BRITISH COLUMBIA.

V. R.

DITCHES.

RULES AND REGULATIONS

UNDER

"The Gold Fields' Act, 1859."

WHEREAS, under the "Gold Fields' Act, 1859," the Governor for the time being of British Columbia is empowered by writing under his hand and the Public Seal of the Colony to make Rules and Regulations in the nature of By-laws for all matters relating to mining.

And, whereas, in conformity with the said Act, certain Rules and Regulations have already been issued, bearing date the seventh of September, one thousand eight hundred and fifty-nine, and the sixth of January, one thousand eight hundred and sixty.

And, whereas, it is expedient to make further provision for cases in which Roads or Works come into contact with Ditches, or other mining rights.

Now, therefore, I do hereby enact, proclaim, and make the following Rules and Regulations:

I. Any person heretofore or hereafter engaged in the construction of any road or work, may with the sanction of the Gold Commissioner, cross, divert, or otherwise interfere with any ditch, water privilege, or other mining right whatsoever for such period as the said Commissioner shall direct.

Allows construction of roads to cross ditches with sanction of Gold Commissioner.

II. The Gold Commissioner shall order what (if any) compensation for every such damage or interference shall be paid, and when, and to whom, and whether any or what works damaged or effected by any such interference as aforesaid, shall be replaced by flumes or otherwise repaired, and in what manner, by the person or persons inflicting any such damage.

The Gold Commissioner to settle compensation.

III. Upon compliance with the requirements aforesaid the Gold Commissioner shall certify in writing under his hand that the person or persons named therein were duly authorized to create the damage or interference aforesaid, and have duly fulfilled the requirements hereinbefore mentioned, and have also duly satisfied and discharged all damages by him or them occasioned to any persons whatsoever for or in respect of the damage or interference referred to.

Gold Commissioner to give certificate of authorization to create damage.

IV. Every such certificate shall be recorded by the said Gold Commissioner in a book to be kept by him for that purpose at his office, and shall be at all times open to inspection upon payment of a fee of two shillings for every inspection.

Such certificate to be recorded.

Every recorded certificate to be evidence in a Court of Justice.

V. Every such certificate so recorded shall be sufficient evidence, in any Court of Judicature in the Colony, of all matters and things therein contained or referred to, and shall discharge the person or persons to or for whom the same is granted from all liability with respect to the damage or interference therein mentioned.

Gold Commissioner to decide all ditch cases under the value of £200 without appeal.

VI. The Gold Commissioner shall, upon the application of any party interested therein, and after notice as hereinafter mentioned to all whom it may concern, inquire into and decide all matters arising out of or connected with any such damage or interference as aforesaid, and such decision or judgment shall be final and without appeal in all cases where such decision or judgment shall be given in respect of any sum or matters at issue, the amount or value whereof, which shall be stated in the decision, shall not exceed two hundred pounds Sterling.

Cases over £200 may be appealed to the Supreme Court, the appellant to give bond or mortgage to Gold Commissioner.

VII. In case where such amount or value shall exceed two hundred pounds Sterling, any party aggrieved by such decision may appeal against the same to the Supreme Court of Civil Justice upon giving written notice of such intention to the Gold Commissioner within ten days of such decision, and upon giving within such ten days to the Commissioner whose decision is appealed against a good and sufficient bond or mortgage, the amount of which shall be fixed by the Commissioner, but not exceeding five hundred pounds Sterling, from the party or parties appellant for the prosecution of the appeal and for the payment of all such costs as may be awarded by the said Supreme Court.

Maintenance of culverts.

VIII. The owners of every 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, except in cases where a natural stream or river applicable or sufficient for the purpose exists in the immediate vicinity.

Owners to keep ditches in repair to the satisfaction of the Gold Commissioner.

IX. The owners for the time being, not being the Government, 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 Gold Commissioner, and so that no damage shall occur during their ownership thereof to any road or work in its vicinity from any part of the works of such ditch, water privilege, or right giving way by reason of not being so, as aforesaid, constructed, secured, or maintained.

Liability of owners for damage occurring to roads by the giving way of ditches.

X. The owners of any ditch, water privilege, or right, shall be liable, and shall make good, in such manner as the said Gold Commissioner shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, water privilege, or right giving way as aforesaid, and the same may be recovered before a Magistrate in a summary manner.

Notice.

XI. The publication of any written notice to the party intended to be effected thereby in two consecutive issues of the *Government Gazette*, or any newspaper circulating in the Colony, or by affixing the same for seven days on some conspicuous part of any premises referred to in any such notice, shall be deemed good and sufficient notice for all purposes under the said "Gold Fields' Act, 1859," and any Rules and Regulations made in pursuance thereof.

Saving of Chief Commissioner's right to cross ditches in the formation of roads.

XII. Nothing herein contained shall be construed to limit the right of the Chief Commissioner of Lands and Works to lay out from time to time the public roads and ways of the Colony across, through, along, or under any ditch, water privilege or mining right, in any unsurveyed Crown Land, without compensation, doing as little damage as conveniently may be in laying out the same.

{ L. S. } Issued under the Public Seal of the said Colony, at Lillooet, this 29th day of September, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,

WILLIAM A. G. YOUNG.

GOD SAVE THE QUEEN.