

location cannot at the time of the deposit of \$50, or in the district of Algoma \$100, as aforesaid, by the applicant for the purpose, be surveyed by the said department for that sum, he shall be subject to the alternative of waiting until the employment of a surveyor by the department on other work in the vicinity of the claim renders it convenient to have the survey made at a cost not exceeding \$50, or in the district of Algoma \$100, as aforesaid, or of sooner procuring at his own cost its survey by a duly commissioned surveyor of the province, district or territory in which the lands are situated, under instruction from the said department; in the latter case, on receipt of the plans and field-notes of the survey and approval thereof by the said department, as hereinbefore provided, the claimant shall be entitled to receive his patent, and to have returned to him the fifty dollars, or in the district of Algoma \$100, as aforesaid, deposited by him to defray cost of survey.

Should claimant fail to prove expenditure, to pay price in full and deposit, his right shall lapse and revert to the Crown.

Section 8. Should the claimant, or his legal representatives as aforesaid, fail to prove within one year the expenditure prescribed; or, having proved such expenditure, fail within that time to pay in full, and in cash, to the local agent, the price hereinbefore fixed for such mining location, and also to pay the sum of fifty dollars hereinbefore prescribed for the survey of his location, then any right on the part of the claimant, or of his legal representatives, in the location, on claim or his or their part to acquire it, shall lapse, and the location shall thereupon revert to the Crown, and shall be held, along with any immovable improvements thereon, for disposal, under these regulations, to any other person, or as the Superintendent General of Indian Affairs may direct; provided that the Superintendent General of Indian Affairs may, upon sufficient cause being shown, extend the time within which the claimant may purchase his mining location for the additional term of one year, upon payment by the claimant of a new entry fee and the relinquishment of his original receipt, in exchange for which the agent shall, when so directed by the said minister, give him a new receipt in the form C in the schedule hereto.

Two or more persons claiming same right.

Section 9. Where two or more persons lay claim to the same mining location, the right to acquire it shall be in him who can prove he was the first to discover the mineral deposit involved, and to take possession by demarcation, in the manner prescribed in these regulations, of the location covering it.

Prior discovery alone, not to give right.

Section 10. Priority of discovery alone shall not give the right to acquire; but a person subsequently and independently discovering, who has complied with the other conditions prescribed in these regulations, shall take precedence of the first discoverer if the latter has failed to comply with the said other conditions: Provided, however, that in any case where it is proved that a claimant has in bad faith used the prior discovery of another, and fraudulently affirms that he made independent discovery and demarcation, he shall, apart from any other legal consequences, have no claim, and shall forfeit the