

---

INDIAN LAND  
MINING REGULATIONS

---

ADOPTED AND ESTABLISHED BY ORDER OF HIS EXCELLENCY  
IN COUNCIL ON THE 15<sup>TH</sup> OF SEPTEMBER, 1888.

---

# CHAPTER 31.

## INDIAN LAND MINING REGULATIONS

GOVERNMENT HOUSE, OTTAWA.

The 15th day of September, 1888.

On the recommendation of the Superintendent General of Indian Affairs, and under the provisions of Chapter 43 of the Revised Statutes of Canada, intitled "The Indian Act,"

His Excellency in Council has been pleased to make and does hereby make the following regulations to govern the disposal of Indian lands containing minerals other than coal:—

### INDIAN LAND

MINING REGULATIONS TO GOVERN THE DISPOSAL OF MINERAL LANDS OTHER THAN COAL LANDS

Section 1. Any person who has discovered a mineral deposit of economic value, with the exception of coal,

### MINING REGULATIONS

Lands containing gold, silver, copper, etc.

Section 2. Any person may explore vacant Indian lands that have been surrendered by the Indians and not appropriated or reserved by the Department of \_\_\_\_\_ for other purposes, or Indian reserve lands provided the approval of the Superintendent General of Indian Affairs shall have been previously obtained, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to

Vacant lands may be explored with a view to ascertaining mineral location.

ADOPTED AND ESTABLISHED BY ORDER OF HIS EXCELLENCY  
IN COUNCIL ON THE 15<sup>TH</sup> OF SEPTEMBER, 1888.

the date \_\_\_\_\_ within the limits of the location or claim.

### Quartz Mining

Section 3. A location of mining, except for iron, on veins, lodes, or ledges of quartz or other rock in place, shall not exceed 40 acres in area, except in the district of Alberta, where the area

---

boundaries shall be straight due north and south and east and west lines not more than four in number. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

Area and boundaries of mining location in Alberta.

Section 4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these regulations, in the following manner:—

---

INDIAN LAND

MINING REGULATIONS

---

ADOPTED AND ESTABLISHED BY ORDER OF HIS EXCELLENCY  
IN COUNCIL ON THE 15th OF SEPTEMBER, 1858

---

# CHAPTER 31.

## INDIAN LAND MINING REGULATIONS

GOVERNMENT HOUSE, OTTAWA,

The 15th day of September, 1888.

On the recommendation of the Superintendent General of Indian Affairs, and under the provisions of Chapter 43 of the Revised Statutes of Canada, intituled "The Indian Act,"

His Excellency in Council has been pleased to make and does hereby make the following regulations to govern the disposal of Indian lands containing minerals other than coal:—

### MINING REGULATIONS TO GOVERN THE DISPOSAL OF MINERAL LANDS OTHER THAN COAL LANDS

Section 1. These regulations shall be applicable to all Indian lands containing gold, silver, cinnabar, lead, tin, copper, petroleum, iron or other mineral deposit of economic value, with the exception of coal.

Lands containing gold, silver, cinnabar, etc.

Section 2. Any person may explore vacant Indian lands that have been surrendered by the Indians and not appropriated or reserved by the Department of Indian Affairs for other purposes, or Indian reserve lands provided the approval of the Superintendent General of Indian Affairs shall have been previously obtained, and may search therein, either by surface or subterranean prospecting, for mineral deposits, with a view to obtaining under these regulations a mining location for the same; but no mining location or mining claim shall be granted until the discovery of the vein, lode or deposit of mineral or metal within the limits of the location or claim.

Vacant lands may be explored with a view to obtaining mining location.

### I.—QUARTZ MINING

Section 3. A location for mining, except for iron, on veins, lodes, or ledges of quartz or other rock in place, shall not exceed 40 acres in area; except in the district of Algoma, where the area of a mining location shall not exceed 160 acres. Its surface boundaries shall be straight due north and south and east and west lines not more than four in number. Its length shall not be more than three times its breadth. Its boundaries beneath the surface shall be the vertical planes in which its surface boundaries lie.

Area and boundaries of mining location in Algoma and elsewhere.

Section 4. Any person having discovered a mineral deposit may obtain a mining location therefor, under these regulations, in the following manner:—

Discoverer of mineral deposit shall mark the location by placing at each of the four corners a post which shall be marked M. L. and numbered 1, 2, 3, 4, respectively, and initialled.

(a) He shall mark the location on the ground by placing at each of its four corners a wooden post, not less than 4 inches square, driven not less than 18 inches into the ground, and showing that length above it. If the ground be too rocky to admit of so driving the posts into it, he shall build about each of them, to support it and keep it in place, a cairn or mound of stones, at least 3 feet in diameter at the base, and 18 inches high. On the most northeasterly post he shall mark legibly, with a cutting instrument, or with coloured chalk, or with a pencil, his name in full, the date of such marking, and the letters M.L. 1. to indicate that the post is a mining location post No. 1. Proceeding next to the most southeasterly post, he shall mark it with M.L. 2, and with his initials. Next, the most southwesterly post shall be marked M.L. 3, and with his initials; and, lastly, the most northwesterly post with his initials and the letters M.L. 4. Furthermore, on one of the faces of each post, which face shall in the planting thereof be turned towards the post which next follows it in the order in which they are here named and numbered, there shall be marked in figures the number of yards' distance to such next following post. If means of measurement are not available, the distance to be so marked on each of the posts may be that estimated. If the corner of a location falls in a ravine, bed of a stream, or any other situation where the character of the locality may render the planting of a post impossible, the corner may be indicated by the erection at the nearest suitable point of a witness post, which in that case shall contain the same marks as those prescribed in this clause in regard to corner posts, as well as the letters W.P., and an indication of the bearing and distance of the site of the true corner from such witness post.

Subsequent prospector informed.

(In this manner any subsequent prospector informed of these regulations will, on meeting any one of the posts or mounds, be enabled to follow them all round, from one to another, and avoid encroachment, either in search or in marking out another location in the vicinity for himself.)

Within 90 days claimant shall file declaration on oath.

(b) Having so marked out on the ground the location he desires, the claimant shall within ninety days thereafter file with the local agent, in the Indian office for the district in which the location is situate, a declaration on oath according to form A in the schedule to these regulations (which may be sworn to before the said agent, or may have been previously sworn to before a justice of the peace or commissioner), setting forth the circumstances of his discovery, and describing, as nearly as may be, the locality and dimensions of the claim marked out by him as aforesaid; and shall, along with such declaration, pay to the said agent an entry fee of five dollars.

If land surrendered, agent shall give receipt.

(c) If the land has been surrendered by the Indians for purposes of sale, the agent shall then give him a receipt, according to form B in the schedule to these regulations, for such fee. This receipt shall authorize the claimant, his legal representatives or assigns, to enter into possession of the location applied for, and during the term of one year from its date to take therefrom and dispose of any mineral deposit contained within its boundaries.

(d) If the land is within a reserve and unsurrendered, the agent shall report the facts of such discovery and application to the Superintendent General of Indian Affairs, and he shall state at the same time whether the interest of the Indians would be prejudicially affected by the location applied for being sold or otherwise, and should the Superintendent General of Indian Affairs decide that it would be in the interest of the Indians to sell the location, he shall instruct the local agent to submit the question of surrendering the same to be sold for their benefit to the Indians in council for a vote thereon, and should a majority of the Indians entitled to vote decide to surrender the land, a formal surrender in writing shall be taken from them signed by the chief and principal men and duly attested by one of them and the agent in the manner required by law.

If land within a reserve and unsurrendered, agent shall report to Superintendent General, who may direct matter to be submitted to Indians in Council.

(e) The agent shall then forward the surrender to the Superintendent General of Indian Affairs, who shall upon receipt of the same submit it to His Excellency the Governor General in Council for acceptance.

Agent shall forward surrender to Superintendent General.

(f) Should the surrender be accepted by the Governor General in Council, the location applied for shall be dealt with in the manner prescribed by these regulations for the sale of mineral lands.

Surrender accepted, how dealt with.

**Section 5.** At any time before the expiration of one year from the date of his obtaining the agent's receipt as aforesaid, it shall be open to the claimant to purchase the location on filing with the local agent proof that he has expended not less than five hundred dollars in actual mining operations on the same, such proof to consist of his own sworn statement, accompanied and confirmed by the affidavits of two disinterested persons, setting forth in detail the nature of such operations and the amount expended. This section shall not apply to the district of Algoma; except that the right to purchase a location shall be limited to twelve months from the date of obtaining the agent's receipt as provided in subsection (c) of section 4 above.

Limit of time for claimant to purchase.

This section not to apply to Algoma, except, etc.

**Section 6.\*** The price to be paid for a mining location shall be at the rate of five dollars per acre cash, except in the district of Algoma, where the price shall be at the rate of three dollars per acre.

Price of mining location.

**Section 7.** On making the application to purchase a mining location, and paying the price therefor as hereinbefore provided, the claimant shall also deposit with the agent the sum of fifty dollars, except in the district of Algoma, where he shall deposit with the agent the sum of one hundred dollars, which shall be deemed payment by him to the Department of Indian Affairs for the survey of his location and upon the receipt of the plans and field-notes, and the approval thereof by the said department, a patent shall issue to the claimant in the form D in the schedule hereto. If, on account of its remoteness or other cause, a mining

Claimant shall deposit with agent to defray cost of survey, in Algoma, \$100; elsewhere, \$50; to be returned on receipt of patent.

\* Note.—See amendments at end of regulations

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

deposit made with his application, and shall be absolutely debarred from obtaining another mining location.

Section 11. Not more than one mining location shall be granted to any individual claimant upon the same lode or vein.

Only one location on same lode.

Section 12. Where land is used or occupied for milling purposes, reduction works or other purposes incidental to mining operations, either by the proprietor of a mining location or other person, such land may be applied for the patented, either in connection with, or separate from, a mining location, in the manner hereinbefore provided for the application for, and the patenting of, mining locations, and may be held in addition to any such mining location; but such additional land shall in no case exceed five acres in extent and shall be paid for at the same rate as a mining location.

Land used for milling or other purposes; how patented.

Section 13. The Superintendent General of Indian Affairs may grant a location for the mining of iron not exceeding 160 acres in area: Provided, that should any person making an application purporting to be for the purpose of mining iron thus obtain, whether in good faith or fraudulently, possession of a valuable mineral deposit other than iron, his right in such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location shall thereupon revert to the Crown for such disposition as the minister may direct.

Location for the mining of iron.

Section 14. When there are two or more applicants for any mining location, no one of whom is the original discoverer, or his assignee, the Superintendent General of Indian Affairs, if he sees fit to dispose of the location, shall invite their competitive tenders, or shall put it up to public tender, or auction, as he may deem expedient.

Applicants other than original discoverer, competition, tender, auction.

Section 15. An assignment of the right to purchase a mining location shall be endorsed on the back of the receipt or certificate of assignment (forms B and E, in the schedule hereto), and the execution thereof shall be attested by two disinterested witnesses; upon the deposit of the receipt or certificate with such assignment executed and attested as herein provided, in the office of the local agent, accompanied by a registration fee of two dollars, the local agent shall give to the assignee a receipt in the form E in the schedule hereto, which certificate shall entitle the assignee to all the rights and privileges of the original discoverer in respect of the claim assigned; and the said assignment shall be forwarded to the Superintendent General of Indian Affairs by the local agent at the same time and in like manner as his other returns respecting Indian lands, and shall be registered in the Department of Indian Affairs; and no assignment of the right to purchase a mining location which is not unconditional and in all respects in accordance with the provisions of this clause, and accompanied by the registration fee herein provided for, shall be recognized by the local agent or registered in the Department of Indian Affairs.

Assignment of right to purchase; how made, and regulations in reference to the same.



Application by assignee of right; assignee, when entitled to purchase.

Section 16. If application be made under the next preceding section by the assignee of the right to purchase a mining location, and such claim is duly recognized and registered, as hereinbefore provided, such assignee shall, by complying with all the provisions of sections 5 and 7, become entitled to purchase the location for the price and on the terms prescribed in these regulations, whether or not his assignor may have previously acquired a mining location under them.

II.—PLACER MINING

Quartz-mining regulations, how far applicable.

Section 17. The regulations hereinbefore laid down in respect of quartz mining shall be applicable to placer mining so far as they relate to entries, entry fees, assignments, marking of location, agents' receipts, and generally where they can be applied, save that the boundaries of placer mining claims need not be due north and south and east and west lines, and except as otherwise herein provided.

Nature and Size of Claims

Size of claims. Bar diggings.

Section 18. The size of claims shall be as follows:—

(a) For "bar diggings," a strip of land 100 feet wide at high water mark, and thence extending into the river to its lowest water level.

Dry diggings. Creek and river claims.

(b) For "dry diggings," 100 feet square.

(c) "Creek and river claims" shall be 100 feet long, measured in the direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side; but when the hills or benches are less than 100 feet apart, the claim shall be 100 feet square.

Bench claims. Claim on face of hill.

(d) "Bench claims" shall be 100 feet square.

(e) Every claim on the face of any hill, and fronting on any natural stream or ravine, shall have a frontage of 100 feet, drawn parallel to the main direction thereof, and shall be laid out, as nearly as possible, in the manner prescribed by section 4 of these regulations.

Table of areas of claims.

(f) If any miner or association of miners shall discover a new mine, and such discovery shall be established to the satisfaction of the agent, claims of the following size, in dry, bar, bench, creek or hill diggings, shall be allowed:—

To one discoverer . . . . .	300 feet in length.
To a party of two . . . . .	600 "
" three . . . . .	800 "
" four . . . . .	1,000 "

and to each member of a party beyond four in number, a claim of the ordinary size only.

A new stratum deemed a new mine.

A new stratum of auriferous earth or gravel, situated in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall have been previously worked at a different level; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and *vice versa*.

*Rights and Duties of Miners*

**Section 19.** The forms of application for a grant for placer mining, and the grant of the same, shall be those contained in forms F and G in the schedule hereto.

Grants for  
placer  
mining.

**Section 20.** The entry of every holder of a grant for placer mining must be renewed, and his receipt relinquished and replaced every year the entry fee being paid each time.

Renewal  
every year.

**Section 21.** No miner shall receive a grant of more than one mining claim in the same locality, but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the local agent.

Only one  
claim  
granted  
in one  
locality.

**Section 22.** Any miner or association of miners may sell, mortgage, or dispose of his or their claims, provided such disposal be registered with, and a fee of two dollars paid to the local agent, who shall thereupon give the assignee a certificate in form H in the schedule hereto.

Miner may  
sell or  
mortgage  
claim.

**Section 23.** Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom; but he shall have no surface rights therein; and the local agent may grant to the holders of adjacent claims such right of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable.

Exclusive  
right of  
entry  
and to  
proceeds,  
but not to  
surface.

**Section 24.** Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall, in the opinion of the local agent, be necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

Use of  
water and  
right to  
drain.

**Section 25.** A claim shall be deemed to be abandoned and open to occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof for the space of seventy-two hours, unless sickness or other reasonable cause be shown, or unless the grantee is absent on leave.

When claim  
shall be  
deemed  
to be  
abandoned.

**Section 26.** A claim granted under these regulations shall be continuously and in good faith worked, except as otherwise provided, by the grantee thereof or by some person on his behalf.

Claim  
shall be  
worked  
continuously.

**Section 27.** In tunnelling under hills on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, or from either end of such hills, so as to interfere with parties tunnelling from the main frontage.

Tunnelling  
under hills.

Property in  
tunnels and  
shafts.

Section 28. Tunnels and shafts shall be considered as belonging to the claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

Back claims  
on benches  
or slopes.

Section 29. For the more convenient working of back claims on benches or slopes, the local agent may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine or water-course upon such terms as he may deem expedient.

#### *Leave of Absence*

Supply of  
water in-  
sufficient;  
leave of  
absence.

Section 30. In cases where water is necessary to the continuance of mining operations and the supply of water is insufficient, the agent shall have power to grant leave of absence to the holder of the grant during such insufficiency, but no longer, except by permission of the Superintendent General of Indian Affairs.

Conditions  
on which  
leave of  
absence  
may be  
obtained.

Section 31. Any miner or association of miners shall be entitled to leave of absence for one year from his or their diggings upon proving to the satisfaction of the agent that he or they have expended on such diggings in cash, labour or machinery an amount not less than five hundred dollars on each of such diggings without any return of gold or other minerals in reasonable quantities from such expenditure.

Time  
going and  
coming.

Section 32. The time occupied by the locator of a claim in going to and returning from the office of the local agent to enter his claim, or for other purposes prescribed by these regulations, shall not be counted against him, but he shall, in such cases, be deemed to be absent on leave.

#### *Administration*

Death of  
miner; no  
abandon-  
ment.

Section 33. In case of the death of any miner while entered as the holder of any mining claim, the provisions as to abandonment shall not apply either during his last illness or after his decease.

Local agent  
to take  
possession,  
etc., of  
property of  
deceased.

Section 34. The local agent shall take possession of the mining property of the deceased, and may cause such mining property to be duly worked, or dispense therewith, at his option, and he shall sell the property by private sale, or after ten days' notice thereof, by public auction, upon such terms as he shall deem just, and out of the proceeds pay all costs and charges incurred thereby, and pay the balance, if any, to the legal representatives of the said deceased miner.

Possession,  
pending  
adminis-  
tration.

Section 35. The local agent, or any person authorized by him, shall in every case take charge of all the property of a deceased miner until the issue of letters of administration or the probate of his will.

## III.—BED-ROCK FLUMES

Section 36. It shall be lawful for any local agent, upon the application hereinafter mentioned, to grant to any bed-rock flume company, for any term not exceeding five years, exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying and maintaining bed-rock flumes.

Local agent  
may grant  
right of  
way.

Section 37. Three or more persons may constitute themselves into a bed-rock flume company, and every application by them for such grant shall state the names of the applicants and the nature and extent of the privileges sought to be acquired. Between the months of June and November, ten clear days' notice thereof shall be given, and between the months of November and June one month's notice shall be given, by affixing the same to a post planted in some conspicuous part of the ground or to the face of the rock, and a copy thereof conspicuously upon the inner walls of the Indian office of the district. Prior to such application, the ground included therein shall be marked out in the manner prescribed in subsection (a) of section 4 of these regulations. It shall be competent for any person to protest before the local agent within the times hereinbefore prescribed for the notice of such application, but not afterwards, against such application being granted. Every application for a grant shall be accompanied by a deposit of \$100, which shall be returned if the application be refused, but not otherwise.

Three or  
more per-  
sons may  
constitute  
a bed rock  
flume  
company.

Notices  
when and  
how to be  
given.

Marking  
out  
grounds.

Deposit to  
accompany  
application.

Section 38. Every such grant shall be in writing, in the form I given in the schedule hereto.

Grant in  
writing.

Section 39. The holders of claims through which the line of the company's flume is to run may put in a bed-rock flume in their claims to connect with the company's flume, upon giving the company ten days' notice in writing to that effect; but they shall maintain the like grade, and build their flumes as thoroughly, and of as strong materials, as that built by such company.

Holders  
of claims  
through  
which line  
of company's  
flume runs.

Section 40. Every bed-rock flume company shall lay at least 50 feet of flume during the first year and 100 feet annually thereafter, until completion of the flume.

Amount of  
flume to be  
laid.

Section 41. Any miners lawfully working any claims where a bed-rock flume exists, shall be entitled to tail their sluices, hydraulics and ground sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders or otherwise.

Miners may  
tail their  
sluices, etc.

Section 42. Upon a grant being made to any bed-rock flume company, the local agent shall register the same, and the company shall pay for such registration a fee of \$10. They shall also pay, in advance, an annual rent of \$10 for each quarter of a mile of right of way legally held by them.

Sums to be  
paid to  
obtain  
registration.

## IV.—DRAINAGE OF MINES

Permission to run drain, etc., through occupied mining land.

**Section 43.** The Superintendent General of Indian Affairs may grant to any person, or association of persons, permission to run a drain or tunnel for drainage purposes through any occupied mining land, and may give such persons exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing a drain or drains for the drainage thereof.

Grantee shall compensate owner.

**Section 44.** The grantee shall compensate the owners of lands or holders of claims entered upon by him for any damage they may sustain by the construction of such tunnel or drain, and such compensation, if not agreed upon, shall be settled by the local agent and be paid before such drain or tunnel is constructed.

Property in such tunnel or drain.

**Section 45.** Such tunnel or drain, when constructed, shall be deemed to be the property of the person or persons by whom it shall have been so constructed.

Application for grant, what to contain.

**Section 46.** Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll (if any) to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing the same, be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise. Notice of the application shall be given, and protests may be made, in the same manner as provided in regard to bed-rock flumes.

Deposit and notice. Grant of right of way to construct drains.

**Section 47.** The grant of the right-of-way to construct drains or tunnels, shall be made in the Form J in the schedule hereto. The grant shall be registered by the grantee in the office of the local agent, to whom he shall at the time pay a registration fee of \$5, or, if the grant gives power to collect tolls, a fee of \$10. An annual rent of \$10 shall be paid in advance by the said grantee for each quarter of a mile of right-of-way legally held by him, save where the drain shall be for the purpose of draining only the claim of the person constructing the same.

Form, registration and annual rent.

## V.—DITCHES

Right to divert water, and to construct ditches and flumes to convey such water.

**Section 48.** The Superintendent General of Indian Affairs may, upon the application hereinafter mentioned, grant to any person, or association of persons, for any term not exceeding five years, the right to divert and use the water from any stream or lake, at any particular part thereof, and the rights of way through and entry upon any mining ground, for the purpose of constructing ditches and flumes to convey such water; provided always, that every such grant shall be deemed as appurtenant to the mining claim in respect of which it has been obtained, and, whenever the claim shall have been worked out or abandoned, or whenever the occasion for the use of such water upon the claim shall have permanently ceased, the grant shall be at

an end and determined. The grantee shall record the said grant with the local agent during each year of the continuance of the same, and whilst it shall be in operation.

Section 49. Twenty days' notice of the application shall be given, by affixing the same to a post planted in some conspicuous part of the ground, and a copy thereof conspicuously upon the inner walls of the Indian office for the district, and any person may protest within such twenty days, and not afterwards, against such application being wholly or partially granted.

Length and mode of giving notice.

Section 50. Every application for a grant of water exceeding 200 inches, shall be accompanied by a deposit of \$25, which shall be refunded in case the application is refused, but not otherwise.

Deposit.

Section 51. Every such application shall state the names of the applicants, the name or description of the stream or lake to be diverted, the quantity of water to be taken, the locality for its distribution, and the price (if any) to be charged for the use of such water, and the time necessary for the completion of the ditch. The grant shall be in Form K in the schedule hereto.

What application shall state.

Section 52. Every grant of a water privilege on unoccupied creeks, shall be subject to the right of such miners as shall, at the time of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

Grant of water privilege subject to certain rights.

Section 53. If, after the grant has been made, any miner or miners locate and *bona fide* work any mining claim below the ditch head, or any stream so diverted, he or they collectively shall be entitled to 40 inches of water if 200 inches be diverted, and 60 inches if 300 inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as may be required; and, in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses shall be considered.

Miner below the ditch head entitled to compensation.

Section 54. No person shall be entitled to a grant of the water of any stream for the purpose of selling the water to present or future claim-holders, or any part of such stream. The Superintendent General of Indian Affairs may, however, grant such privileges as he may deem just, when such ditch is intended to work bench or hill claims fronting on any such stream, provided that the rights of miners then using the water so applied for, be protected.

Conditions respecting grants of water privilege.

Section 55. The Superintendent General of Indian Affairs may, on the report of the local agent that such action is desirable, order the enlargement or alteration of any ditch, and fix the compensation (if any) to be paid by parties to be benefited.

Enlargement or alteration of ditch.

Waste of water to involve forfeiture.

**Section 56.** Every owner of a ditch or water privilege shall take all reasonable means for utilizing the water granted to him; and if he wilfully takes and wastes any unreasonable quantity of water, the Minister may, upon the report of the local agent, if such offence be persisted in, declare all rights to the water forfeited.

Distribution of water by owner of ditch, etc.

**Section 57.** The owner of any ditch or water privilege may distribute the water to such persons, and on such terms, as he may deem advisable, within the limits mentioned in his grant; provided always that such owner shall be bound to supply water to all miners who make application therefor, in a fair proportion, and shall not demand more from one person than from another, except where the difficulty of supply is enhanced.

Bridging stream, etc.

**Section 58.** Any person desiring to bridge any stream, 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, may, in proper cases, do so with the written sanction of the local agent. In all such cases, the right of the party first in possession is to prevail, so as to enable him to compensation if the same be just.

Directions for measuring water.

**Section 59.** In measuring water in any ditch or sluice, the following rules shall be observed:—The water taken into a ditch or sluice shall be measured at the ditch or sluice head. No water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it. One inch of water shall mean half the quantity that will pass through an orifice 2 inches high by 1 inch wide, with a constant head of 7 inches above the upper side of the orifice.

Notice to be given before approaching within 4 feet of ditch.

**Section 60.** Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or to dig or loosen any earth or rock, within 4 feet of any ditch not belonging solely to the registered owner of such claim, three days' notice in writing of such intention shall be given before entering or approaching within 4 feet of such other property.

Right to cross, divert or interfere with ditch, etc.

**Section 61.** Any person engaged in the construction of any road or work may, with the sanction of the Superintendent General of Indian Affairs, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the Minister shall approve.

Compensation and repairs. Interference.

**Section 62.** The Minister shall order what compensation for every such damage or interference shall be paid, and when, and to whom, and whether any and what works damaged or affected by such interference as aforesaid shall be replaced by flumes or otherwise repaired by the person or persons inflicting any such damage.

Culverts for waste water.

**Section 63.** The owners of any ditch, water privilege, or mining right shall, at their own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or right.

Section 64. The owners of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair to the satisfaction of the local agent, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, water privilege or right.

Owners to construct and repair culverts.

Section 65. The owners of any ditch, water privilege or right, shall be liable, and shall make good, in such manner as the local agent shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege or right breaking or being imperfect.

Owners to be liable for damages.

Section 66. Nothing herein contained shall be construed to limit the right of the Lieutenant-Governor of the North-west Territories in Council, or of the proper authority in any province containing Indian lands, to lay out, from time to time, public roads across, through, along or under any ditch, water privilege or mining right, without compensation.

Northwest Territories.

Public roads.

VI.—GENERAL PROVISIONS

*Interpretation*

Section 67. In these regulations the following expressions shall have the following meanings respectively, unless inconsistent with the context:—

Interpretation.

“Minister” shall mean the Superintendent General of Indian Affairs.

Minister.

“Agent” or “local agent” shall mean the Indian agent, Indian superintendent or Indian lands agent, as the case may be, for the district, or other officer appointed by the Government for the particular purpose referred to.

Agent.

“Mineral” shall include all minerals whatsoever other than coal.

Mineral

“Close season” shall mean the period of the year during which placer mining is generally suspended.

Close season.

“Miner” shall mean a person holding a mining location or a grant for placer mining.

Miner.

“Claim” shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

Claim.

“Bar diggings” shall mean any mine over which a river extends when in its flooded state.

Bar diggings.

“Dry diggings” shall mean any mine over which a river never extends.

Dry diggings.

The mines or benches shall be known as “bench diggings,” and shall, for the purpose of defining the size of such claims, be excepted from “dry diggings.”

Bench diggings.

“Streams and ravines” shall include water-courses whether usually containing water or not, and all rivers, creeks and gulches.

Streams and ravines.



Ditch.	"Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.
Ditch head.	"Ditch head" shall mean the point in a natural watercourse or lake where water is first taken into a ditch.
Claimant.	"Claimant" shall mean a person who has obtained an entry for a mining location with a view to patent.
Placer mining.	"Placer mining" shall mean the working of all forms of deposits excepting veins of quartz or other rock in place.
Quartz mining.	"Quartz mining" shall mean the working of veins of quartz or other rock in place.
Location.	"Location" shall mean the land entered by or patented to any person for the purpose of quartz mining.

### *Hearing and Decision of Disputes*

**Disputes, how determined.** Section 68. The local agent shall have power to hear and determine all disputes in regard to mining property arising within his district, subject to appeal by either of the parties to the Deputy Superintendent General of Indian Affairs.

**Procedure, copy of complaint, service.** Section 69. No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than \_\_\_\_\_ days before the hearing of the said complaint.

**Amendment.** Section 70. The complaint may, by leave of the local agent, be amended at any time before or during the proceedings.

**Deposit on filing complaint.** Section 71. The complainant shall, at the time of filing his complaint, deposit therewith a bond-fee of \$10, which shall be returned to him if the complaint proves to have been well founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian Affairs.

**Appeal to Deputy Supt. General.** Section 72. In the event of the decision of the local agent being made the subject of an appeal to the Deputy Superintendent General of Indian Affairs, the appellant shall, at the time of lodging the appeal, deposit with the local agent a bond-fee of \$10, which shall be returned to the said appellant if his appeal proves to have been well founded, and not otherwise, except for special cause by direction of the Superintendent General of Indian Affairs.

**Deposit of bond-fee.** Section 73. The appeal must be in writing and must be lodged with the local agent not more than three days after he has given his decision, and must state the grounds upon which the said decision is appealed from.

**Appeal in writing; time of lodging, must state what.** Section 74. If the Deputy Superintendent General of Indian Affairs decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground; or in cases of disputed boundaries or measurements, to employ a surveyor to measure or survey the land in question, the expense

**Investigation may be ordered on the ground, or land surveyed.**

of the inspection or remeasurements or resurvey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the said Deputy Superintendent General of Indian Affairs, in equal parts, such sum as he may think sufficient for the same before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said Deputy Superintendent General of Indian Affairs shall subsequently decide in what proportion the said expense should be borne by the parties respectively, and the surplusage, if any, shall be returned to the parties as he may order.

Expenses,  
how to be  
borne.

**Section 75.** All bond-fees adjudged as forfeited by the local agent or Deputy Superintendent General of Indian Affairs, and all payments retained under the last preceding section shall, as soon as decision has been rendered, and all entry and other fees or moneys shall, as soon as they have been received by him, be paid by the said agent or Deputy Superintendent General of Indian Affairs to the credit of the Receiver General in the same manner as other moneys received by him on account of Indian lands.

All fees to  
be paid to  
Deputy Super-  
intendent  
General.

#### *Leave of Absence*

**Section 76.** The agent in each district shall, under instructions from the Superintendent General of Indian Affairs, declare the close season in his district.

Agent may  
declare close  
season.

**Section 77.** Each holder of a mining location or of a grant for placer mining shall be entitled to be absent from his mining location or diggings and to suspend work thereon during the close season.

Absence  
from  
mining  
location.

**Section 78.** The local agent shall have power to grant leave of absence to the holder of a mining location or grant for placer mining pending the decision of any dispute in which he is concerned under these regulations.

Leave of  
absence  
pending  
dispute.

**Section 79.** The Superintendent General of Indian Affairs shall from time to time, as he may think fit, declare the boundaries of mineral and mining districts, and shall cause a description of the same to be published in the *Canada Gazette*.

Boundaries,  
how de-  
clared and  
published.

**Section 80.** The Superintendent General of Indian Affairs may direct mineral and mining locations to be laid out within such districts wherever, from the report of the Director of the Geological Survey, or from other information, he has reason to believe there are mineral deposits of economic value, and may sell the same to applicants therefor who, in his opinion, are able and intend in good faith to work the same; or he may, from time to time, cause the said locations to be sold by public auction or tender. Such sales shall be for cash, and at prices in no case lower than those prescribed for locations sold to original discoverers, and shall otherwise be subject to all the provisions of these regulations.

Mineral  
and mining  
locations,  
where to  
be laid out;  
sale by  
public  
auction,  
prices, etc.

Sales shall  
be for cash.

### Royalty

Royalty of  
4 per cent.

**Section 81.\*** The patent for a mining or mineral location shall reserve to the Crown, forever, a royalty of 4 per cent on the sales of the products of all mines therein in trust for the Indians interested in the land patented.

Returns to  
be made  
and sworn  
to.

**Section 82.\*** Returns shall be made by the grantee, sworn to by him, or by his agent or other employee in charge of the mine, at monthly or other such intervals as may be required by the Superintendent General of Indian Affairs, of all products of his mining location, and of the price or amount he received for the same.

Exceptions  
as to  
Algoima.

The foregoing sections numbered 81 and 82 shall not apply to the district of Algoima.

### Miscellaneous

Mining  
works to be  
so conducted  
as not to  
endanger  
public  
safety.

**Section 83.** The local agent shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral lands, mining claims, bed-rock claims or flumes; and any abandoned works may by his order be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or in their absence upon such terms as he shall think fit.

Deposits of  
leavings  
and deads.

**Section 84.** The agent in each district, acting under instructions to be from time to time issued by the Superintendent General of Indian Affairs, shall cause to be laid out, at the expense of the person or persons applying for the same, a space of ground for deposits of leavings and deads from any tunnel, claim or mining ground.

### Forfeiture

Breach of  
regulations  
shall  
involve  
forfeiture.

**Section 85.** In the event of the breach of these regulations or any of them, by any person holding a grant or right of any description from the Crown, or from the Superintendent General of Indian Affairs, or from any duly authorized officer of Indian lands, such right or grant shall be absolutely forfeited *ipso facto*, and the person so offending shall be incapable thereafter of acquiring any such right or grant, unless for special cause otherwise decided by the Superintendent General of Indian Affairs.

\* NOTE.—See amendments at end of regulations

## SCHEDULE TO MINING REGULATIONS

FORM A.—APPLICATION AND AFFIDAVIT OF DISCOVERER OF  
QUARTZ MINE

I, (A.B.) of hereby apply, under the Indian Lands Mining Regulations, for a mining location in

(here give general location of premises)

for the purpose of mining for

(here name the metal or mineral.)

and I hereby solemnly swear:—

1. That I have discovered therein a deposit of (here name the metal or mineral.)
2. That I am to the best of my knowledge and belief the first discoverer of the said deposit.

3. That I am unaware that the land is other than vacant Indian land.

4. That I did, on the day of mark out on the ground, in accordance in every particular with the provisions of subsection (a) of section 4 of the said Mining Regulations, the location for which I make this application, and that in so doing I did not encroach on any mining location previously laid out by any other person.

5. That the said mining location contains, as nearly as I could measure or estimate, an area of acres, and that the description (and sketch, if any), of this date, hereto attached, signed by me, sets forth in detail to the best of my knowledge and ability its position, form and dimensions.

6. That I make this application in good faith to acquire the land for the sole purpose of mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at }  
this day of } (Signature.)  
19 J

FORM B.—RECEIPT FOR FEE PAID BY APPLICANT FOR MINING  
LOCATION

No. ....

Department of Indian Affairs,  
Office of the Indian Agency at 19 .

Received from (A.B.) of five dollars, being the fee required by subsection (b) of section 4 of the Indian Lands Mining Regulations, accompanying his application No. , dated 19 , for a mining location in (insert general description of locality).

This receipt authorizes the said (A.B.) his legal representatives or assigns, to enter into possession of the said mining location, and, during the term of one year from

the date of this receipt, to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be made known and described as follows: (insert description in detail.)

If the said (A.B.) or his legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within one year from this date, or, having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

*Indian Agent.*

---

FORM C.—RECEIPT FOR FEE ON EXTENSION OF TIME FOR PURCHASE OF A MINING LOCATION

No. ....

Department of Indian Affairs,

Office of the Indian Agency at 19 .

Received from (A.B.) of five dollars, being the fee required by section 8 of the Indian Lands Mining Regulations, accompanying his application No. , dated 19 , for the extension of the time within which he may purchase the mining location described as follows: (insert description in detail) for which he obtained an entry No. on the 19 .

This receipt authorizes the said (A.B.) his legal representative or assigns, to continue in possession of the said mining location, and during the term of one year from the 19 , to take therefrom and dispose of any mineral deposit contained within its boundaries, and, on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as above.

If the said (A.B.) or his legal representatives or assigns, fail to comply, as aforesaid, with the conditions that would entitle him or them to purchase within one year from this date, or having so complied, do not within that time make payment in full for the land, and also pay the sum of \$50 prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

*Indian Agent.*

---

## FORM D.—PATENT OF A MINING LOCATION

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith—To all to whom these presents shall come,—Greeting:

KNOW YE that We do by these presents, for Us, Our heirs and successors, in consideration of the fulfilment of the Indian Lands Mining Regulations of Our Dominion of Canada, give and grant unto \_\_\_\_\_ h \_\_\_\_\_ heirs and assigns, all that parcel or lot of land situate \_\_\_\_\_ and numbered \_\_\_\_\_ on the official plan of survey of the said \_\_\_\_\_

to have and to hold the said parcel of land, and all minerals precious and base which may be found therein, unto the said \_\_\_\_\_ h \_\_\_\_\_ heirs and assigns for ever;

Provided that it shall at all times be lawful for Us, Our heirs and successors, or for any person by Our authority to resume any portion (not exceeding one-twentieth part) of the said lands for making roads, canals, bridges, towing paths, or other works of public utility or convenience, but no such resumption shall be made of land on which any permanent buildings may have been erected, without compensation;

Provided, also, that it shall be lawful for any person duly authorized by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such right of carrying water over, through or under any parts of the hereditaments hereby granted as may be reasonably required for agricultural or other purposes in the vicinity of the said land, upon paying therefor a reasonable compensation to the aforesaid \_\_\_\_\_ h \_\_\_\_\_ heirs and assigns;

Provided further, that a royalty of two and one-half per cent shall be paid to Us, Our heirs and successors, upon all the gold and silver produced from the said lands.

NOTE.—In the case of a patent of a mining location situate in the district of Algoma the last clause of Form D, respecting royalty, shall be omitted from said form.

## FORM E.—CERTIFICATE OF THE ASSIGNMENT OF A MINING LOCATION

No. . . . .

Department of Indian Affairs,

Office of the Indian Agency at \_\_\_\_\_ 19 . .

This is to certify that (B.C.) of \_\_\_\_\_ has filed an assignment in due form, dated \_\_\_\_\_ 19 \_\_\_\_\_, and accompanied by a registration fee of two dollars, of the right of (A.B.) of \_\_\_\_\_ to purchase the mining location in (here insert general description of locality) applied for by the said (A.B.) on the \_\_\_\_\_ 19 . .

This certificate entitles the said (B.C.) or his legal representatives or assigns to all the rights and privileges of the said (A.B.) in respect of the claim assigned and hereinafter described; that is to say, to enter into possession of the said mining location, and during the term of one year from the date of the receipt No. \_\_\_\_\_ granted to the said (A.B.) dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,

to take therefrom and dispose of any mineral deposit contained within its boundaries, and on due compliance at any time within that period with the several requirements in that behalf of the said mining regulations, entitles him or them to purchase the said location, which, provisionally, and until survey thereof, may be known and described as follows:—(insert descriptoin in detail.)

If the said (B:C.) or his legal representatives or assigns fail to comply as aforesaid with the conditions that would entitle them to purchase within one year of the date of the receipt granted to (A.B.), and now deposited with me, or having so complied, do not within that time make payment in full for the land, and also pay the sum of fifty dollars prescribed in the said regulations for the survey of the location, then the right to purchase shall lapse, and the mining location shall revert to the Crown, to be otherwise disposed of as may be directed by the Superintendent General of Indian Affairs.

*Indian Agent.*

FORM F.—APPLICATION FOR GRANT FOR PLACER MINING AND  
AFFIDAVIT OF APPLICANT

I, (A.B.), of \_\_\_\_\_, hereby apply, under the Indian Lands Mining Regulations, for a grant of a claim for placer mining, as defined in the said regulations, in (here describe locality) and I solemnly swear:—

1. That I have discovered therein a deposit of (here name the metal or mineral.)

2. That I am, to the best of my knowledge and belief, the first discoverer of the said deposit; or

(2) That the said claim was previously granted to (here name the last grantee), but has remained unworked by the said grantee for not less than \_\_\_\_\_

3. That I am unaware that the land is other than vacant Indian land.

4. That I did, on the \_\_\_\_\_ day of \_\_\_\_\_ mark out on the ground, in accordance, in every particular, with the provisions of subsection (a) of section 4 of the said mining regulations, the claim for which I make this application, and that in so doing I did not encroach on any other claim or mining location previously laid out by any other person.

5. That the said claim contains, as nearly as I could measure or estimate, an area of \_\_\_\_\_ square feet, and that the description (and sketch, if any), of this date hereto attached, signed by me, sets forth in detail, to the best of my knowledge and ability, its position, form and dimensions.

6. That I make this application in good faith to acquire the claim for the sole purpose of mining to be prosecuted by myself, or by myself and associates, or by my assigns.

Sworn before me at \_\_\_\_\_, }  
this \_\_\_\_\_ day of \_\_\_\_\_, } (Signature.)  
19 \_\_\_\_\_ }  
\_\_\_\_\_ (insert description of claim)

FORM G.—GRANT FOR PLACER MINING

No. ....  
Department of Indian Affairs,  
Office of the Indian Agency at \_\_\_\_\_ 19 \_\_\_\_\_

In consideration of the payment of five dollars, being the fee required by the provisions of the Indian Lands Mining Regulations, sections 4 and 20, by (A.B.) of \_\_\_\_\_ accompanying his application No. \_\_\_\_\_ dated \_\_\_\_\_, for a mining claim in (here insert description of locality);

The Superintendent General of Indian Affairs hereby grants to the said \_\_\_\_\_ (A.B.), for the term of one year from the date hereof, the exclusive right of entry upon the claim \_\_\_\_\_ (here describe in detail the claim granted) for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

The said \_\_\_\_\_ (A.B.) shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain his claim, free of charge.

This grant does not convey to the said \_\_\_\_\_ (A.B.) any surface rights in the said claim, or any right of ownership in the soil covered by the said claim; and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said \_\_\_\_\_ (A.B.) or his associates.

The rights hereby granted are those laid down in the aforesaid mining regulations, and no more, and are subject to all the provisions of the said regulations, whether the same are expressed herein or not.

Indian Agent.



FORM H.—CERTIFICATE OF THE ASSIGNMENT OF A PLACER MINING  
CLAIM

No. ....

Department of Indian Affairs,  
Office of the Indian Agency at 19 .

This is to certify that (B.C.) of  
has filed an assignment in due form, dated 19 .  
and accompanied by a registration fee of \$2 of the grant  
to (A.B.) of of the right to mine  
in (insert description of claim) for one year  
from the , 19 .

This certificate entitles the said (B.C.) to all  
the rights and privileges of the said (A.B.) in  
respect of the claim assigned, that is to say, to the exclusive  
right of entry upon the said claim for the miner-like working  
thereof, and the construction of a residence thereon, and the  
exclusive right to the proceeds realized therefrom, for the re-  
maining portion of the year for which the said claim granted to  
the said (A.B.) , that is  
to say, until the day of , 19 .

The said (B.C.) shall be entitled to the  
use of so much of the water naturally flowing through or past  
his claim and not already lawfully appropriated as shall be  
necessary for the due working thereof, and to drain his claim  
free of charge.

This grant does not convey to the said (B.C.)  
any surface rights in the said claim, or any right of ownership  
in the soil covered by the said claim; and the said grant shall  
lapse and be forfeited unless the claim is continuously and in  
good faith worked by the said (B.C.), or his associates.

The rights hereby granted are those laid down in the aforesaid  
mining regulations, and no more, and are subject to all the  
provisions of the said regulations, whether the same are ex-  
pressed herein or not.

*Indian Agent.*

FORM I.—GRANT TO A BED-ROCK FLUME COMPANY

No. ....

Department of Indian Affairs,  
Office of the Indian Agency at 19 .

In consideration of the payment of a deposit of \$100, required  
by section 37 of the Indian Lands Mining Regulations to be made  
with the application of a bed-rock flume company, and of the  
further sum of \$10, being the fee for the registration of this grant  
required by section 42 of the said regulations;

The Superintendent General of Indian Affairs hereby grants  
to (names of members of company) forming together a bed-rock  
flume company [known as the (title of the company)], the  
following rights and privileges, that is to say:—

(a) The rights of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground 100 feet wide and 200 feet long in the bed thereof to each individual of the company;

(b) The rights of way through and entry upon any river, creek, gulch or ravine, worked by miners, for any period longer than two years prior to such entry, and already wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, 100 feet in width and  $\frac{1}{4}$  of a mile in length for each individual of the company;

(c) The rights of way through and entry upon all claims which at the time of the notice of application are in good faith being worked, for the purpose of cutting a channel and laying their flume therein, with such reasonable space for constructing, maintaining and repairing the flume as may be necessary;

(d) The use of so much of the unappropriated water of the stream on which they may be located, and of other adjacent streams, as may be necessary for the use of their flumes, hydraulic power, and machinery to carry on their operations, and the right of way for ditches and flumes to convey the necessary water to their works, subject to the payment of any damage which may be done to other parties by running such ditch or flume through or over their ground;

Provided that the rights herein granted shall apply only to such claims and streams as are here specified; (insert description of claims and streams) and such other claims and streams as may after due notice and application, be subsequently added to the above list by the Superintendent General of Indian Affairs, under the hand of the local agent;

Provided, also, that the said company shall pay to the local agent, in advance, an annual rent of ten dollars for each quarter of a mile of right of way legally held by them;

Provided, further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

This grant shall cease and determine at the expiration of years from the date hereof.

*Indian Agent.*

FORM J.—GRANT FOR DRAINAGE

No. ....

Department of Indian Affairs,

Office of the Indian Agency at 19 .

In consideration of the payment of a deposit of \$25 required by section 46 of the Indian Lands Mining Regulations to be made with the application for a grant of right of way to construct drains, and of the further sum of \$ , being the fee for the registration of this grant required by section 47 of the said regulations;

The Superintendent General of Indian Affairs hereby grants to \_\_\_\_\_ (name or names of grantee or grantees) the right to run a drain or tunnel for drainage purposes through the occupied mining lands here specified \_\_\_\_\_ (here describe mining lands) and further, for a term of \_\_\_\_\_ from the date hereof, exclusive rights of way through and entry upon the following mining grounds: \_\_\_\_\_ (here insert description) for the purpose of constructing a drain or drains for the drainage thereof; and the right to charge the following tolls for the use thereof: \_\_\_\_\_ (insert tariff of tolls);

Provided, that the grantee shall construct such drain or drains of sufficient size to meet all requirements within \_\_\_\_\_ from the date hereof, and keep the same in thorough working order and repair, and free from all obstructions; and shall, within a reasonable time, construct proper tap-drains from or into any adjacent claims, upon being requested to do so by the owners thereof, and in default thereof shall permit such parties to make them themselves, in which case such parties shall only be chargeable with one-half the rates of drainage toll herein authorized;

Provided, also, that the said grantee shall compensate the owners of lands or holders of claims entered upon by \_\_\_\_\_ for any damage they may sustain by the construction of such tunnel or drain;

Provided, further, that the said grantee shall pay to the local agent, in advance, an annual rent of \$10 for each quarter of a mile of right of way legally held by \_\_\_\_\_

Provided, further, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

*Indian Agent.*

FORM K.—GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT  
DITCHES

No. ....

Department of Indian Affairs,

Office of the Indian Agency at \_\_\_\_\_ 19 .

In consideration of the payment of a deposit of \$25, required by section 50 of the Indian Lands Mining Regulations to be made with the application for the right to divert water and construct ditches;

The Superintendent General of Indian Affairs hereby grants to \_\_\_\_\_ (A.B.), less for the term of \_\_\_\_\_ years from the date hereof, the right to divert and use the water from \_\_\_\_\_ (specify stream or lake) to the extent of \_\_\_\_\_ inches, and no more, to be distributed as follows:—

(describe locality of distribution) \_\_\_\_\_ together with the right to charge the following rates for the use of the said water:— (insert rates to be charged) \_\_\_\_\_ and the rights of way through and entry upon the following mining grounds \_\_\_\_\_

(insert description) for the purpose of constructing ditches and flumes to convey such water, provided such ditches and flumes are constructed and in working order within from the date hereof;

Provided, that this grant shall be deemed to be appurtenant to mining claim No. , and shall cease and determine whenever the said claim shall have been worked out or abandoned, or the occasion for the use of such water upon the said claim shall have permanently ceased;

Provided, also, that this grant is subject to all the provisions of the Indian Lands Mining Regulations in that behalf, whether the same are expressed herein or not.

*Indian Agent.*

O.C., October 1, 1887, May 2, 1888.

AT THE GOVERNMENT HOUSE AT OTTAWA,

MONDAY, 2nd day of December, 1889.

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency, in virtue of the powers vested in him by "The Indian Act," chapter 43, of the Revised Statutes, and by and with the advice of the Queen's Privy Council for Canada, is pleased to order that the following amendments shall be, and the same are hereby made to the Consolidated Mining Regulations of the Department of Indian Affairs, which were established by the Order in Council of the 15th day of September, 1888, namely:—

First: That section 6 of the said regulations be repealed and the following substituted therefor:—

"The price to be paid for a mining location shall be ten dollars per acre, cash."

Second: That sections 81 and 82 be repealed, and also the clause regarding royalty in form "D" of said regulations.

Third: That the foregoing amendments, so far as royalty is concerned, also apply to any mineral lands which may have been patented or applied for since the 1st of October, 1887, being the date of the Order in Council establishing the First Indian Lands Mining Regulations, provided an amount be paid in cash to make up the difference between the price already paid and the price hereby fixed for mining lands.

(Signed) JOHN J. MCGEE,

*Clerk, Privy Council.*

By order of His Excellency the Governor General in Council, dated the 15th June, 1893, the price of mineral lands controlled by the Department of Indian Affairs and consisting of surveyed townships situated in what are known as the Garden River, Batchewana and Goulais Bay tracts, lying north and east of Sault Ste. Marie, in the district of Algoma, has been reduced to \$4 per acre.

J. D. McLEAN,

*Secretary.*

DEPARTMENT OF INDIAN AFFAIRS,  
OTTAWA, July 13, 1900.

## AT THE GOVERNMENT HOUSE AT OTTAWA

The 14th day of May, 1907.

HIS EXCELLENCY, THE ADMINISTRATOR OF THE GOVERNMENT IN  
COUNCIL

The Administrator in Council is pleased in virtue of the provisions of chapter 81 of the Revised Statutes of Canada, 1906, intituled an Act Respecting Indians, to order and it is hereby ordered that the following section be added to the Mining Regulations established by the Order in Council of the 15th September, 1888:—

16a. "If the mining location applied for is within the limits of a timber license, or if there is valuable timber thereon, the Superintendent General of Indian Affairs may reserve any or all the timber on the said location."

(Signed) F. K. BENNETTS,  
*Assistant Clerk, Privy Council.*

## AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 30th day of December, 1919.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

Whereas the precious metals situate within Indian reserves have up to the present time been inaccessible for mining purposes without a surrender of the lands by the Indians of the band under the provisions of section 48 of the Indian Act, and

Whereas in order to render the precious metals within Indian reserves more accessible for mining purposes, the said section 48 of the Indian Act was at the last session of Parliament amended by adding thereto the following provision, viz:—

"Provided also that the Governor in Council may make regulations enabling the Superintendent General without surrender to issue leases for surface rights of Indian reserves, upon such terms and conditions as may be considered proper in the interests of the Indians covering such area only as may be necessary for the mining of the precious metals by any one otherwise authorized to mine such metals, said terms to include provision of compensating any occupant of land for any damage that may be caused thereon as determined by the Superintendent General."

Therefore His Excellency the Governor General in Council, by virtue of the provisions of the said amendment and on the recommendation of the Superintendent General of Indian Affairs is pleased to make the following regulations to be observed by the Superintendent General of Indian Affairs in the granting of leases of surface rights for the mining of the precious metals:—

## REGULATIONS

(a) Any person, who has authority under the provincial laws and regulations enabling him to enter, locate, prospect, and mine gold and silver on any lands other than Indian reserves, and who desires to enter and prospect for gold and silver on an Indian reserve, shall apply to the Indian agent for the reserve for such privilege and exhibit his miner's certificate or other authority issued to him by the provincial authorities, and shall deposit with the said agent a certified copy of the same.

(b) Unless the applicant is known to be of such a character as would likely cause trouble among the Indians, the agent shall give him permission in writing to enter upon such reserve to prospect with a view of obtaining a mining claim as provided by the provincial laws and regulations governing the acquiring of such claim.

(c) Upon locating and recording a claim on an Indian reserve and obtaining a lease for the mining of the precious metals thereon from the provincial authorities such lessee shall apply to the Superintendent General through the Indian agent for a lease of the surface rights submitting a certified copy of his mining lease together with a plan and description of the lands, including rights of way necessary for operating the same, and offering to pay a yearly rental of such amount as the Indian agent shall designate, provided that if the applicant and Indian agent are unable to agree upon the amount of the yearly rental and other terms of the lease the same shall be determined by the Superintendent General.

(d) In the event of an entry being made by the applicant upon property lawfully occupied by an Indian for other than mining purposes, the applicant if so required by the owner of such land, shall before entering on the land give adequate security to the satisfaction of the Indian agent for any loss or damages which may be caused by such entry, and after such entry he shall make full compensation to the said Indian occupant or owner of such lands for any loss or damages which may be caused by reason of such entry; such compensation in case of dispute to be determined by the Superintendent General whose decision shall be final.

(e) Notwithstanding anything in the provincial laws and regulations to the contrary the holder of a mineral lease on an Indian reserve shall have no right to any timber on the premises, but if, in the opinion of the Indian agent, the removal of or use of any timber on the premises is necessary for carrying on the mining operations the lessee may purchase such timber at a price agreed upon by the Indian agent and the lessee if they are unable to agree upon the price it shall be determined by the Superintendent General.

(f) The intention of these regulations generally is that the prospecting, recording and mining of the precious metals on Indian reserves and all operations in respect thereof shall be subject to the terms, conditions and restrictions of the provincial laws and regulations, except where the surface rights and interests of the Indians are concerned, and as provided herein, in which case such rights and interests shall be determined by the Super-

intendent General rather than by the Recorder, Gold Commissioner or court as provided by the provincial laws and regulations.

(g) The Superintendent General may incorporate in any lease such terms and conditions as may in his discretion be necessary to safeguard the interests of the Indians individually or collectively, and such leases may provide in particular that if the lessee should be convicted of the violation of any provision of the Indian Act or be guilty of creating any agitation or discontent among any of the Indians, the Superintendent General may immediately terminate such lease by giving the lessee notice thereof in writing in which case the lessee shall thereafter be regarded as a trespasser on the reserve but shall have the privilege of removing his fixtures and equipment within a reasonable time provided all sums due for rental, including the current year's rent, or damage are fully paid.

RODOLPHE BOUDREAU,

*Clerk of the Privy Council.*

The Honourable

The Superintendent General of Indian Affairs.

Modification of the foregoing regulations with respect, however, only to mineral lands on Indian Reserves in the province of Ontario, is made in the following

ACT FOR THE SETTLEMENT OF CERTAIN QUESTIONS  
BETWEEN THE GOVERNMENTS OF CANADA  
AND ONTARIO RESPECTING INDIAN  
RESERVE LANDS

(Assented to 19th July, 1924).

1. All Indian reserves in the province of Ontario heretofore or hereafter set aside, shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may have been or may be allotted; portions thereof may, upon their surrender for the purpose by the said band or bands, be sold, leased or otherwise disposed of by letters patent under the Great Seal of Canada, or otherwise under the direction of the Government of Canada, and the proceeds of such sale, lease or other disposition applied for the benefit of such band or bands, provided, however, that in the event of the band or bands to which any such reserve has been allotted becoming extinct, or if, for any other reason, such reserve, or any portion thereof is declared by the Superintendent General of Indian Affairs to be no longer required for the benefit of the said band or bands, the same shall thereafter be administered by, and for the benefit of, the province of Ontario, and any balance of the proceeds of the sale or other disposition of any portion thereof then remaining under the control of the Dominion of Canada shall, so far as the same is not still required to be applied for the benefit of the said band or bands of Indians, be paid to the province of Ontario, together with accrued unexpended simple interest thereon.

2. Any sale, lease or other disposition made pursuant to the provisions of the last preceding paragraph may include or may be limited to the minerals (including the precious metals) contained in or under the lands sold, leased or otherwise disposed of, but every grant shall be subject to the provisions of the statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", Revised Statutes of Ontario, 1914, chapter thirty-one.

3. Any person authorized under the laws of the Province of Ontario to enter upon land for the purpose of prospecting for minerals thereupon shall be permitted to prospect for minerals in any Indian reserve upon obtaining permission so to do from the Indian agent for such reserve and upon complying with such conditions as may be attached to such permission, and may stake out a mining claim or claims on such reserve.

4. No person not so authorized under the laws of the province of Ontario shall be given permission to prospect for minerals upon any Indian reserve.

5. The rules governing the mode of staking and the size and number of mining claims in force from time to time in the province of Ontario or in the part thereof within which any Indian reserve lies shall apply to the staking of mining claims on any such reserve, but the staking of a mining claim upon any Indian reserve shall confer no rights upon the person by whom such claim is staked except such as may be attached to such staking by the Indian Act or other law relating to the disposition of Indian lands.

6. Except as provided in the next following paragraph, one-half of the consideration payable, whether by way of purchase money, rent, royalty or otherwise, in respect of any sale, lease or other disposition of a mining claim staked as aforesaid, and, if in any other sale, lease or other disposition hereafter made of Indian reserve lands in the province of Ontario, any minerals are included, and the consideration for such sale, lease or other disposition was to the knowledge of the Department of Indian Affairs affected by the existence or supposed existence in the said lands of such minerals, one-half of the consideration payable in respect of any such other sale, lease or other disposition, shall forthwith upon its receipt from time to time, be paid to the province of Ontario; the other half only shall be dealt with by the Dominion of Canada as provided in the paragraph of this agreement numbered 1.

7. The last preceding paragraph shall not apply to the sale, lease or other disposition of any mining claim or minerals on or in any of the lands set apart as Indian reserves pursuant to the hereinbefore recited treaty made in 1873, and nothing in this agreement shall be deemed to detract from the rights of the Dominion of Canada touching any lands or minerals granted or conveyed by His Majesty for the use and benefit of Indians by letters patent under the Great Seal of the province of Upper Canada, or the province of Canada or of the province of Ontario, or in any minerals vested for such use and benefit by the operation upon any such letters patent of any statute of the province of Ontario.



8. No water-power included in any Indian reserve, which in its natural condition at the average low stage of water has a greater capacity than five hundred horse-power, shall be disposed of by the Dominion of Canada except with the consent of the Government of the province of Ontario and in accordance with such special agreement, if any, as may be made with regard thereto and to the division of the purchase money, rental or other consideration given therefor.

9. Every sale, lease or other disposition heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada of lands which were at the time of such sale, lease or other disposition included in any Indian reserve in the province of Ontario, is hereby confirmed, whether or not such sale, lease or other disposition included the precious metals, but subject to the provisions of the aforesaid statute of the province of Ontario entitled "The Bed of Navigable Waters Act", and the consideration received in respect of any such sale, lease or other disposition shall be and continue to be dealt with by the Dominion of Canada in accordance with the provisions of the paragraph of this agreement numbered 1, and the consideration received in respect of any sale, lease or other disposition heretofore made under the Great Seal of the province of Ontario, or under the direction of the Government of the said province, of any lands which at any time formed part of any Indian reserve, shall remain under the exclusive control and at the disposition of the province of Ontario.

10. Nothing herein contained, except the provision for the application of "The Bed of Navigable Waters Act" aforesaid, shall affect the interpretation which would, apart from this agreement, be put upon the words of any letters patent heretofore or hereafter issued under the Great Seal of Canada or the Great Seal of the province of Ontario, or of any lease or other conveyance, or of any contract heretofore or hereafter made under the direction of the Government of Canada or of the province of Ontario.

OTTAWA  
F. A. ACLAND  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1925