

5. Provided further, that when there are two or more claimants for the same tract, then if the claim of the first discoverer be not fully established to the satisfaction of the Secretary of State, other things being equal, the same shall be put up at public auction on stated terms of lease, and sold to the highest bidder. Proviso.

6. Provided also that in territory supposed to contain minerals the Secretary of State may in his discretion reserve from sale, alternate locations, or quarter sections, or other legal subdivisions with the view of subsequently offering the same either for sale or lease at public competition. Proviso.

40. Mining locations in unsurveyed territory shall be surveyed by a Deputy Surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion Lands Office) at the cost of the applicants, who shall be required to furnish with their application the Surveyor's plan, field notes and description thereof. Mining locations to be surveyed by Deputy Surveyors.

41. No distinction in price shall be made between lands supposed to contain mines or minerals, and farming lands, but both classes shall be sold at the uniform price of *one dollar* per acre; provided that clause *twenty-nine* of this Act as regard offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships. Mining lands to be sold at the same price as farming lands.

42. It shall also be lawful for the Secretary of State to exempt from the preceding provisions of this Act, such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "Bar," "Bench," or "Dry," "Diggings" for gold or other precious metals; and the Governor in Council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the [fees or] royalty payable in respect thereof, and shall appoint and fix the salaries and prescribe the duties of such officers as may be necessary to carry out such regulations. Secretary of State may except certain lands from the preceding provisions. Duty of Governor in Council with respect to lands so excepted.

INDIAN TITLE.

43. None of the provisions of this Act respecting the settlement of Agricultural lands, or the lease of Timber lands, or the purchase and sale of Mineral lands, shall be held to apply to territory the Indian title to which shall not have been extinguished. Certain provisions of this Act not to apply to lands still under Indian title.

COAL LANDS.

44. Coal lands are hereby withdrawn from the operation of this Act as regards the rights of Squatters to Homesteads on the Dominion lands in advance of the Surveys. Coal lands may not be taken for homesteads

45. Any person or persons desiring to carry on coal mining in unsurveyed Territory, shall be protected in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the Local Agent to purchase Steps to be taken by persons desiring to carry on coal mining in unsurveyed territory.