

Deceased free miner's claims not forfeitable.

46. In case of the death of any free miner, while registered as the holder of any claim or ditch, his claim or interest shall not be open to the occupation of any other person for non-working or non-representation, either after his decease or during the illness which shall have terminated in his decease.

Gold Commissioner may keep a foot or sell deceased miner's claim.

47. And in all cases where the Gold Commissioner shall find that such free miner shall be possessed of a claim or ditch, or interest therein, he may cause the same to be duly represented until sale on such terms as he shall think just, or dispense with the same at his option, or may sell such claim, ditch, or interest by Auction, after ten days' public notice thereof, for such price as in his judgment he shall deem just and fair, and for the purpose aforesaid, the Gold Commissioner may employ and pay out of any assets of the deceased, which may come to his hands, such valuers or persons as may be necessary.

Gold Commissioner's conveyance a good title.

48. Every assignment of any such interest by the Gold Commissioner shall convey to the assignee all the right and interest of the deceased miner, thereby purported to be conveyed, and shall be subject to the same registration and fees as if such assignment had been made by such miner before his decease.

Notice of official administration.

49. The Gold Commissioner shall in all cases of death of every registered free miner, give notice thereof as soon as conveniently may be, and also of any acts and interferences of such Gold Commissioner, to the official administrator, who shall in all cases which may seem fitting, take out probate or letters of administration as the case may require, and collect and get in the estate and effects of the deceased in the usual and proper way; no such dealing or interference, as aforesaid, by the Gold Commissioner shall make him in any way liable as an executor *de son tort*, or in any way liable for unintentional losses or in any other responsibility, than to account to the personal representative of the deceased, when duly constituted, for all monies actually received and expended by him in the matter of the estate and effects of the deceased.

Allowance to Gold Commissioner.

50. Every Gold Commissioner who shall so act in the collection and custody of the estate and effects as aforesaid, shall be entitled to his own use, to an allowance thereout not exceeding in any case five per cent on the whole amount collected.

Fees on registration as in Schedule.

51. On the registration of any of the matters, acts, deeds, documents, or things mentioned on the Schedule hereto, there shall be payable in respect thereof by the party seeking such registration, the several duties and sums of money set opposite such matters, acts, deeds, documents, and things respectively in the Schedule hereto, such payments to be taken by the Gold Commissioner or other officer effecting the registration at the time of each registration, and for the use of Her Majesty, Her Heirs and Successors.

52. Every sale, mortgage, alienation or other disposition of any claim, ditch or other mining property, or of any interest therein respectively, shall be made by an Instrument in writing which shall be registered with the Gold Commissioner, or other officer duly authorized in that behalf in the district in which such property is situated, in separate books to be kept by him for the purpose, and every such conveyance, mortgage, or other document shall set forth truly expressed in words at length, the full *bonâ fide* price, consideration, or value that has been or has to be paid directly or indirectly in each transaction, or in default thereof shall be void.

53. In case of any dispute, the titles to claims, leases of auriferous earth or rock, ditches or water privileges will be recognized according to the priority of registration, subject only to any question which may be raised as to the validity of any particular act of Registration.

Certified copy of record evidence.

54. Every copy or extract from any record or register, under or by virtue of this act, or the Gold Fields Act of 1859, the Proclamation of 25th day of March, 1863, or any Gold Rules and Regulations required to be kept by any Gold Commissioner, and certified to be a true copy or extract under the hand of the Gold Commissioner, or other person authorized to take and keep such record or register, shall in the absence of the original register, be receivable in any judicial proceedings as evidence of all matters and things therein appearing.

Saving of Crown Rights.

55. Nothing herein shall be construed to limit, or abridge the prerogative rights of Her Majesty, Her Heirs and Successors, in or to the Gold Fields of British Columbia.