RULES AND REGULATIONS

FOR THE

WORKING OF GOLD MINES.

Issued in conformity with the Gold Fields Act, 1859.

WHEREAS, it is provided by the Gold Fields Act, 1859, that the Governor, for the time being, of British Columbia, may, by writing under his hand and the Public Seal of the Colony, make Rules and Regulations in the nature of by-laws, for all matters relating to Mining. Now, therefore, I, JAMES DOUGLAS, Governor, &c., do hereby make the following Rules and Regulations, accordingly:—

I. In the construction of the following Rules and Regulations, unless there be some contrariety, or repugnancy thereto in the context, the words "Governor," "Gold Commissioner," "Mine," "to mine," shall have the same meanings as in the Gold Fields Act, 1859. The expression "Bar diggings" shall mean every mine over which a river extends when in its most flooded state. "Dry diggings shall mean any mine over which a river never extends. "Ravines" shall include water courses whether usually containing water or usually dry. "Ditch" shall include a flume or race, or other artificial means for conducting water by its own weight into or upon a mine. "Ditch head" shall mean the point in a natural water course or lake where water is first taken into a ditch. And words in the singular number shall include the plural, and the masculine gender shall include the feminine.

II. All claims are to be as nearly as may be, in rectangular forms, and marked by four pegs at the least, each peg to be four inches square at the least, and one foot above the surface, and firmly fixed in the ground. No boundary peg shall be concealed or moved, or injured, without the previous permission of the Gold Commissioner.

III. The size of a claim, when not otherwise established by a by-law, shall be, for bar diggings, a strip of land twenty-five feet wide at the mark to which the river rises when flooded, and thence extending down direct into the river indefinitely. For dry diggings, a space twenty-five feet wide by thirty feet. For ravine diggings, a space of twenty-five feet along the bank of the ravine and extending up to the top of each bank. In quartz claims, the size, when not otherwise established by a by-law, shall be one hundred feet in length, measured along the vein or seam, with power to the miner to follow the vein or seam and its spurs, dips, and angles, anywhere on or below the surface included between the two extremities of such length of one hundred feet, but not to advance upon or beneath the surface of the earth more than one hundred feet in a lateral direction from the main vein or seam, along which the claim is to be measured. All measurements of area are to be made on the surface of the earth, neglecting inequalities. Every claim is to have a distinguishing number marked on its boundary pegs.

IV. If any Free Miner, or party of Free Miners, shall discover a new mine, and such discovery shall be established to the satisfaction of the Gold Commissioner, the first discoverer or party of discoverers, if not more than two in number, shall be entitled to a claim double the established size of claims in the nearest mines of the same description, (i.e. dry, bar, or quartz diggings.) If such party consist of three men, they shall collectively be entitled to five claims of the established size on such nearest mine, and if of four or more men, such party shall be entitled to a claim and a half per man. A new stratum of auriferous earth or rock, situate in a locality where the claims are abandoned, shall for this purpose be deemed a new mine, although the same locality shall previously have been worked at a different level. And dry diggiugs discovered in the neighbourhood of bar diggings shall be deemed a new mine, and vice versa.

V. The registration of claims shall be in such manner and form as the Gold Commissioner shall in any locality direct, and shall include, besides the matters mentioned in the Gold Fields Act of 1859, all such other matters as the Gold Commissioner shall think fit to include.

VI. No transfer of any claim or of any interest therein shall be enforceable, unless the same, or some memorandum thereof, shall be in writing, signed by the party sought to be charged, or by his lawfully authorized agent, and registered with the Gold Commissioner.

VII. Any person desiring any exclusive ditch or water privilege, shall make application to the Gold Commissioner having jurisdiction for the place where the same shall be situated, stating for the guidance of the Commissioner in estimating the character of the application, the name of every applicant, the proposed ditch head, and quantity of water, the proposed locality of distribution, and if such water shall be for sale, the price at which it is proposed to sell the same, the general nature of the work to be done, and the time within which such work shall be complete; and the Gold Commissioner shall enter a note of all such matters as of record.

VIII. Unless otherwise specially arranged, the rent to be paid for any water privilege shall be in each month one average day's receipts, from the sale thereof, to be estimated by the Gold Commissioner with the assistance, if he shall so think fit, of a jury.

IX. If any person shall refuse or neglect to take within the time mentioned in his application, or within such further time (if any) as the Gold Commissioner may, in his discretion, think fit to grant for the completion of the ditch the whole of the water applied for, he shall at the end of the time mentioned in his application, be deemed entitled only to the quantity actually taken by him, and the Gold Commissioner shall make such entry in the register as shall be proper to mark such alteration in the quantity, and may grant the surplus to any other person according to the rules herein laid down for the granting of water privileges.

X. Every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water granted to and taken by him. And if any such owner shall wilfully take and waste any unreasonable quantity of water, he shall be charged with the full rent as if he had sold the same at a full price. And it shall be lawful for the Gold Commissioner, if such offence be persisted in, to declare all rights to the water forfeited.

XI. It shall be lawful for the owner of any ditch or water privilege to sell and distribute the water conveyed by him to such persons, and on such terms as they may deem advisable, within the limits mentioned in their application. Provided always that the owner of any ditch or water privilege shall be bound to supply water to all applicants, being Free Miners, in a fair proportion, and shall not demand more from one person than from another, except when the difficulty of supply is enhanced. Provided further, that no person, not being a Free Miner, shall be entitled to demand to be supplied with water at all.

XII. A claim on any mine shall, until otherwise ordered by some valid by-law, be deemed to be abandoned, and open to the occupation of any Free Miner, when the same shall have remained unworked by some registered holder thereof for the space of seventy-two hours, unless in case of sickness, or unless before the expiry of such seventy-two hours, a further extension of time be granted by the Gold Commissioner, who may grant further time for enabling parties to go prospecting, or for such other reasonable cause as he may think proper. Sundays, and such holidays as the Gold Commissioner may think fit to proclaim, are to be omitted in reckoning the time of non-working.

XIII. 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 four feet of such other property.

XIV. If the owner of the property about to be so entered upon or approached shall consider three days' notice insufficient for taking proper measures of precaution, or if any dispute shall arise between the parties as to the proper precautionary measures to be taken, or in any other respect, the whole matter shall be immediately referred to the Gold Commissioner acting in the district, who shall order such interval of time to be observed before entry, or make such other order as he may deem proper.

XV. In quartz claims and reefs each successive claimant shall leave three feet unworked to form a boundary wall between his claim and that of the last previous claimant, and shall stake off his claim accordingly, not commencing at the boundary peg of the last previous claim, but three feet further on; and if any person shall stake out his claim, disregarding this rule, the Gold Commissioner shall have power to come and remove the first boundary peg of such wrong-doer three feet further on, notwithstanding that other claims may then be properly staked out beyond him: so that such wrong-doer shall then have but ninety-seven feet. And if such wrong-doer shall have commenced work immediately at the boundary peg of the last previous claim, the Gold Commissioner may remove his boundary six feet further on than the open work of such wrong doer; and all such open work, and also the next three feet of such space of six feet shall belong to and form part of the last previous claim, and the residue of such space of six feet shall be left as a boundary wall.

XVI. Every such boundary wall shall be deemed the joint property of the owners of the two claims between which it stands, and may not be worked or injured, save by the consent of both such owners.

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

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

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

AS TO LEASES IN LARGER PROPORTIONS THAN CLAIMS.

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

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

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

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

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

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

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

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

JAMES DOUGLAS, [L.S]

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