-half the amount of the tax is handed over to the municipality.

The Mining Tax Act also imposes a tax of two cents per thousand cubic feet of natural gas, but allows a rebate of ninety per cent if the gas is consumed in Canada. The net tax is, therefore, two-tenths of one per cent.

More detailed information and copies of Mining Laws for Ontario may be had on application to the Deputy Minister of Mines, Toronto, Ont.

SASKATCHEWAN

THE SASKATCHEWAN MINES ACT¹

By Thos. M. Molloy

(Commissioner of Labour and Industries, Regina, Sask.)

Some Salient Features of the Saskatchewan Mines Act

Under the provisions of the Saskatchewan Mines Act a "mine" includes every shaft in the course of being sunk and any shaft-level and inclined plane of such mine.

Every mine in which twenty or more persons are ordinarily employed shall be under the daily supervision of a manager and pit boss.

A manager or pit boss must be the holder of a certificate obtained by examination.

Candidates for a mine manager's certificate must deposit with the Mine Inspector prior to examination a fee of fifteen dollars, and in the case of a pit boss a fee of five dollars, and shall be examined as to practical experience and theoretical knowledge in the operation of mines.

The holder of a first-class certificate of competency as a mine manager, obtained in any part of His Majesty's Dominion or the United States, may apply for a certificate of competency under the Act.

Boys under the age of fourteen and females of any age are not permitted to work or to be in the workings of a mine.

Injury by accident to persons employed in a mine must be reported within twenty-four hours of the happening.

Provision is made under the Act to inspect and make such examination and inquiry respecting the condition and working of any mine as may be necessary to ascertain whether the provisions of the Act are being complied with.

The employees of any mine whose wages are regulated by weight of mineral recovered may at their own cost appoint a check-weigher.

The shafts and workings of a mine must be kept ventilated, not less than one hundred feet of pure air per minute being allowed each person.

¹ The leasing or disposal of mining lands is administered under Dominion Government laws and regulations.

Gunpowder or other inflammable substances shall be stored in a properly constructed magazine and shall not be stored in the mine, and only taken into a mine in a case or canister containing not more than five pounds.

No taxes, royalties, etc., on the mining output of the province are imposed under the Provincial Government's administration.

The natural resources of the province are administered by the Dominion Government and may be leased under the provisions of the Regulations of the Dominion Lands Act. A synopsis of these regulations is contained in the pamphlet on the natural resources issued from the Dominion Department of the Interior, 1923.

ALBERTA¹**DIGEST OF LAWS AFFECTING MINING IN THE
PROVINCE OF ALBERTA**

By John T. Stirling

(Chief Inspector of Mines, Edmonton, Alta.)

The Mines Act and Regulations Made Thereunder

The Act makes provision for the safe operation of mines in the province and applies to mines of coal, stratified, iron-stone, shale, clay, and other minerals, including any operations incidental to the extraction of same by removing the overlying strata.

It requires that operations must be under the control of certificated officials and provides that rules be made for the conduct of examinations for certificates.

Provision is made that reports of operations must be forwarded monthly by each operator to the Minister on forms provided by the Minister.

Provision is made for the appointment of a Chief Inspector and District Inspector for the inspection of mines.

Power is given the Lieutenant-Governor in Council to make regulations, rules, and orders, for the better carrying out of the provisions of the Act; also as to the installation of electricity in mines and the leasing of coal mining rights under road allowances in the province.

The Mine Owner's Tax Act

Makes provision for the payment to the Government of the Province of Alberta; by the operator of a mine, of a tax at the rate of two per cent of the gross revenue received by him from his mine; this is being accepted at the present time at the rate of five cents per ton on all coal sold.

Penalties are provided for failure to forward a report as to the gross revenue, also for the non-payment of tax.

¹ The leasing or disposal of mining lands or mining rights is administered under Dominion Government laws and regulations.

The Mineral Taxation Act

Makes provision for taxing the owner of mineral land at the rate of three (3) cents per acre of the surface of such parcel of land, and requires that every mineral owner shall, before the first day of September in each year, forward to the Minister a statement showing the parcels of mineral land in respect of which he is taxable.

Power is given the Minister in the event of the mineral owner defaulting in payment of the tax, to direct the Registrar of the Land Registration District within which such parcel lies to make a memorandum upon the proper certificate of title that all mines and minerals in, on, or beneath the surface of said parcel of land are the property of the province.

Exemption is given the mineral owner from the provisions of this Act in respect of any quarter section of land or river lot that is being worked or developed for the extraction of minerals provided the taxes due by him, under the Mine Owner's Tax Act, 1923, and the Corporation Taxation Act, are paid punctually.

The Boilers Act

Provides for the registration and periodical inspection of all boilers in use throughout the province; also sets out a standard for construction and operation of all boilers, and requires that all steam boiler plants must be under the charge of certificated steam engineers.

The Workmen's Compensation Act (Accident Fund)

The Act makes provision for compensation to be paid to workmen for accidents arising out of, and in the course of, their employment.

The Act is administered by a Board of Commissioners appointed by the Lieutenant-Governor in Council and such Board is a body corporate.

Provision is made for the collection of a fund for the purposes of the Act and to cover the cost of administration, by the Board making an assessment from time to time as they think expedient, and of such amount as they may consider necessary, on each employer for the period which has elapsed since the next preceding assessment was made.

The assessment is based on the total payroll, except where the payroll includes wages or salary of workmen who have been paid at a higher rate than two thousand dollars per year such excess amounts shall be deducted from the total payroll for the year, the assessment being based on the net payroll after such deductions have been made.

Every employer is required to forward a statement, on or before the twentieth of January each year and at such times as the Board may require, showing the total amount of wages earned by all his workmen during the previous calendar year. The Board has the right to have the books of any or all employers audited as to the payroll, when adjustments are made as to assessments paid.

The Coal Sales Act

Requires that all operators of coal mines shall register with the Provincial Secretary a name for the coal taken from their mines; also that no coal shall be sold or shipped except under the registered name.

Makes provision that every dealer, whether wholesale or retail, selling coal produced in Alberta shall state upon every bill, weigh-ticket, or invoice covering sales, the name of the mine, the district, and the name and size of grade of coal.

Penalties are provided for non-observance of the Regulations.

The Corporation Taxation Act

Section (18) requires that every company (other than a municipal corporation) which transacts business in the province and which is not specifically mentioned in the Act shall pay a tax of forty cents for every thousand dollars of its authorized capital, with the provision that this annual tax shall not exceed the sum of five hundred dollars.

This section does not apply to an individual, a partnership, or an unincorporated syndicate or trust.

BRITISH COLUMBIA**SYNOPSIS OF MINING LAWS OF
BRITISH COLUMBIA**

By W. Fleet Robertson

(Provincial Mineralogist, Victoria, B.C.)

The mining laws of British Columbia are very liberal in their nature and compare favourably with those of any other part of the world. The terms under which both lode and placer claims are held are such that a prospector is greatly encouraged in his work, and the titles, especially for mineral claims and hydraulic leases, are perfect. The fees required to be paid are as small as possible, consistent with a proper administration of the mining industry. Provision is also made for the formation of mining partnerships practically without expense, and a party of miners are enabled to take advantage of these sections of the Acts and work their claims together, without the trouble or expense of forming a joint-stock company.

Considering the success that has characterized alluvial mining on a large scale in British Columbia, the rentals for hydraulic leases are particularly low. It will be found on reference to most of the Australian colonies and Natal that the rentals are, in most instances, eight times as much as in this province, and the areas permitted are as a rule much smaller. The period for which leases are granted is practically the same. On a lode mine of fifty-one acres the expenditure of five hundred dollars in work, which may be spread over five years, is required to obtain a Crown grant, and surface rights are obtainable at a small figure, in no case exceeding five dollars per acre.

The following synopsis of the mining laws will be found sufficient to enable the miner or intending investor to obtain a general knowledge of their scope and requirements; for particulars, however, the reader is referred to the complete Mining Acts, which may be obtained from the King's Printer, Victoria, B.C.

Free Miners' Certificates

Any person over the age of eighteen, and any joint-stock company, may obtain a Free Miner's Certificate on payment of the required fee.

The fee to an individual for a Free Miner's Certificate is five dollars for one year. To a joint-stock company having a capital of \$100,000 or less, the fee for a year is fifty dollars; if capitalized beyond this, the fee is one hundred dollars.

The Free Miner's Certificates all expire at midnight on the thirty-first of May in each year. Certificates may be obtained for any part of a year, terminating on the thirty-first of May, for a proportionately less fee.

The possession of this certificate entitles the holder to enter upon all lands of the Crown, or upon any other lands on which the right to so enter is not specially reserved, and to prospect for minerals, locate claims, and mine.

A free miner can only hold, by location, one mineral claim on the same vein or lode, but may acquire others by purchase. In the case of placer claims, only one claim can be held by location on each creek, ravine, or hill, and not more than two in the same locality, only one of which shall be a "creek" claim.

In the event of a free miner allowing his certificate to lapse, his mining property (if not Crown-granted) reverts to the Crown, but where other free miners are interested as partners or co-owners the interest of the defaulter becomes vested in the company continuing co-owners or partners *pro rata*, according to their interests.

It is not necessary for a shareholder, as such, in an incorporated mining company, to be the holder of a Free Miner's Certificate.

Mineral Claims

Mineral claims are located and held under the provisions of the "Mineral Act."

A mineral claim is a rectangular piece of ground not exceeding 1,500 feet square. The angles must be all right angles unless the boundaries, or one of them, are the same as those of a previously recorded claim.

No special privileges are allowed for the discovery of new mineral claims or districts.

A mineral claim is located by erecting three "legal posts," which are stakes having a height of not less than four feet above ground and squared for four inches at least on each face for not less than a foot from the top. A tree-stump so cut and squared also constitutes a legal post.

The "discovery post" is placed at the point where the mineral in place is discovered.

Nos. 1 and 2 posts are placed as near as possible on the line of the ledge or vein, shown by the discovery post, and mark the boundaries of the claim. Upon each of these three posts must be written the name of the claim, the name of the locator, and the date of location. On No. 1 post, in addition, the following must be written: "Initial post. Direction of Post No. 2 [*giving approximate compass bearing*]; ——— feet of this claim lie on the right and ——— feet on the left of the line from No. 1 to No. 2 posts."

The location-line between Nos. 1 and 2 posts must be distinctly marked—in a timbered locality by blazing trees and cutting underbrush, and in bare country by monuments of earth or rock not less than two feet in diameter at the base, and at least two feet high—so that the line can be distinctly seen.

Mineral claims must be recorded in the Mining Recorder's office for the mining division in which they are situated within fifteen days from the date of location, one day extra being allowed for each ten miles of distance from the recording office after the first ten miles. If a claim is not recorded in time it is deemed abandoned and open for relocation, but if the original locator wishes to relocate he can only do so by permission of the Gold Commissioner of the district and upon the payment of a fee of ten dollars. This applies also to a claim abandoned for any reason whatever.

Mineral claims are, until the Crown grant is issued, held practically on a yearly lease, a condition of which is that during such year assessment work be performed on the same to the value of at least one hundred dollars, or a payment of such sum be made to the Mining Recorder. Such assessments must be recorded before the expiration of the year, or the claim is deemed abandoned. If, however, the required assessment work has been performed within the year, but not recorded within that time, a free miner may within thirty days thereafter, record such assessment work upon payment of an additional fee of ten dollars. The actual cost of the survey of a mineral claim, to an amount not exceeding one hundred dollars, may also be recorded as assessment work. If, during any year, work is done to a greater extent than the required

one hundred dollars, any further sum of one hundred dollars—but not less—may be recorded and counted as further assessments. As soon as assessment work to the extent of five hundred dollars is recorded and a survey made of the claim, the owner of a mineral claim is entitled to a Crown grant on payment of a fee of twenty-five dollars, and giving the necessary notices required by the Act. Liberal provisions are also made in the Act for obtaining mill-sites and other facilities in the way of tunnels and drains for the better working of claims.

Mineral Act Amendment Act, 1920

(2) The "Mineral Act," being Chapter 157 of the Revised Statutes of British Columbia, 1911, is amended by inserting therein the following as Section 16A:

"16A. (1) The Lieutenant-Governor in Council may from time to time within the period of three years from the enactment of this section, by notice signed by the Minister of Mines and published in one issue of the *Gazette*, reserve from location and mining for iron under this or any other Act any lands containing iron ore which lands are not at the date of the notice included in any mineral claim or in any mining property or premises demised or held under this or any other Act relating to mines or minerals. Every reserve made under this section shall continue in force until cancelled under the provisions of subsection (4).

"(2) The Lieutenant-Governor in Council may dispose of the iron ore contained in the lands covered by any reserve made under this section on such terms as to royalty per ton of ore removed and subject to such conditions as he may determine.

"(3) For the purposes of this section, the expression 'iron ore' shall mean a natural mineral deposit containing in itself, or in the concentrates made therefrom, not less than forty per centum of metallic iron, and occurring in sufficient quantity and sufficiently free from deleterious impurities to be capable, in the opinion of the Lieutenant-Governor in Council, of being mined and smelted on a commercial basis for the recovery therefrom of metallic iron.

"(4) The Lieutenant-Governor in Council may cancel any reserve made under this section, but the cancellation shall not take effect until notice thereof signed by the

Minister of Mines is published for sixty days in the *Gazette* and by at least one insertion each week during that period in some newspaper published in the province and circulating in the mining division in which the reserve is situate."

Placer Claims

Placer-mining is governed by the "Placer-mining Act," and by the interpretation clause its scope is defined as "the mining of any natural stratum or bed of earth, gravel, or cement mined for gold or other precious minerals or stones." Placer claims are of four classes, as follows:

"'Creek diggings': any mine in the bed of any stream or ravine;

"'Bar diggings': any mine between high- and low-water marks on a river, lake, or other large body of water;

"'Dry diggings': any mine over which water never extends;

"'Precious-stone diggings': any deposit of precious stones, whether in veins, beds, or gravel deposits."

The following provisions as to extent of the various classes of claims are made by the Act:

"In 'creek diggings' a claim shall be two hundred and fifty feet long, measured in the direction of the general course of the stream, and shall extend in width one thousand feet, measured from the general course of the stream five hundred feet on either side of the centre thereof;

"In 'bar diggings' a claim shall be:

"(a) A piece of land not exceeding two hundred and fifty feet square on any bar which is covered at high water; or

"(b) A strip of land two hundred and fifty feet long at high-water mark, and in width extending from high-water mark to extreme low-water mark;

"In 'dry diggings' a claim shall be two hundred and fifty feet square."

The following provision is made for new discoveries of placer-mining ground:

"If any free miner, or party of free miners, discovers a new locality for the prosecution of placer-mining and such discovery be established to the satisfaction of the Gold

Commissioner, placer claims of the following sizes shall be allowed to such discoverers, viz.:

“To one discoverer, one claim, 600 feet in length;

“To a party of two discoverers, two claims amounting together to 1,000 feet in length;

“And to each member of a party beyond two in number, a claim of the ordinary size only.

“The width of such claims shall be the same as ordinary placer claims of the same class: provided that where a discovery claim has been established in any locality no further discovery shall be allowed within five miles therefrom, measured along the watercourses.”

Every placer claim shall be as nearly as possible rectangular in form, and marked by four legal posts at the corners thereof, firmly fixed in the ground. On each of such posts shall be written the name of the locator, the number and date of issue of his free miner's certificate, the date of the location, and the name given to the claim. In timbered localities boundary lines of a placer claim shall be blazed so that the posts can be distinctly seen, underbrush cut, and the locator shall also erect legal posts not more than one hundred and twenty-five feet apart on all boundary lines. In localities where there is no timber or underbrush, monuments of earth and rock, not less than two feet high and two feet in diameter at base, may be erected in lieu of the last-mentioned legal posts, but not in the case of the four legal posts marking the corners of the claim.

A placer claim must be recorded in the office of the Mining Recorder for the mining division within which the same is situate, within fifteen days after the location thereof, if located within ten miles of the office of the Mining Recorder by the most direct means of travel. One additional day shall be allowed for every ten miles additional or fraction thereof. The number of days shall be counted inclusive of the days upon which such location was made, but exclusive of the day of application for record. The application for such record shall be under oath and in the form set out in the Schedule to the Act. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

To hold a placer claim for more than one year it must be re-recorded before the expiration of the record or re-record.

A placer claim must be worked by the owner, or some one on his behalf, continuously, as far as practicable, during working hours. If work is discontinued for a period of seventy-two hours, except during the close season, lay-over, leave of absence, sickness, or for some other reason to the satisfaction of the Gold Commissioner, the claim is deemed abandoned.

Lay-overs are declared by the Gold Commissioner upon proof being given to him that the supply of water is insufficient to work the claim. In similar circumstances he has also the power to declare a close season, by a notice in writing and published in the *Gazette*, for all or any claims in his district. Tunnel and drain licences are also granted by him on the person applying giving security for any damage that may arise. Grants of right of way for the construction of tunnels or drains across other claims are also granted on payment of a fee of twenty-five dollars, the owner of the claim crossed having the right for tolls, etc., on the tunnel or drain which may be constructed. These tolls, however, are, so far as the amount goes, under the discretion of the Gold Commissioner.

Co-owners and Partnerships

In both the "Mineral" and "Placer-mining" Acts provision is made for the formation of mining partnerships, both of a general and limited liability character. These are extensively taken advantage of and have proved very satisfactory in their working. Should a co-owner fail or refuse to contribute his proportion of the expenditure required as assessment work on a claim he may be "advertised out," and his interest in the claim shall become vested in his co-owners who have made the required expenditure, *pro rata*, according to their former interests.

It should not be forgotten that if any co-owner permit his free miner's certificate to lapse, the title of his associates is not prejudiced, but his interest reverts to the remaining co-owners.

Hydraulic and Dredging Leases

Leases of unoccupied Crown lands may be granted by the Lieutenant-Governor in Council upon recommendation of the Gold Commissioner of the district, after location, by placing a legal post at each corner of the ground applied

for. On the post nearest the placer-ground then being worked the locator must post a notice stating the name of the applicant, the location of the ground to be acquired, the quantity of ground, and the term for which the lease is to be applied for. Within thirty days application must be made in writing to the Gold Commissioner, in duplicate, with a plan of the ground on the back, and the application must contain the name of each applicant, the number of each applicant's free miner's certificate, the locality of the ground, the quantity of ground, the terms of the lease desired, and the rent proposed to be paid. A sum of twenty dollars must accompany the application, which is returned if the application is not granted. The term of leases must not exceed twenty years. The extent of ground covered by leases is not in excess of the following: creek, half a mile; hydraulic diggings, eighty acres; for dredging leases, five miles; precious-stone diggings, ten acres. Under Order in Council, the minimum rental for a creek lease is seventy-five dollars per annum and for an hydraulic lease fifty dollars per annum, with a condition that at least \$1,000 per annum shall be spent in development. For dredging leases the usual rental is fifty dollars per mile per annum; development-work worth \$1,000 per mile per annum must be done.

Under the "Placer-mining Act Amendment Act, 1920," section 6, the annual rental and amount to be expended annually on development work was materially reduced on all leases issued after the first of July, 1920. For details consult the Act; but the provisions may be roughly summarized as follows:

Bench lease, annual rental, \$25; annual development work, \$250.

Creek lease, annual rental, \$37.50; annual development work, \$250.

Dredging lease, annual rental per mile, \$25; annual development work per mile, \$1,000.

It was further enacted that all development work must be recorded with Mining Recorder during the current year, similarly as is done with a mineral claim, and in default of such record being made the lease becomes automatically forfeited.

Excess work may be recorded three years in advance. Payment in cash of like amount to the development requirements may be made in lieu of such development work.

Under section 7 of said Act, any lease issued prior to the passing of this Act, in which the rentals and development requirements are higher, such lease, if in good standing, may, by application to the Gold Commissioner, be brought under the terms and conditions of this Amendment Act.

Taxation of Mines

Crown-granted mineral claims are subject to a tax of twenty-five cents per acre, payable on the thirtieth of June annually, but if two hundred dollars is spent in work in the year preceding that date, this tax is not levied. They are also taxable on the income earned from the mine or claim, or to a mineral tax, whichever tax should be the greater in amount.

The mineral tax is a tax of two per cent levied quarterly on all ores and other mineral substances mined in the province, based on the value of such ore at the mouth of the shaft or tunnel, but where ore-producing mines produce under \$5,000 in a year half the tax is refunded, and placer or dredging mines that do not produce a gross value of \$2,000 in a year are entitled to a refund of the whole tax.

Should the tax on income prove the greater, then the mineral tax already levied during the period corresponding with the period in which the income was earned is counted as part payment of the income tax and only the difference is collected.

These taxes are in substitution for all taxes on the land and for taxes upon the personal property used in the working of the mine, so long as the land is used only for mining purposes.

For further particulars *see* the "Taxation" and "Taxation Amendment Acts," which are obtainable from the King's Printer.

By the "Land Act" a royalty of fifty cents per M board-measure is levied on timber suitable for mining props, a cord of props being considered as 1,000 feet board-measure.

Coal and Petroleum Prospecting Licences

Any person desiring to prospect for coal, petroleum, or natural gas upon any unreserved lands held by the Crown may acquire a licence to do so over a rectangular block of land not exceeding six hundred and forty acres, of which the boundaries shall run due north and south and east and west, and no side shall exceed eighty chains (one

mile) in length. Before entering into possession of the said land he shall place at the corner of such block a legal stake, or initial post, and shall inscribe thereon his name and the angle represented by such post, thus: "A. B.'s N. E. corner," or as the case may be, and shall keep posted for thirty days in a conspicuous place upon the said land, and also in the Government office of the district, as well as publishing it in the *British Columbia Gazette* and in a local newspaper for a like period, a notice of his intention to apply for such prospecting licence.

The application for said licence shall be in writing, in duplicate, and shall contain the best written description possible, with a diagram of the land sought to be acquired, and shall be accompanied with a fee of one hundred dollars. The application shall be made to the Commissioner of Lands for the district, and by him forwarded to the Minister of Lands, who shall grant such licence—provided no valid protest is substantiated—for a period not to exceed one year, and at the expiration of the first year an extension of such licence may be granted for a second or third year.

Should the licensee discover coal, petroleum, or natural gas upon such land during this period of his licence, and produce satisfactory evidence, under oath, of the fact, he may obtain from the Lieutenant-Governor in Council, after having had the land properly surveyed, a lease of the said block for a term of five years, at an annual rental of fifteen cents an acre, and such lease may be renewed for a further period of three years, upon the payment of a renewal fee of one hundred dollars for each parcel of six hundred and forty acres of land; and if during the term of such lease, or within three months thereafter, he can show conclusively that he has continuously and vigorously prosecuted the work of coal or petroleum mining, and has fully carried out the terms of such lease, he shall be entitled to purchase the said lands, including the coal, petroleum, or natural gas thereunder, at the rate of twenty dollars an acre, or in the event of the surface rights having been alienated from the Government, he can purchase the coal, petroleum, or natural gas underlying such lands at the rate of fifteen dollars an acre: Provided also that, in addition to the rental or purchase price, there shall be paid to the Government as a royalty two and a half cents a barrel (thirty-five Imperial gallons) of crude petroleum raised or gotten from such land. (See Chapter 159, Revised Statutes, 1911, and Chapter 44, 1913.)

SUMMARY OF SPECIAL ACTS RELATING TO
MINING PASSED DURING SESSIONS OF
1916, 1917, 1918, 1919, AND 1920

*(The complete Acts may be obtained from the
King's Printer, Victoria, B.C.)*

Mines Development Act

When it is shown to the satisfaction of the Minister of Mines that ore-bodies exist in quantity and of commercial value sufficient to warrant the expenditure of public moneys, the Minister of Mines may authorize the expenditure of so much of the public money as may be required for the construction of trails, roads, and bridges to facilitate the operation and development of such mineral or placer claims.

Furthermore, the Minister of Mines may authorize the expenditure of public money towards the building of trails and bridges in or to any mineral district for the purpose of facilitating the exploration of the mineral resources of the district, such expenditure not to exceed fifty per cent of the cost of construction. If such roads, trails, or bridges have been built by any person or company having mining interest in the district, the Minister of Mines may refund to such persons a portion, not exceeding fifty per cent of the cost of such construction.

The sum of \$200,000 was appropriated for the purposes of this Act.

Taxation Act Amendment Act, 1916

A preliminary note is essential to the understanding of this Act. As the law has stood, a Crown-granted mineral claim on which taxes were in arrears for a number of years was offered for sale by the Government at a regular *tax sale*, with arrears of taxes plus interest and charges and Crown-grant fee as an unset price. If no sale was made the property remained in the hands of the Assessor until desired by some one, when it could only be purchased by tender. It was not open to location under the "Mineral Act" and a prospector had no protection, and to relieve the situation this Act was passed.

Under the new Act such reverted Crown-granted mineral claim may be obtained by any person under a lease for one year upon payment of twenty-five dollars, and a renewal of such lease may be granted upon payment of further twenty-five dollars for a further period of one year, but no longer. During the period of such lease the lessee has the right to enter, prospect, and mine on such mineral claim, save for coal and petroleum, and during such time the lessee has the option to purchase such Crown-granted mineral claim upon payment of all taxes, costs, and interest which remained due and unpaid on such claim on the date of its forfeiture to the Crown, together with an amount equal to all taxes and interest which, except for its forfeiture to the Crown, would have been payable in respect thereof from the date of the lease to the date of application for a Crown grant.

A person may only obtain a lease, or any interest in a lease, of two such claims in the same Mining Division.

Such leases are not transferable and are subject to the rights any person may already hold to any portion of the surface of such Crown-granted mineral claim.

Mineral Survey and Development Act, 1917

PART I—MINERAL SURVEY

A mineral survey of the province has been established, to be carried on continuously and records thereof kept.

For this purpose the province has been divided into six Mineral Survey Districts, to each of which districts a Resident Mining Engineer has been appointed, who shall devote his whole time to the carrying out of the provisions of this Act and shall report to the Minister of Mines.

PART II—AID TO PROSPECTORS

The Resident Engineer in each district shall aid the prospectors, etc., therein by such advice, information, and directions as may be of assistance to them; by examining and testing samples of mineral and advising as to same; by reporting as to such trails, roads, and bridges as may be desirable for development of the mineral resources, with the approximate costs thereof.

The Minister of Mines may operate, or cause to be operated, diamond or other drills for prospecting purposes upon any lands or claims, either—

- (a) Upon application of owner or lessee of any mineral claim;
- (b) On recommendation of the Resident Engineer drilling may be done on any land and the cost thereof be apportioned as a charge against any or all properties which in the opinion of the Resident Engineer may be benefited by such drilling.
- (c) All such drilling shall be done upon the terms that the total cost of such drilling, together with a bonus equal to the total amount of such cost and interest at six per cent per annum, shall be payable to the Minister of Mines, and as a debt due to the Crown shall be a first and paramount charge upon the claims or properties upon which or for which the work is done:

Provided that in the case of iron mines, that is to say, mines in which the iron recoverable from the ore is such that they are classed as iron mines by a Resident Engineer, no bonus shall be charged, and the amount payable to the Minister of Mines shall be the cost of the drilling or boring, with interest as aforesaid.

If the owner of a claim elects to pay in cash for such drilling, the cost price only will be charged and no bonus.

Every such Crown debt incurred as above shall be payable and recoverable in the manner following:

- (a) By taking ten per cent of any mineral mined or gotten from such claim or claims;
- (b) By taking a sufficient portion of the purchase price on any sale of the premises charged with such Crown debt, and a sale of such premises may only be made subject to the satisfaction of such Crown debt;
- (c) By foreclosure or sale after five years from the date of the recording of such charge.

The holders of property liable for any part of such drilling costs shall be entitled to the fullest information of such work; but no information shall be given to other parties, not in interest; except so far as such information shall be incorporated in the mineral survey of the district.

PART III—PROTECTION OF WAGE-EARNERS

(1) Every person giving a bond or option on any mining property shall insert therein a provision that, during the life of such bond or option, all free miners and wage-earners employed on or about such property shall be paid semi-monthly; and the person giving such bond or option shall be personally liable for the payment of all such wages, unless he shall have received from the Government Agent or Mining Recorder a letter stating that adequate security for all such wages has been given and lodged in the Government office.

(2) Every person taking a bond or option to purchase any mining property shall furnish to the nearest Government Agent or Mining Recorder adequate security from time to time for the payment of all wages semi-monthly, on the terms that, upon any default in such payment of all wages, such security may be realized upon by such Government Agent or Mining Recorder, and all such Government Agents are given full power to and shall realize upon the proper security lodged with them, and shall make payment of any such wages in default up to the amount realized from such security.

PART IV—PROTECTION OF INVESTORS

Each Resident Engineer shall, upon receiving notice of any advertised or solicited sale of shares in any company or in any claim or mine or mineral property whatsoever, upon statements or terms not in accordance with actual facts and conditions, notify the Minister of Mines, who upon investigation may, if found necessary, give such notices, either personal or public, as may be necessary to prevent any injury to investors; and every notice given under this section by the Minister of Mines shall be absolutely privileged.

Iron Bounties Act, 1918

The Lieutenant-Governor in Council may enter into an agreement with any person, persons, or corporation whereby the province will pay to such person, persons, or corporation, out of the Consolidated Revenue Fund, bounties on pig-iron when manufactured within the province, as follows:

- (a) In respect of pig-iron manufactured from ore, on the proportion produced from ore mined in the province, a bounty not to exceed three dollars per ton of two thousand pounds;
- (b) In respect of pig-iron manufactured from ore, on the proportion produced from ore mined outside the province, a bounty not to exceed one dollar and fifty cents per ton of two thousand pounds.

Bounty, as on pig-iron under this Act, may be paid upon the molten iron from ore which in the electric furnace, Bessemer, or other furnace enters into the manufacture of steel by the process employed in such furnace; the weight of such iron to be ascertained from the weight of the steel so manufactured.

Table of Fees

Individual free miner's certificate.	\$ 5 00
Company free miner's certificate (capital \$100,000 or less) . . .	50 00
Company free miner's certificate (capital over \$100,000)	100 00
Recording mineral or placer claim.	2 50
Recording certificate or work, mineral claim.	2 50
Re-record of placer claim.	2 50
Recording lay-over.	2 50
Recording abandonment, mineral claim.	10 00
Recording abandonment, placer claim.	2 50
Recording any affidavit under three folios.	2 50
Per folio over three, in addition.	30
Records in "Record of Conveyances," same as affidavits.	
Filing documents.	1 00
For Crown grant of mineral rights under "Mineral Act"	25 00
For Crown grant of surface rights of mineral claim under "Mineral Act"	10 00
For every lease under "Placer-mining Act"	5 00