

XVII. In staking out plots of land for Free Miners and traders for gardening and residential purposes, under the powers in the said Gold Fields Act, 1859, contained, the Gold Commissioner is to keep in view the general interests of all the miners in that locality, the general principle being that every garden benefits indirectly the whole locality, and also that the earlier application is to be preferred; but where the eligible spots of land are few, or of scanty dimensions, and especially where they are themselves auriferous, it may be injudicious that the whole or the greater part should fall into the hands of one or two persons; and therefore, in such cases, the Gold Commissioner may, in the exercise of his discretion, allot small plots only to each applicant.

XVIII. Any person desiring to acquire any water privilege shall be bound to respect the rights of parties using the same water, at a point below the place where the person desiring such new privilege intends to use it.

XIX. Any person desiring to bridge across any stream or claim or other place for any purpose or to mine under or through any ditch or flume, or to carry water through or over any land already occupied by any other person may be enabled to do so in proper cases, with the sanction of the Gold Commissioner. In all such cases the right of the party first in possession whether of the mine or of the water privilege is to prevail, so as to entitle him to full compensation and indemnity. But wherever due compensation by indemnity can be given, and is required, the Gold Commissioner may sanction the execution of such new work on such terms as he shall think reasonable.

AS TO LEASES IN LARGER PROPORTIONS THAN CLAIMS.

XX. Applications for leases are to be sent in triplicate to the Gold Commissioner having jurisdiction for the locality where the land desired to be taken is situated. Every such application shall contain the name and additions of the applicant at full length, and the names and addresses of two persons residing in the Colony of British Columbia, or Vancouver Island, to whom the applicant is personally known. Also, a description accompanied by a map of the land proposed to be taken.

XXI. Leases will not be granted in general for a longer term than ten years, or for a larger space than ten acres of alluvial soil (dry diggings), or half a mile in length of unworked quartz reef, or a mile and a half in length of quartz, that shall have been attempted and abandoned by individual claim workers, with liberty to follow the spurs, dips, and angles, on and within the surface, for two hundred feet on each side of the main lead or seam, or in bar diggings, half a mile in length (if unworked) along the high water mark, or a mile and a half in length along the high water mark, where the same shall have been attempted and abandoned by individual claim workers.

XXII. Leases as above will not in general be granted of any land, alluvium or quartz, which shall be considered to be immediately available for being worked by Free Miners, as holders of individual claims. Nor will such a lease in any case be granted where individual Free Miners are in previous actual occupation of any part of the premises, unless by their consent.

XXIII. Every such lease shall contain all reasonable provisions for securing to the public rights of way and water, save in so far as shall be necessary for the miner-like working of the premises thereby demised, and also for preventing damage to the persons or property of other parties than the lessee. And the premises thereby demised shall be granted for mining purposes only, and it shall not be competent for the lessee to assign or sub-let the same, or any part or parts thereof without the previous license in writing of the Gold Commissioner. And every such lease shall contain a covenant by the lessee to mine the said premises in a miner-like way, and also, if it shall be thought fit, to perform the works therein defined within a time therein limited. And also a clause by virtue whereof the said lease and the demise therein contained may be avoided in case the lessee shall refuse or neglect to observe and perform all or any of the covenants therein contained.

XXIV. Every applicant for a lease, shall at the time of sending in his application, mark out the ground comprised in the application, by square posts firmly fixed in the boundaries of the land, and four feet above the surface, with a notice thereon that such land has been applied for, stating when and by whom, and shall also fix upon a similar post at each of the nearest places on which miners are at work, a copy of such notice.

XXV. Objections to the granting of any such lease shall be made in writing, addressed to His Excellency the Governor, under cover to the Gold Commissioner, who shall forward all such objections, together with his Report thereon.

XXVI. Every application for a lease shall be accompanied by a deposit of twenty-five pounds sterling, which shall be refunded in case the application shall be refused by the Government, and if the application shall be entertained, then such sum of twenty-five pounds shall be retained for the use of Her Majesty her heirs and successors, whether the application be afterwards abandoned or not.

Issued under the Public Seal of the Colony of British Columbia, at Victoria, Vancouver Island, this seventh day of September, in the year of our Lord one thousand eight hundred and fifty-nine, and in the twenty third year of Her Majesty's Reign, by me,

JAMES DOUGLAS, [L.S.]

By Command of His Excellency,
WILLIAM A. G. YOUNG, *
Acting Colonial Secretary.