V. R.

RULES & REGULATIONS,

ISSUED IN CONFORMITY WITH 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 been issued, bearing date the 7th September, 1859, the 6th of January, 1860, and the 29th September, 1862, respectively;

And whereas, it is expedient to make further provision for the working of gold mines;

SEC. I.—The rule No. 3 of those dated 7th September, 1859, declaring the size of mining claims, is hereby repealed, so far as it is inconsistent herewith. Repeals rule 3, of 7th of September, 1859.

SEC. II.—From and after the date hereof, the size of a claim shall be for bar diggings, a strip of land 100 feet wide at the mark to which the river rises when flooded along such high water mark, and thence extending down direct to the river, to the lowest water level. Size of claim.—Bar Diggings.

For dry diggings 100 feet square. Dry Diggings.

For diggings not herein otherwise specially described 100 feet square. General Diggings.

In quartz claims the size shall be 150 feet in length, measured along the lode or vein, with power for the miner to follow the lode or vein and its spurs, dips and angles, anywhere on or below the surface, included between the two extremities of such length of 150 feet; but not to advance upon or beneath the surface of the earth, more than 100 feet in a lateral direction, from the main lode or vein, along which the claim is to be measured. Quartz Claim.

All measurements of area are to be made on the surface of the earth neglecting inequalities.

Number—Staking.

Every claim is to have a distinguishing number marked on its boundary pegs.

Every individual claim, whether part of a company claim or not, shall be staked out with 4 corner pegs, of at least 4 inches in diameter; the same as defined in rule 2, of the rules and regulations of 7th September, 1859.

Tunnel Claims.

In tunnelling or sinking each miner shall be allowed a frontage of 100 feet, irrespective of depth. The Gold Commissioner shall have the power to regulate what number of the miners, holding such claims, shall be employed prospecting, until gold in paying quantities shall have been discovered, after which the full number of authorized miners, must be employed on the claim. The side boundary lines of each claim shall be distinctly marked off by 2 parallel lines or rows of pegs, fixed in the ground at intervals of 50 feet or thereabouts, the said boundaries or parallel lines shall be carried in a direction as straight and square as possible to the summit level. No party shall sink or drive ahead between the said parallel lines, save with the consent of the party first in possession, until gold shall have been found as undermentioned.

Extent of claim.

The extent of claim to each miner shall be 100 feet square, and he shall be allowed to mark off the claim ahead of the spot, where gold in paying quantities shall have been obtained beyond the limits of the claim so marked out.

Rights of prospecting.

Beyond these limits any other party may prospect by shaft and tunnel from the bottom thereof, and, until a lead is struck in paying quantities, shall have the exclusive right of prospecting within two such parallel lines as aforesaid, and shall then mark out his claim as above mentioned.

Tunnelling under Hills.

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, nor from either end of such hills, so as to interfere with parties tunnelling from the main frontage of such hills. In case two or more parties tunnelling from opposite sides of the same hill, and their side boundary lines meet or intersect, or their claims meet, the party that first mark off their claim shall be entitled to priority of claim thereon. In case of tunnelling under hills, or fronts of hills, such as occur at the junction of creeks in which there may be two leads, all parties shall, if required, take their claim on the lead nearest the side of the hill at which their tunnel commences.

Forfeiture of Claim involves Tunnel, &c.

The right to the tunnel and ten feet of ground on either side of it in addition to the above claim, shall be considered as appurtenant to the claim to which it is annexed, and be abandoned or forfeited by the abandonment or forfeiture of the claim itself to which it appertains.

Deposit of leavings.

The Gold Commissioner may, where deemed desirable, mark out a space in the vicinity for deposit of leavings and deads from any tunnel.

SEC. III.—Whereas it is expedient better to define the rights of registered free miners in their claims, it is hereby declared, enacted, and proclaimed;

Definition of Miners' Rights in a Claim.

That clause 7, of the Golds Fields Act, 1859, is hereby repealed.

Every free miner shall, save as against Her Majesty, have, during the continuance of his certificate, the exclusive right to take the gold and auriferous soil upon or within the claim for the time being duly held registered and *bona fide* not colourably worked by him and the exclusive right of entry on the claim for the purpose of working or carrying away such gold or auriferous soil, or any part thereof. And also as far as may be necessary for the convenient and minerlike working and security of his flumes and property of every description, and for a residence—but he shall have no surface rights therein for any other purpose, save as next hereinafter mentioned, unless specially granted.

SEC. IV.—In addition to the above rights, every registered free miner shall be entitled te the use of so much of the water flowing naturally through or past his claim as shall in the opinion of the Gold Commissioner be necessary for the due working thereof.

One record covers necessary Water and Claim.

SEC. V.—Where application is intended to be made for the exclusive grant of any surplus water to be taken from any creek or other locality, every such applicant shall in addition to the existing requirements affix a written notice of all the particulars of his application upon some conspicous part of the premises to be affected by the proposed grant, for not less than 5 days before recording the same.

Exclusive Water privileges; preliminary notice.

The Gold Commissioner, upon protest being entered or for reasonable cause, shall have power to refuse or modify such application or grant either partially or entirely, as to him shall seem just and reasonable.

Power to Gold Commissioner to modify the grant.

Every exclusive grant of a ditch or a water privilege in occupied or unoccupied creeks, shall be subject to the rights of such registered free miners as shall then be working, or shall thereafter work, in the locality from which it is proposed to take such water.

Saving of future Miners' Rights to Water.

SEC. VI.—Whereas it is expedient to confer additional power for enforcing penalties recoverable for infraction of the Gold Laws under Section 40 of the Gold Fields' Act;

Gold penalties recoverable by Distress.

It is hereby declared, enacted, and proclaimed that such penalties may if deemed proper, be ordered to be recovered by sale and distress to be levied forthwith, or or at any convenient interval after conviction and nonpayment within so many hours, or such longer time as shall be allowed by distress and sale of any claim or ditch or any personal property whatsoever of the person on whom such penalty may have been imposed.

SEC. VII.—Every copy of or extract from any record or register under or by virtue of this Act, or the Gold Field's Act, 1859, or any other Act which shall be made in relation to gold mines or gold fields or any of the Rules and Regulations made in pursuance thereof respectively required to be kept by any Gold Commissioner and certi-

Certificate copy of any Gold record to be evidence.

fied to be a true copy or extract under the hand of the Gold Commissioner or other person entrusted to take and keep such record or register, shall in the absence of the original register be receivable in any judicial proceeding as evidence of the matters and things therein appearing.

Fees on recording claims.

SEC. VIII.—So much of Section 6 of the Gold Fields' Act, 1859, as imposes a fee of 4s. on the Registration or Re-registration of Claims shall be and is hereby repealed.

In lieu thereof it is hereby declared, enacted, and proclaimed, there shall be paid to the Gold Comissioner for the use of Her Majesty, her heirs and successors, the following fees: That is to say;

Upon every Registration or Re-registration or record of any claim..... 10s. 3d.

And no person not being a free miner, shall be entitled to record a claim or any interest therein.

Gold Commissioner may enlarge ditches.

The Gold Commissioner shall have power, whenever he may deem advisable, to order the enlargement or alteration of any ditch or ditches, and to fix what (if any) compensation shall be paid by the parties to be benefitted by such alteration or enlargement.

Settlement of disputes—as to boundaries, &c.

In case of dispute as to boundary or measurements, the Gold Commissioner shall have power to employ a surveyor to fix and mark the same, and to cause the reasonable expense thereof to be paid by or between such of the parties interested in the question at issue, as he shall deem fair and just.

Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's Reign, by me,

JAMES DOUGLAS.

By His Excellency's Command,
WILLIAM A. G. YOUNG,
Colonial Secretary.

GOD SAVE THE QUEEN.