

22. When the party obtaining the mining rights to lands cannot make an arrangement with the owner or his agent or the occupant thereof for the acquisition of his surface rights, it shall be lawful for him to give notice to the owner or his agent or the occupier to appoint an arbitrator to act with another arbitrator named by him, in order to award the amount of compensation to which the owner or occupant shall be entitled. The notice mentioned in this section shall be according to a form to be obtained upon application from the gold commissioner for the district in which the lands in question lie, and shall, when practicable, be personally served on such owner, or his agent if known, or occupant; and after reasonable efforts have been made to effect personal service, without success, then such notice shall be served by leaving it at, or sending by registered letter to, the last place of abode of the owner, agent or occupant. Such notice shall be served upon the owner or agent within a period to be fixed by the gold commissioner before the expiration of the time limited in such notice. If the proprietor refuses or declines to appoint an arbitrator, or when, for any other reason no arbitrator is appointed by the proprietor in the time limited therefor in the notice provided for by this section, the gold commissioner for the district in which the lands in question, lie, shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent or occupant, appoint an arbitrator on his behalf.

23. (a.) All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them, and they shall forthwith proceed to estimate the reasonable damages which the owner or occupant of such lands, according to their several interests therein, shall sustain by reason of such prospecting and mining operations.

(b.) In estimating such damages, the arbitrators shall determine the value of the land irrespectively of any enhancement thereof from the existence of minerals therein.

(c.) In case such arbitrators cannot agree, they may select a third arbitrator, and when the two arbitrators cannot agree upon a third arbitrator the Gold Commissioner for the district in which the lands in question lie shall select such third arbitrator.

(d.) The award of any two such arbitrators made in writing shall be final, and shall be filed with the Gold Commissioner for the district in which the lands lie.

In any cases arising for which no provision is made in these regulations, the provisions of the regulations governing the disposal of mineral lands other than coal lands approved by His Excellency the Governor in Council on the 9th of November, 1889, shall apply.